



2017/0123(COD)

1.2.2018

AMENDMENTS

25 - 273

Draft opinion
Verónica Lope Fontagné
(PE615.233v01-00)

on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 1071/2009 and Regulation (EC) No 1072/2009 with a view to adapting them to developments in the sector

(COM(2017)0281 - C8-0169/2017 – 2017/0123(COD))

Amendment 25
Karima Delli

Proposal for a regulation
Recital 1 a (new)

Text proposed by the Commission

Amendment

(1a) Whereas the President of the European Commission Jean-Claude Juncker mentioned the foreseeable creation of a European Labour Authority in his State of the Union 2017 speech;

Or. en

Amendment 26
Georgi Pirinski

Proposal for a regulation
Recital 2

Text proposed by the Commission

Amendment

(2) So far, and unless otherwise provided for in national law, the rules on access to the occupation of road transport operator do not apply to undertakings engaged in the occupation of road haulage operator solely by means of motor vehicles with a permissible laden mass not exceeding 3.5 tonnes or combinations of vehicles not exceeding that limit. The number of such undertakings which are active in both national and international transport operations has been increasing. As a result, several Member States have decided to apply the rules on access to the occupation of road transport operator, provided for in Regulation (EC) No 1071/2009, to those undertakings. To ensure a minimum level of professionalisation of the sector using vehicles with a permissible laden mass not exceeding 3.5 tonnes by way of common

deleted

rules, and thus to approximate competitive conditions between all operators, this provision should be deleted, whereas the requirements regarding effective and stable establishment and appropriate financial standing should be rendered mandatory.

Or. en

Amendment 27
Jeroen Lenaers

Proposal for a regulation
Recital 2

Text proposed by the Commission

(2) So far, and unless otherwise provided for in national law, the rules on access to the occupation of road transport operator do not apply to undertakings engaged in the occupation of road haulage operator solely by means of motor vehicles with a permissible laden mass not exceeding 3.5 tonnes or combinations of vehicles not exceeding that limit. The number of such undertakings which are active in both national and international transport operations has been increasing. As a result, several Member States have decided to apply the rules on access to the occupation of road transport operator, provided for in Regulation (EC) No 1071/2009, to those undertakings. ***To ensure a minimum level of professionalisation of the sector using vehicles with a permissible laden mass not exceeding 3.5 tonnes by way of common rules, and thus to approximate competitive conditions between all operators, this provision should be deleted, whereas the requirements regarding effective and stable establishment and appropriate financial standing should be rendered mandatory.***

Amendment

(2) So far, and unless otherwise provided for in national law, the rules on access to the occupation of road transport operator do not apply to undertakings engaged in the occupation of road haulage operator solely by means of motor vehicles with a permissible laden mass not exceeding 3.5 tonnes or combinations of vehicles not exceeding that limit. The number of such undertakings which are active in both national and international transport operations has been increasing. As a result, several Member States have decided to apply the rules on access to the occupation of road transport operator, provided for in Regulation (EC) No 1071/2009, to those undertakings.

Amendment 28
Helga Stevens

Proposal for a regulation
Recital 2

Text proposed by the Commission

(2) So far, and unless otherwise provided for in national law, the rules on access to the occupation of road transport operator do not apply to undertakings engaged in the occupation of road haulage operator solely by means of motor vehicles with a permissible laden mass not exceeding 3.5 tonnes or combinations of vehicles not exceeding that limit. The number of such undertakings *which are active in both national and international transport operations* has been increasing. *As a result, several Member States have decided to apply the rules on access to the occupation of road transport operator, provided for in Regulation (EC) No 1071/2009, to those undertakings. To ensure a minimum level of professionalisation of the sector using vehicles with a permissible laden mass not exceeding 3.5 tonnes by way of common rules, and thus to approximate competitive conditions between all operators, this provision should be deleted, whereas* the requirements regarding effective and stable establishment and appropriate financial standing should be rendered mandatory.

Amendment

(2) So far, and unless otherwise provided for in national law, the rules on access to the occupation of road transport operator do not apply to undertakings engaged in the occupation of road haulage operator solely by means of motor vehicles with a permissible laden mass not exceeding 3.5 tonnes or combinations of vehicles not exceeding that limit. The number of such undertakings has been increasing, *particularly on the national transport market, because of the use of light commercial vehicles in towns and on shorter routes. Nonetheless, it is appropriate that, for undertakings engaged in international transport*, the requirements regarding effective and stable establishment and appropriate financial standing should be rendered mandatory. *This will enable fairer competition on the internal market to be achieved without imposing unnecessary administrative and financial burdens on transport undertakings, particularly SMEs.*

Amendment 29
Mara Bizzotto

Proposal for a regulation
Recital 2

Text proposed by the Commission

(2) So far, and unless otherwise provided for in national law, the rules on access to the occupation of road transport operator do not apply to undertakings engaged in the occupation of road haulage operator solely by means of motor vehicles with a permissible laden mass not exceeding 3.5 tonnes or combinations of vehicles not exceeding that limit. The number of such undertakings which are active in both national and international transport operations has been increasing. ***As a result, several Member States have decided to apply the rules on access to the occupation of road transport operator, provided for in Regulation (EC) No 1071/2009, to those undertakings. To ensure a minimum level of professionalisation of the sector using vehicles with a permissible laden mass not exceeding 3.5 tonnes by way of common rules, and thus to approximate competitive conditions between all operators, this provision should be deleted, whereas the requirements regarding effective and stable establishment and appropriate financial standing should be rendered mandatory.***

Amendment

(2) So far, and unless otherwise provided for in national law, the rules on access to the occupation of road transport operator do not apply to undertakings engaged in the occupation of road haulage operator solely by means of motor vehicles with a permissible laden mass not exceeding 3.5 tonnes or combinations of vehicles not exceeding that limit. The number of such undertakings which are active in both national and international transport operations has been increasing. ***In order to ensure the professionalisation of the sector by way of common rules, all requirements for access to the occupation of road transport operator should be extended, proportionately and in a non-discriminatory manner, also to undertakings which operate solely by means of motor vehicles with a permissible laden mass not exceeding 3.5 tonnes or combinations of vehicles not exceeding that limit.***

Or. it

Amendment 30

Jérôme Lavrilleux, Geoffroy Didier, Elisabeth Morin-Chartier, Anne Sander, Renaud Muselier, Franck Proust

Proposal for a regulation
Recital 2

Text proposed by the Commission

(2) So far, and unless otherwise provided for in national law, the rules on

Amendment

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access to the occupation of road transport operator do not apply to undertakings engaged in the occupation of road haulage operator solely by means of motor vehicles with a permissible laden mass not exceeding 3.5 tonnes or combinations of vehicles not exceeding that limit. The number of such undertakings *which are active in both national and international transport operations* has been increasing. As a result, several Member States have decided to apply the rules on access to the occupation of road transport operator, provided for in Regulation (EC) No 1071/2009, to those undertakings. To ensure a minimum level of professionalisation of the sector using vehicles with a permissible laden mass not exceeding 3.5 tonnes by way of common rules, and thus to *approximate competitive conditions* between all operators, this provision should be deleted, whereas the requirements regarding effective and stable establishment and appropriate financial standing should be rendered mandatory.

access to the occupation of road transport operator do not apply to undertakings engaged in the occupation of road haulage operator solely by means of motor vehicles with a permissible laden mass not exceeding 3.5 tonnes or combinations of vehicles not exceeding that limit. The number of such undertakings *which are active in both national and international transport operations* has been increasing. As a result, several Member States have decided to apply the rules on access to the occupation of road transport operator, provided for in Regulation (EC) No 1071/2009, to those undertakings. To ensure a minimum level of professionalisation of the sector using vehicles with a permissible laden mass not exceeding 3.5 tonnes by way of common rules and thus to *ensure fair and equal competition* between all operators *in the sector*, this provision should be deleted, whereas the requirements regarding effective and stable establishment and appropriate financial standing should be rendered mandatory *for all vehicles used in international haulage and cabotage operations, of whatever size*.

Or. fr

Amendment 31

Siôn Simon, Ole Christensen, Evelyn Regner, Rory Palmer, Guillaume Balas, Michael Detjen, Alex Mayer, Claudiu Ciprian Tănăsescu

Proposal for a regulation

Recital 2

Text proposed by the Commission

(2) So far, and unless otherwise provided for in national law, the rules on access to the occupation of road transport operator do not apply to undertakings engaged in the occupation of road haulage operator solely by means of motor vehicles with a permissible laden mass not

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exceeding 3.5 tonnes or combinations of vehicles not exceeding that *limit*. ***The*** number of such undertakings ***which are active in both national and international transport operations*** has been increasing. As a result, several Member States have decided to apply the rules on access to the occupation of road transport operator, provided for in Regulation (EC) No 1071/2009, to those undertakings. To ensure a minimum level of professionalisation of the sector using vehicles with a permissible laden mass not exceeding 3.5 tonnes by way of common rules, and thus to approximate competitive conditions between all operators, ***this provision should be deleted, whereas*** the requirements ***regarding effective and stable establishment and appropriate financial standing*** should ***be rendered mandatory***.

exceeding 3.5 tonnes or combinations of vehicles not exceeding that *limit*. ***The*** number of such undertakings has been increasing. As a result, several Member States have decided to apply the rules on access to the occupation of road transport operator, provided for in Regulation (EC) No 1071/2009, to those undertakings. To ensure a minimum level of professionalisation of the sector using vehicles with a permissible laden mass not exceeding 3.5 tonnes ***for international transport*** by way of common rules, and thus to approximate competitive conditions between all operators, the requirements ***for engagement in the occupation of road transport operator*** should ***apply equally***.

Or. en

Amendment 32 Georges Bach

Proposal for a regulation Recital 2

Text proposed by the Commission

(2) So far, and unless otherwise provided for in national law, the rules on access to the occupation of road transport operator do not apply to undertakings engaged in the occupation of road haulage operator solely by means of motor vehicles with a permissible laden mass not exceeding 3.5 tonnes or combinations of vehicles not exceeding that limit. The number of such undertakings which are active in both national and international transport operations has been increasing. As a result, several Member States have decided to apply the rules on access to the occupation of road transport operator,

Amendment

(2) So far, and unless otherwise provided for in national law, the rules on access to the occupation of road transport operator do not apply to undertakings engaged in the occupation of road haulage operator solely by means of motor vehicles with a permissible laden mass not exceeding 3.5 tonnes or combinations of vehicles not exceeding that limit. The number of such undertakings which are active in both national and international transport operations has been increasing. As a result, several Member States have decided to apply the rules on access to the occupation of road transport operator,

provided for in Regulation (EC) No 1071/2009, to those undertakings. To ensure a minimum level of professionalisation of the sector using vehicles with a permissible laden mass not exceeding 3.5 tonnes by way of common rules, and thus to approximate competitive conditions between all operators, *this provision should be deleted, whereas* the requirements *regarding effective and stable establishment and appropriate financial standing* should *be rendered* mandatory.

provided for in Regulation (EC) No 1071/2009, to those undertakings. To ensure a minimum level of professionalisation of the sector using vehicles with a permissible laden mass not exceeding 3.5 tonnes by way of common rules, and thus to approximate competitive conditions between all operators, the requirements *for access to the profession* should *become* mandatory *for operators using vehicles with a permissible laden mass between 2.4 tonnes and 3.5 tonnes involved in international transport*.

Or. en

Justification

Light commercial vehicles that operate internationally with a laden mass between 2.4 and 3.5 tonnes are included in the scope to ensure a level playing field between heavy-duty vehicles and light commercial vehicles. Therefore, all four requirements should apply to engage in the occupation of road transport operator.

Amendment 33 **Dominique Martin, Joëlle Mélin**

Proposal for a regulation **Recital 2**

Text proposed by the Commission

(2) So far, and unless otherwise provided for in national law, the rules on access to the occupation of road transport operator do not apply to undertakings engaged in the occupation of road haulage operator solely by means of motor vehicles with a permissible laden mass not exceeding 3.5 tonnes or combinations of vehicles not exceeding that limit. The number of such undertakings *which are active in both national and international transport operations* has been increasing. As a result, several Member States have decided to apply the rules on access to the occupation of road transport operator,

Amendment

(2) So far, and unless otherwise provided for in national law, the rules on access to the occupation of road transport operator do not apply to undertakings engaged in the occupation of road haulage operator solely by means of motor vehicles with a permissible laden mass not exceeding 3.5 tonnes or combinations of vehicles not exceeding that limit. The number of such undertakings *which are active in both national and international transport operations* has been increasing. As a result, several Member States have decided to apply the rules on access to the occupation of road transport operator,

provided for in Regulation (EC) No 1071/2009, to those undertakings. To ensure a minimum level of professionalisation of the sector using vehicles with a permissible laden mass not exceeding 3.5 tonnes by way of common rules, and thus to approximate competitive conditions between all operators, this provision should be deleted, whereas the requirements regarding effective and stable establishment and appropriate financial standing should be rendered mandatory.

provided for in Regulation (EC) No 1071/2009, to those undertakings. To ensure a minimum level of professionalisation of the sector using vehicles with a permissible laden mass not exceeding 3.5 tonnes by way of common rules, and thus to approximate competitive conditions between all operators, this provision should be deleted, whereas the requirements regarding effective and stable establishment and appropriate financial standing should be rendered mandatory *for undertakings conducting transport operations internationally*.

Or. fr

Amendment 34

Karima Delli, Terry Reintke

on behalf of the Verts/ALE Group

Proposal for a regulation

Recital 2

Text proposed by the Commission

(2) So far, and unless otherwise provided for in national law, the rules on access to the occupation of road transport operator do not apply to undertakings engaged in the occupation of road haulage operator solely by means of motor vehicles with a permissible laden mass not exceeding 3.5 tonnes or combinations of vehicles not exceeding that limit. The number of such undertakings which are active in both national and international transport operations has been increasing. As a result, several Member States have decided to apply the rules on access to the occupation of road transport operator, provided for in Regulation (EC) No 1071/2009, to those undertakings. To ensure a minimum level of professionalisation of the sector using vehicles with a permissible laden mass not exceeding 3.5 tonnes by way of common

Amendment

(2) So far, and unless otherwise provided for in national law, the rules on access to the occupation of road transport operator do not apply to undertakings engaged in the occupation of road haulage operator solely by means of motor vehicles with a permissible laden mass not exceeding 3.5 tonnes or combinations of vehicles not exceeding that limit. The number of such undertakings which are active in both national and international transport operations has been increasing. As a result, several Member States have decided to apply the rules on access to the occupation of road transport operator, provided for in Regulation (EC) No 1071/2009, to those undertakings. To *clarify the scope of that Regulation and avoid loopholes, to* ensure a minimum level of professionalisation of the sector using vehicles with a permissible laden

rules, and thus to approximate competitive conditions between all operators, this provision should be deleted, whereas the requirements regarding effective and stable establishment and appropriate financial standing should be rendered mandatory.

mass not exceeding 3.5 tonnes by way of common rules, and thus to approximate competitive conditions between all operators, this provision should be deleted, whereas the requirements regarding effective and stable establishment and appropriate financial standing should be rendered mandatory.

Or. en

Amendment 35
Mara Bizzotto

Proposal for a regulation
Recital 2 a (new)

Text proposed by the Commission

Amendment

(2a) With reference to the financial standing requirement for undertakings engaged in the occupation of road haulage operator solely by means of motor vehicles with a permissible laden mass not exceeding 3.5 tonnes or with combinations of vehicles not exceeding that limit, the amounts should take into account, in addition to the number of vehicles, also the proportionality principle in relation to the size of the undertaking;

Or. it

Amendment 36
Siôn Simon, Ole Christensen, Rory Palmer, Alex Mayer, Claudiu Ciprian Tănăsescu, Michael Detjen, Evelyn Regner

Proposal for a regulation
Recital 2 a (new)

Text proposed by the Commission

Amendment

(2a) In its impact assessment, the Commission estimates savings for businesses in the range of EUR 2.7 to 5.2

Amendment 37
Jeroen Lenaers

Proposal for a regulation
Recital 3

Text proposed by the Commission

(3) Currently, Member States are entitled to make access to the occupation of road transport operator subject to requirements additional to those specified in Regulation (EC) No 1071/2009. ***This possibility has not proven to be necessary in order to respond to imperative needs and has led to divergences in respect of such access. It should therefore be abolished.***

Amendment

(3) Currently, Member States are entitled to make access to the occupation of road transport operator subject to requirements additional to those specified in Regulation (EC) No 1071/2009.

Amendment 38
Helga Stevens

Proposal for a regulation
Recital 3

Text proposed by the Commission

(3) ***Currently***, Member States are entitled to make access to the occupation of road transport operator subject to requirements additional to those specified in Regulation (EC) No 1071/2009. ***This possibility has not proven to be necessary in order to respond to imperative needs and has led to divergences in respect of such access. It should therefore be abolished.***

Amendment

(3) Member States are entitled to make access to the occupation of road transport operator subject to requirements additional to those specified in Regulation (EC) No 1071/2009.

Amendment 39

Karima Delli, Terry Reintke

on behalf of the Verts/ALE Group

Proposal for a regulation

Recital 3

Text proposed by the Commission

(3) ***Currently***, Member States are entitled to make access to the occupation of road transport operator subject to requirements additional to those specified in Regulation (EC) No 1071/2009. This possibility ***has not proven to be necessary in order to respond to imperative needs and has led to divergences in respect of such access. It should therefore be abolished.***

Amendment

(3) Member States are entitled to make access to the occupation of road transport operator subject to requirements additional to those specified in Regulation (EC) No 1071/2009. This possibility ***is necessary to provide for a level playing field and common standards across Member States.***

Or. en

Amendment 40

Mara Bizzotto

Proposal for a regulation

Recital 3

Text proposed by the Commission

(3) Currently, Member States are entitled to make access to the occupation of road transport operator subject to requirements additional to those specified in Regulation (EC) No 1071/2009. ***This possibility has not proven to be necessary in order to respond to imperative needs and has led to divergences in respect of such access. It should therefore be abolished.***

Amendment

(3) Currently, Member States are entitled to make access to the occupation of road transport operator subject to requirements additional to those specified in Regulation (EC) No 1071/2009. ***Member States should be able to continue to introduce additional, proportionate and non-discriminatory requirements that take account of the specific features of their own internal market.***

Or. it

Amendment 41
Jeroen Lenaers

Proposal for a regulation
Recital 3 a (new)

Text proposed by the Commission

Amendment

(3a) Even though road transport activity in the EU provides 5 million direct jobs and contributes almost 2% of the Community's GDP, the EU is faced with a shortage of professional drivers. In order to make it easier for young people to access the profession, and to retain people currently working in the industry (especially in the case of SMEs), it is important to end the downward pressure on terms of employment due to international competition with regard to wage costs, and wherever possible to bring about equal pay for equal work in international road transport.

Or. nl

Amendment 42
Helga Stevens

Proposal for a regulation
Recital 3 a (new)

Text proposed by the Commission

Amendment

(3a) The evaluation of Regulations (EC) Nos 1071/2009 and 1072/2009 has shown that unnecessary administrative and regulatory requirements are a burden for both government bodies and transport undertakings. A clarification of the rules and further administrative simplification, in line with the REFIT objectives, are necessary for a competitive and efficient transport industry. This also requires further support for and exploitation of technological developments.

Amendment 43

Mara Bizzotto

Proposal for a regulation**Recital 4***Text proposed by the Commission*

(4) *It is necessary* to ensure that road transport operators established in *a Member State* have a real and continuous presence *in that Member State* and conduct their business from there. Therefore, *and in light of experience*, it is necessary to clarify the provisions regarding the existence of an effective and stable establishment.

Amendment

(4) *Current EU social legislation in the road transport sector has fostered social dumping, unregulated relocation and, in general, the proliferation of illicit practices causing unfair competition in this sector, such as the misuse of cabotage arrangements or letterbox companies. Member States must therefore be able to take action* to ensure that road transport operators established in *their territory* have a real and continuous presence *there* and conduct their business from there. Therefore, it is necessary to clarify the provisions regarding the existence of an effective and stable establishment, *to step up checks and to combat the unfair practices that are threatening the entire sector, in Italy as in Europe.*

Or. it

Amendment 44

Emilian Pavel, Claudia Tapardel

Proposal for a regulation**Recital 4***Text proposed by the Commission*

(4) It is necessary to ensure that road transport operators established in a Member State have a real and continuous presence in that Member State and conduct their business from there. Therefore, and in light of experience, it is necessary to

Amendment

(4) It is necessary to ensure that road transport operators established in a Member State have a real and continuous presence in that Member State and conduct their business from there, *including the process of directly billing their clients or,*

clarify the provisions regarding the existence of an effective and stable establishment.

in case of a subsidiary system, the billing should be done in a proportionate way by the parent company. Therefore, and in light of experience, it is necessary to clarify the provisions regarding the existence of an effective and stable establishment, *as well as of a direct billing system with the beneficiary of the provided system, in order to ensure a proportionate profit shifting, avoid under billing in the Member State that provides the service and the underpayment of the employees in that Member State.*

Or. en

Amendment 45

Jérôme Lavrilleux, Geoffroy Didier, Elisabeth Morin-Chartier, Anne Sander, Renaud Muselier, Franck Proust

Proposal for a regulation

Recital 4

Text proposed by the Commission

(4) It is necessary to ensure that road transport operators established in a Member State have a real and continuous presence in that Member State and conduct their business from there. Therefore, and in light of experience, it is necessary to clarify the provisions regarding the existence of an effective and stable establishment.

Amendment

(4) It is necessary to ensure that road transport operators established in a Member State have a real and continuous presence in that Member State and conduct their business from there. Therefore, and in light of experience, it is necessary to clarify **and strengthen** the provisions **set out in Article 5 of Regulation (EC) No 1071/2009** regarding the existence of an effective and stable establishment **in order to combat the establishment of so-called letterbox companies.**

Or. fr

Amendment 46

Helga Stevens

Proposal for a regulation

Recital 4

Text proposed by the Commission

(4) It is necessary to ensure that road transport operators established in a Member State have a real and continuous presence in that Member State and conduct their business from there. Therefore, and in light of experience, it is necessary to clarify the provisions regarding the existence of an effective and stable establishment.

Amendment

(4) It is necessary to ensure that road transport operators established in a Member State have a real and continuous presence in that Member State and conduct their business from there. Therefore, and in light of experience, it is necessary to clarify the provisions regarding the existence of an effective and stable establishment, ***as resort to the illegal practice of operating letterbox companies persists and is even increasing.***

Or. nl

Amendment 47

Jeroen Lenaers

Proposal for a regulation

Recital 4

Text proposed by the Commission

(4) It is necessary to ensure that road transport operators established in a Member State have a real and continuous presence in that Member State and conduct their business from there. Therefore, and in light of experience, it is necessary to clarify the provisions regarding the existence of an effective and stable establishment.

Amendment

(4) It is necessary to ensure that road transport operators established in a Member State have a real and continuous presence in that Member State and conduct their business from there. Therefore, and in light of experience, it is necessary to clarify the provisions regarding the existence of an effective and stable establishment, ***and so put an end to so-called letterbox companies.***

Or. nl

Amendment 48

Dominique Martin, Joëlle Mélin

Proposal for a regulation

Recital 4

Text proposed by the Commission

(4) It is necessary to ensure that road transport operators established in a Member State have a real and continuous presence in that Member State and conduct their business from there. Therefore, and in light of experience, it is necessary to clarify the provisions regarding the existence of an effective and stable establishment.

Amendment

(4) It is necessary to ensure that road transport operators established in a Member State have a real and continuous presence in that Member State and conduct their business from there. Therefore, and in light of experience, it is necessary to clarify the provisions regarding the existence of an effective and stable establishment, ***thereby putting an end to so-called letterbox companies.***

Or. fr

Amendment 49

Karima Delli, Terry Reintke

on behalf of the Verts/ALE Group

Proposal for a regulation

Recital 4

Text proposed by the Commission

(4) It is necessary to ensure that road transport operators established in a Member State have a real and continuous presence in that Member State and conduct their business from there. Therefore, and in light of experience, it is necessary to clarify the provisions regarding the existence of an effective and stable establishment.

Amendment

(4) It is necessary to ensure that road transport operators established in a Member State have a real and continuous presence in that Member State and conduct their business from there. Therefore, and in light of experience, it is necessary to clarify the provisions regarding the existence of an effective and stable establishment. ***To that end, the relevant provisions in this Regulation should be aligned with those in other legislative acts that refer to an effective and stable establishment, such as Article 4 of Directive 2014/67/EC.***

Or. en

Amendment 50

Georgi Pirinski

Proposal for a regulation
Recital 4 a (new)

Text proposed by the Commission

Amendment

(4a) *The existence of letterbox companies and false self-employment within the transport sector is hampering the smooth functioning of the internal market and thus leading to a deterioration in working conditions for its workers. It is essential to combat these illegal practices which, even though they represent a minority, degrade the sector's image, since they reduce labour costs illegally and fail to ensure that working standards are maintained. It is nevertheless acknowledged that differences in wages resulting from economic and social divergences between Member States in no way represent an infringement of the law, unfair competition, market distortion or social dumping.*

Or. en

Amendment 51
Jeroen Lenaers

Proposal for a regulation
Recital 4 a (new)

Text proposed by the Commission

Amendment

(4a) *The existence of letterbox companies and false self-employment within the transport industry is hampering the smooth functioning of the internal market and at the same time causing a deterioration in terms of employment for its workers. It is essential to take resolute action against these illegal practices which, even though they represent only a small part of the industry, degrade the industry's image, since they reduce labour costs illegally and fail to ensure that labour law is complied with.*

Amendment 52
Helga Stevens

Proposal for a regulation
Recital 4 a (new)

Text proposed by the Commission

Amendment

(4a) Freedom of establishment is a cornerstone of the internal market. However, the illegal practice of using letterbox companies is a threat to the functioning and long-term survival of the internal market. Evaluation has highlighted a clear need for clearer establishment requirements, more intensive monitoring and enforcement, and improved cooperation between Member States. The EU should intensify the fight against fraud and unfair competition in order to create a level playing field.

Amendment 53
Dominique Martin, Joëlle Mélin

Proposal for a regulation
Recital 4 a (new)

Text proposed by the Commission

Amendment

(4a) The existence of letterbox companies and false self-employment within the transport sector is hampering the smooth functioning of the internal market and thus leading to a deterioration in working conditions for its workers. It is essential to combat these illegal practices which, even though they represent a minority, degrade the sector's image, since they reduce labour costs illegally

and fail to ensure that working standards are maintained.

Or. fr

Amendment 54

Siôn Simon, Ole Christensen, Evelyn Regner, Rory Palmer, Guillaume Balas, Alex Mayer, Claudiu Ciprian Tănăsescu, Michael Detjen

Proposal for a regulation

Recital 4 a (new)

Text proposed by the Commission

Amendment

(4a) It is necessary for the proper functioning of the European road haulage market to tackle letterbox companies. Decisive action is necessary in this context, to put an end to this practice, including enhanced cooperation, joint controls, the setting of targets and exchange of best practice between Member States.

Or. en

Amendment 55

Siôn Simon, Ole Christensen, Evelyn Regner, Rory Palmer, Guillaume Balas, Alex Mayer, Claudiu Ciprian Tănăsescu, Michael Detjen

Proposal for a regulation

Recital 4 b (new)

Text proposed by the Commission

Amendment

(4b) The road transport sector is currently faced with a shortage of professional drivers, particularly among young people and women. It is imperative that additional action is taken to make it easier and more attractive for young people and women to access the market, while also retaining those currently employed in the sector. To this end, fraudulent work and precarious work

must be reduced, by efforts made to combat the abuse of fixed-term contracts, traineeship status used to replace regular work contracts and bogus self-employment.

Or. en

Amendment 56

Jérôme Lavrilleux, Franck Proust, Renaud Muselier, Anne Sander, Elisabeth Morin-Chartier, Geoffroy Didier

Proposal for a regulation

Recital 6

Text proposed by the Commission

(6) In view of their potential to considerably affect the conditions for fair competition in the road haulage market, serious infringements of national tax rules should be added to the items relevant to the assessment of good repute.

Amendment

(6) In view of their potential to considerably affect the conditions for fair competition in the road haulage market, serious infringements of national tax rules should be added to the items relevant to the assessment of good repute ***and should also be subject to deterrent sanctions in proportion to the infringement identified.***

Or. fr

Amendment 57

Danuta Jazłowiecka, Agnieszka Kozłowska-Rajewicz, Marek Plura, Krzysztof Hetman

Proposal for a regulation

Recital 7

Text proposed by the Commission

(7) ***In view of their potential to considerably affect the road haulage market, as well as the social protection of workers, serious infringements of Union rules on the posting of workers and the law applicable to contractual obligations should be added to the items relevant to the assessment of good repute.***

Amendment

deleted

Amendment 58

Siôn Simon, Ole Christensen, Evelyn Regner, Rory Palmer, Guillaume Balas, Alex Mayer, Claudiu Ciprian Tănăsescu, Michael Detjen, Elena Gentile

Proposal for a regulation

Recital 7

Text proposed by the Commission

(7) In view of their potential to considerably affect the road haulage market, as well as the social protection of workers, serious infringements of Union rules on the posting of workers and the law applicable to contractual obligations should be added to the items relevant to the assessment of good repute.

Amendment

(7) In view of their potential to considerably affect the road haulage market, as well as the social protection of workers, serious infringements of Union rules on the posting of workers, *cabotage* and the law applicable to contractual obligations should be added to the items relevant to the assessment of good repute.

Or. en

Amendment 59

Robert Rochefort

Proposal for a regulation

Recital 7

Text proposed by the Commission

(7) In view of their potential to considerably affect the road haulage market, as well as the social protection of workers, serious infringements of Union rules on the posting of workers and the law applicable to contractual obligations should be added to the items relevant to the assessment of good repute.

Amendment

(7) In view of their potential to considerably affect the road haulage market, as well as the social protection of workers, serious infringements of Union rules on the posting of workers, *cabotage* and the law applicable to contractual obligations should be added to the items relevant to the assessment of good repute.

Or. fr

Amendment 60

Dominique Martin, Joëlle Mélin

Proposal for a regulation
Recital 7

Text proposed by the Commission

(7) In view of their potential to considerably affect the road haulage market, as well as the social protection of workers, serious infringements of Union rules on the posting of workers and the law applicable to contractual obligations should be added to the items relevant to the assessment of good repute.

Amendment

(7) In view of their potential to considerably affect the road haulage market, as well as the social protection of workers, serious infringements of Union rules on the posting of workers, *cabotage* and the law applicable to contractual obligations should be added to the items relevant to the assessment of good repute.

Or. fr

Amendment 61
Helga Stevens

Proposal for a regulation
Recital 7

Text proposed by the Commission

(7) In view of their potential to considerably affect the road haulage market, as well as the social protection of workers, serious infringements of Union rules on the posting of workers and the law applicable to contractual obligations should be added to the items relevant to the assessment of good repute.

Amendment

(7) In view of their potential to considerably affect the road haulage market, as well as the social protection of workers, serious infringements of Union rules on the posting of workers, *cabotage* and the law applicable to contractual obligations should be added to the items relevant to the assessment of good repute.

Or. nl

Amendment 62
Karima Delli, Terry Reintke
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 7

Text proposed by the Commission

(7) In view of their potential to considerably affect the road haulage market, as well as the social protection of workers, *serious* infringements of Union rules on the posting of workers and the law applicable to contractual obligations should be added to the items relevant to the assessment of good repute.

Amendment

(7) In view of their potential to considerably affect the road haulage market, as well as the social protection of workers, infringements of Union rules on the posting of workers *and cabotage*, and the law applicable to contractual obligations should be added to the items relevant to the assessment of good repute.

Or. en

Amendment 63
Verónica Lope Fontagné

Proposal for a regulation
Recital 7 a (new)

Text proposed by the Commission

Amendment

(7a) European Union rules on the posting of workers are designed for workers moving physically and for a fixed period to a Member State other than where they normally carry out their work. Owing to the mobile nature of workers in the road transport sector, the administrative formalities to be complied with by such undertakings should be relaxed. For this reason, they should be exempt from the assessment of good repute.

Or. es

Amendment 64
Karima Delli, Terry Reintke
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 8

Text proposed by the Commission

(8) Given the importance of fair competition in the market, infringements of Union rules relevant to this issue should be taken into account in the assessment of the good repute of transport managers and transport undertakings. The empowerment of the Commission to define the degree of seriousness of relevant infringements should be clarified accordingly.

Amendment

(8) Given the importance of fair competition in the market, infringements of Union rules relevant to this issue ***and to the workers concerned*** should be taken into account in the assessment of the good repute of transport managers and transport undertakings. The empowerment of the Commission to define the degree of seriousness of relevant infringements should be clarified accordingly.

Or. en

Amendment 65
Georgi Pirinski

Proposal for a regulation
Recital 10

Text proposed by the Commission

(10) Undertakings engaged in the occupation of road haulage operator solely by means of motor vehicles with a permissible laden mass not exceeding 3.5 tonnes or with combinations of vehicles not exceeding that limit should have a minimum level of financial standing, to ensure that they have the means to carry out operations on a stable and long-lasting basis. However, since the operations concerned are generally of a limited size, the corresponding requirements should be less demanding than those applicable to operators using vehicles or combinations of vehicles above that limit.

Amendment

deleted

Or. en

Amendment 66
Karima Delli, Terry Reintke

on behalf of the Verts/ALE Group

Proposal for a regulation

Recital 10

Text proposed by the Commission

(10) Undertakings engaged in the occupation of road haulage operator solely by means of motor vehicles with a permissible laden mass not exceeding 3.5 tonnes or with combinations of vehicles not exceeding that limit should have a minimum level of financial standing, to ensure that they have the means to carry out operations on a stable and long-lasting basis. ***However, since the operations concerned are generally of a limited size, the corresponding requirements should be less demanding than those applicable to operators using vehicles or combinations of vehicles above that limit.***

Amendment

(10) Undertakings engaged in the occupation of road haulage operator solely by means of motor vehicles with a permissible laden mass not exceeding 3.5 tonnes or with combinations of vehicles not exceeding that limit should have a minimum level of financial standing, to ensure that they have the means to carry out operations on a stable and long-lasting basis.

Or. en

Justification

The increasing usage of light duty vehicles in international transport operations does not justify such a special treatment should we want to reach the objective of better control.

Amendment 67

Siôn Simon, Ole Christensen, Evelyn Regner, Rory Palmer, Guillaume Balas, Alex Mayer, Claudiu Ciprian Tănăsescu, Michael Detjen

Proposal for a regulation

Recital 10

Text proposed by the Commission

(10) Undertakings engaged in the occupation of road haulage operator solely by means of motor vehicles with a permissible laden mass not exceeding 3.5 tonnes or with combinations of vehicles not exceeding that limit should have a minimum level of financial standing, to

Amendment

(10) Undertakings engaged in the occupation of road haulage operator solely by means of motor vehicles with a permissible laden mass not exceeding 3.5 tonnes or with combinations of vehicles not exceeding that limit should have a ***sufficient***, minimum level of financial

ensure that they have the means to carry out operations on a stable and long-lasting basis. However, since the operations concerned are generally of a limited size, the corresponding requirements should be less demanding than those applicable to operators using vehicles or combinations of vehicles above that limit.

standing, to ensure that they have the means to carry out operations on a stable and long-lasting basis ***and to ensure that they are able to meet their obligations related to wages and social contributions for employees engaged in the sector.*** However, since the operations concerned are generally of a limited size, the corresponding requirements should be less demanding than those applicable to operators using vehicles or combinations of vehicles above that limit.

Or. en

Amendment 68
Robert Rochefort

Proposal for a regulation
Recital 10

Text proposed by the Commission

(10) *Undertakings* engaged in the occupation of road haulage operator solely by means of motor vehicles with a permissible laden mass not exceeding 3.5 tonnes or with combinations of vehicles not exceeding that limit ***should have a minimum level of financial standing, to ensure that they have the means to carry out operations on a stable and long-lasting basis. However, since the operations concerned are generally of a limited size, the corresponding requirements should be less demanding than*** those applicable to operators using vehicles or combinations of vehicles above that limit.

Amendment

(10) ***In order to avoid distortions of competition and take account of the development of international transport activities of undertakings*** engaged in the occupation of road haulage operator solely by means of motor vehicles with a permissible laden mass not exceeding 3.5 tonnes or with combinations of vehicles not exceeding that limit, they ***should be subject*** to requirements ***similar to*** those applicable to operators using vehicles or combinations of vehicles above that limit.

Or. fr

Amendment 69
Jeroen Lenaers

Proposal for a regulation
Recital 10

Text proposed by the Commission

(10) Undertakings engaged in the occupation of road haulage operator solely by means of motor vehicles with a permissible laden mass not exceeding 3.5 tonnes or with combinations of vehicles not exceeding that limit should have a minimum level of financial standing, to ensure that they have the means to carry out operations on a stable and long-lasting basis. However, since the operations concerned are generally of a limited size, the corresponding requirements should be less demanding than those applicable to operators using vehicles or combinations of vehicles above that limit.

Amendment

(10) Undertakings engaged in the occupation of road haulage operator solely by means of motor vehicles with a permissible laden mass not exceeding 3.5 tonnes or with combinations of vehicles not exceeding that limit should have a minimum level of financial standing, to ensure that they have the means to carry out operations on a stable and long-lasting basis. However, since the operations concerned are generally of a limited size, the corresponding requirements should be less demanding than those applicable to operators using vehicles or combinations of vehicles above that limit ***and they should not represent an excessive burden for smaller undertakings or self-employed workers.***

Or. nl

Amendment 70

Jérôme Lavrilleux, Geoffroy Didier, Elisabeth Morin-Chartier, Anne Sander, Renaud Muselier, Franck Proust

Proposal for a regulation
Recital 10

Text proposed by the Commission

(10) Undertakings engaged in the occupation of road haulage operator solely by means of motor vehicles with a permissible laden mass not exceeding 3.5 tonnes or with combinations of vehicles not exceeding that limit should have a minimum level of financial standing, to ensure that they have the means to carry out operations on a stable and long-lasting basis. ***However, since the operations concerned are generally of a limited size, the corresponding requirements should be***

Amendment

(10) Undertakings engaged in the occupation of road haulage operator solely by means of motor vehicles with a permissible laden mass not exceeding 3.5 tonnes or with combinations of vehicles not exceeding that limit should have a minimum level of financial standing, to ensure that they have the means to carry out operations on a stable and long-lasting basis. ***The rules applicable to access to the occupation of road haulage operator by means of vehicles with a permissible***

less demanding than those applicable to operators using vehicles or combinations of vehicles above that limit.

laden mass not exceeding 3.5 tonnes or combinations of vehicles with a permissible laden mass not exceeding 3.5 tonnes are those set out in Regulation (EC) No 1071/2009.

Or. fr

Amendment 71
Verónica Lope Fontagné

Proposal for a regulation
Recital 11

Text proposed by the Commission

(11) The information about transport operators contained in the national electronic registers should be as complete as possible to allow national authorities in charge of enforcing the relevant rules to have a sufficient overview of the operators being investigated. In particular, information regarding the registration number of the vehicles at the disposal of operators, the number of employees they hire, ***their risk rating and their basic financial information*** should allow a better national and cross-border enforcement of the provisions of Regulations (EC) No 1071/2009 and (EC) No 1072/2009. The rules on the national electronic register should therefore be amended accordingly.

Amendment

(11) The information about transport operators contained in the national electronic registers should be as complete as possible to allow national authorities in charge of enforcing the relevant rules to have a sufficient overview of the operators being investigated. In particular, information regarding the registration number of the vehicles at the disposal of operators ***and*** the number of employees they hire should allow a better national and cross-border enforcement of the provisions of Regulations (EC) No 1071/2009 and (EC) No 1072/2009. The rules on the national electronic register should therefore be amended accordingly.

Or. es

Amendment 72
Siôn Simon, Ole Christensen, Evelyn Regner, Rory Palmer, Guillaume Balas, Alex Mayer, Claudiu Ciprian Tănăsescu, Michael Detjen

Proposal for a regulation
Recital 11

Text proposed by the Commission

(11) The information about transport operators contained in the national electronic registers should be ***as complete as possible*** to allow national authorities in charge of enforcing the relevant rules to have a sufficient overview of the operators being investigated. In particular, information regarding the registration number of the vehicles at the disposal of operators, the number of employees they hire, their risk rating and their basic financial information should allow a better national and cross-border enforcement of the provisions of Regulations (EC) No 1071/2009 and (EC) No 1072/2009. The rules on the national electronic register should therefore be amended accordingly.

Amendment

(11) The information about transport operators contained in the national electronic registers should be ***continually updated*** to allow national authorities in charge of enforcing the relevant rules to have a sufficient overview of the operators being investigated. In particular, information regarding the registration number of the vehicles at the disposal of operators, the number of employees they hire, their risk rating and their basic financial information should allow a better national and cross-border enforcement of the provisions of Regulations (EC) No 1071/2009 and (EC) No 1072/2009. ***Furthermore, the national electronic registers should be interoperable and the data contained therein should be directly accessible for enforcement officials of all Member States performing roadside checks.*** The rules on the national electronic register should therefore be amended accordingly.

Or. en

Amendment 73

Dominique Martin, Joëlle Mélin

Proposal for a regulation

Recital 11

Text proposed by the Commission

(11) The information about transport operators contained in the national electronic registers should be as complete as possible to allow national authorities in charge of enforcing the relevant rules to have a sufficient overview of the operators being investigated. In particular, information regarding the registration number of the vehicles at the disposal of operators, the number of employees they

Amendment

(11) The information about transport operators contained in the national electronic registers should be as complete as possible to allow national authorities in charge of enforcing the relevant rules to have a sufficient overview of the operators being investigated. In particular, information regarding the registration number of the vehicles at the disposal of operators, the number of employees they

hire, their risk rating and their basic financial information should allow a better national and cross-border enforcement of the provisions of Regulations (EC) No 1071/2009 and (EC) No 1072/2009. The rules on the national electronic register should therefore be amended accordingly.

hire, their risk rating and their basic financial information should allow a better national and cross-border enforcement of the provisions of Regulations (EC) No 1071/2009 and (EC) No 1072/2009.

Furthermore, the national electronic registers should be interoperable and the data contained therein should be directly accessible for officials of all Member States performing roadside checks. The rules on the national electronic register should therefore be amended accordingly.

Or. fr

Amendment 74

Martina Dlabajová, António Marinho e Pinto, Enrique Calvet Chambon, Renate Weber

Proposal for a regulation

Recital 13

Text proposed by the Commission

(13) The rules on national transport performed on a temporary basis by non-resident hauliers in a host Member State ('cabotage') should be clear, simple and easy to enforce, while **broadly** maintaining the level of liberalisation achieved so far.

Amendment

(13) The rules on national transport performed on a temporary basis by non-resident hauliers in a host Member State ('cabotage') should be clear, simple and easy to enforce, while maintaining the level of liberalisation achieved so far.

Or. en

Amendment 75

Helga Stevens

Proposal for a regulation

Recital 13

Text proposed by the Commission

(13) The rules on national transport performed on a temporary basis by non-resident hauliers in a host Member State ('cabotage') should be clear, simple and easy to enforce, while broadly maintaining

Amendment

(13) The rules on national transport performed on a temporary basis by non-resident hauliers in a host Member State ('cabotage') should be clear, simple and easy to enforce, while broadly maintaining

the level of liberalisation achieved so far.

the level of liberalisation achieved so far.
Cabotage operations meet the objective of environmental efficiency; by avoiding unladen journeys, it is possible to reduce fuel consumption and GHG emissions. However, cabotage should not be misused in order to circumvent the applicable labour and social law of the host Member State. This would undermine not only the level playing field, but also workers' rights and road safety.

Or. nl

Amendment 76

Anne Sander, Elisabeth Morin-Chartier, Jérôme Lavrilleux, Geoffroy Didier, Franck Proust, Renaud Muselier

Proposal for a regulation

Recital 13

Text proposed by the Commission

(13) The rules on national transport performed on a temporary basis by non-resident hauliers in a host Member State ('cabotage') should be clear, simple and easy to enforce, *while broadly maintaining the level of liberalisation achieved so far.*

Amendment

(13) The rules on national transport performed on a temporary basis by non-resident hauliers in a host Member State ('cabotage') – *in order to avoid their having to return empty* – should be clear, simple *for hauliers to implement* and easy to enforce *in order to guarantee road transport workers' rights and promote fair competition between companies without undermining the basic principle of the free movement of services in the internal market.*

Or. fr

Amendment 77

Siôn Simon, Ole Christensen, Evelyn Regner, Rory Palmer, Guillaume Balas, Alex Mayer, Claudiu Ciprian Tănăsescu, Michael Detjen, Elena Gentile

Proposal for a regulation

Recital 13

Text proposed by the Commission

(13) The rules on national transport performed on a temporary basis by non-resident hauliers in a host Member State ('cabotage') should be clear, simple and easy to enforce, ***while broadly maintaining the level of liberalisation achieved so far.***

Amendment

(13) The rules on national transport performed on a temporary basis by non-resident hauliers in a host Member State ('cabotage') should be clear, simple, ***fair*** and easy to enforce, ***leading to a level playing field between hauliers, while safeguarding the advantages and integrity of the Union's internal market. To this end, it is imperative that EU rules on the posting of workers and the law applicable to contractual obligations are applied at the commencement of cabotage operations.***

Or. en

Amendment 78

Dominique Martin, Joëlle Mélin

Proposal for a regulation

Recital 13

Text proposed by the Commission

(13) The rules on national transport performed on a temporary basis by non-resident hauliers in a host Member State ('cabotage') should be clear, simple and easy to enforce, while broadly maintaining the level of liberalisation achieved so far.

Amendment

(13) The rules on national transport performed on a temporary basis by non-resident hauliers in a host Member State ('cabotage') should be clear, simple and easy to enforce.

Or. fr

Amendment 79

Rina Ronja Kari, Paloma López Bermejo, Tania González Peñas, João Pimenta Lopes

Proposal for a regulation

Recital 13

Text proposed by the Commission

(13) The rules on national transport

Amendment

(13) The rules on national transport

performed on a temporary basis by non-resident hauliers in a host Member State ('cabotage') should be clear, simple and easy to enforce, *while broadly maintaining the level of liberalisation achieved so far.*

performed on a temporary basis by non-resident hauliers in a host Member State ('cabotage') should be clear, simple and easy to enforce.

Or. en

Amendment 80 **Georges Bach**

Proposal for a regulation **Recital 13**

Text proposed by the Commission

(13) The rules on national transport performed on a temporary basis by non-resident hauliers in a host Member State ('cabotage') should be clear, simple and easy to enforce, while *broadly maintaining the level of liberalisation achieved so far.*

Amendment

(13) The rules on national transport performed on a temporary basis by non-resident hauliers in a host Member State ('cabotage') should be clear, simple, *fair* and easy to enforce, while *allowing a level playing field between all hauliers without any further liberalization.*

Or. en

Amendment 81 **Karima Delli, Terry Reintke** on behalf of the Verts/ALE Group

Proposal for a regulation **Recital 13**

Text proposed by the Commission

(13) The rules on national transport performed on a temporary basis by non-resident hauliers in a host Member State ('cabotage') should be clear, simple and easy to enforce, *while broadly maintaining the level of liberalisation achieved so far.*

Amendment

(13) The rules on national transport performed on a temporary basis by non-resident hauliers in a host Member State ('cabotage') should be clear, simple and easy to enforce *and should support fair competition.*

Or. en

Amendment 82

Danuta Jazłowiecka, Agnieszka Kozłowska-Rajewicz, Marek Plura, Krzysztof Hetman

Proposal for a regulation

Recital 13

Text proposed by the Commission

(13) The rules on national transport performed on a temporary basis by non-resident hauliers in a host Member State ('cabotage') should be clear, simple and easy to enforce, while broadly ***maintaining the level of*** liberalisation ***achieved so far***.

Amendment

(13) The rules on national transport performed on a temporary basis by non-resident hauliers in a host Member State ('cabotage') should be clear, simple and easy to enforce, while broadly ***continuing*** liberalisation.

Or. pl

Amendment 83

Verónica Lope Fontagné

Proposal for a regulation

Recital 13 a (new)

Text proposed by the Commission

Amendment

(13a) In order to ensure the temporary character and to avoid any distortion of the market caused by so-called 'letter-box' companies or nomadic drivers, it is necessary to ensure that cabotage operations have as their purpose the return to the country of establishment of the undertaking.

Or. es

Amendment 84

Jeroen Lenaers

Proposal for a regulation

Recital 14

Text proposed by the Commission

Amendment

(14) To this end, and in order to

deleted

facilitate checks and to eliminate uncertainty, the limitation on the number of cabotage operations subsequent to an international carriage should be abolished, while the number of days available for such operations should be reduced.

Or. nl

Amendment 85
Mara Bizzotto

Proposal for a regulation
Recital 14

Text proposed by the Commission

Amendment

(14) *To this end, and in order to facilitate checks and to eliminate uncertainty, the limitation on the number of cabotage operations subsequent to an international carriage should be abolished, while the number of days available for such operations should be reduced.*

deleted

Or. it

Amendment 86
Anne Sander, Elisabeth Morin-Chartier, Jérôme Lavrilleux, Geoffroy Didier, Franck Proust, Renaud Muselier

Proposal for a regulation
Recital 14

Text proposed by the Commission

Amendment

(14) To this end, and in order to facilitate checks and to eliminate uncertainty, the limitation on the number of cabotage operations subsequent to an international carriage should be ***abolished***, ***while*** the number of days available for such operations should be reduced.

(14) To this end, and in order to facilitate checks and to eliminate uncertainty ***and the danger of systematic cabotage***, the limitation on the number of cabotage operations subsequent to an international carriage should be ***maintained and*** the number of days

available for such operations should be reduced. *It should be possible to determine whether cabotage is possible in three days with a single operation, which would be enough to ensure vehicles in an international operation would not have to return empty.*

Or. fr

Amendment 87

Siôn Simon, Ole Christensen, Evelyn Regner, Rory Palmer, Alex Mayer, Claudiu Ciprian Tănăsescu, Michael Detjen

Proposal for a regulation

Recital 14

Text proposed by the Commission

(14) *To this end, and* in order to facilitate checks and to eliminate uncertainty, the limitation on the number of cabotage operations subsequent to an international carriage should be abolished, while the *number of days* available for such operations should be reduced.

Amendment

(14) *In order to reduce the environmental burden and to avoid empty runs, cabotage operations should be allowed following an international carriage to or from a haulier's Member State of establishment.* In order to facilitate checks and to eliminate uncertainty, the limitation on the number of cabotage operations subsequent to an international carriage should be abolished, while the *amount of time* available for such operations *in that Member State* should be reduced.

Or. en

Amendment 88

Emilian Pavel, Claudia Țapardel

Proposal for a regulation

Recital 14

Text proposed by the Commission

(14) To this end, and in order to facilitate checks and to eliminate

Amendment

(14) To this end, and in order to facilitate checks and to eliminate

uncertainty, the limitation on the number of cabotage operations subsequent to an international carriage should be abolished, while the number of days available for such operations should be *reduced*.

uncertainty, the limitation on the number of cabotage operations subsequent to an international carriage should be abolished, while the number of days available for such operations should be *regulated in a proportionate way so that empty runs, as well as unfair competition practices, are avoided*.

Or. en

Amendment 89

Karima Delli, Terry Reintke

on behalf of the Verts/ALE Group

Proposal for a regulation

Recital 14

Text proposed by the Commission

(14) To this end, and in order to facilitate checks and to eliminate uncertainty, the limitation on the number of cabotage operations subsequent to an international carriage should be abolished, while the number of days available for such operations should be reduced.

Amendment

(14) To this end, and in order to facilitate checks, *to improve the level playing field* and to eliminate uncertainty *and unfair competition*, the limitation on the number of cabotage operations subsequent to an international carriage should be abolished, while the number of days available for such operations should be *strongly* reduced.

Or. en

Amendment 90

Danuta Jazłowiecka, Agnieszka Kozłowska-Rajewicz, Marek Plura, Krzysztof Hetman

Proposal for a regulation

Recital 14

Text proposed by the Commission

(14) To this end, and in order to facilitate checks and to eliminate uncertainty, the limitation on the number of cabotage operations subsequent to an international carriage should be abolished,

Amendment

(14) To this end, and in order to facilitate checks and to eliminate uncertainty, the limitation on the number of cabotage operations subsequent to an international carriage should be abolished.

while the number of days available for such operations should be reduced.

Or. pl

Justification

According to the assumptions of the EU White Papers, cabotage services should be liberalised little by little. It is therefore proposed that the time period for carrying out cabotage operations should be kept at 7 days, without imposing a maximum number of operations, which is difficult to check.

Amendment 91 **Helga Stevens**

Proposal for a regulation **Recital 14**

Text proposed by the Commission

(14) To this end, and in order to facilitate checks and to eliminate uncertainty, the limitation on the number of cabotage operations subsequent to an international carriage should be abolished, while the number of days available for such operations should be reduced.

Amendment

(14) To this end, and in order to facilitate checks and to eliminate uncertainty, the limitation on the number of cabotage operations subsequent to an international carriage should be abolished, while the number of days available for such operations should be reduced, *in accordance with the actual purpose of cabotage.*

Or. nl

Amendment 92 **Robert Rochefort**

Proposal for a regulation **Recital 14**

Text proposed by the Commission

(14) To this end, and in order to facilitate checks *and to* eliminate uncertainty, *the limitation on the number of* cabotage *operations subsequent to an*

Amendment

(14) To this end, and in order to facilitate checks, eliminate uncertainty *and take into account the fact that* cabotage *is not an ordinary form of haulage*

international carriage should be abolished, while the number of days available for such operations should be reduced.

operation, the limitation on the number of cabotage operations subsequent to an international carriage should be maintained.

Or. fr

Amendment 93
Dominique Martin, Joëlle Mélin

Proposal for a regulation
Recital 14

Text proposed by the Commission

(14) To this end, and in order to facilitate checks and to eliminate uncertainty, *the limitation on the number of cabotage operations subsequent to an international carriage should be abolished, while the number of days available for such operations should be reduced.*

Amendment

(14) To this end, and in order to facilitate checks and to eliminate uncertainty, *cabotage in its former interpretation as exempt from the law of the host Member State is therefore not allowed. Every cabotage operation should be remunerated in accordance with the rules in force in the country in which it takes place.*

Or. fr

Amendment 94
Mara Bizzotto

Proposal for a regulation
Recital 14

Text proposed by the Commission

(14) *To this end, and in order to facilitate checks and to eliminate uncertainty, the limitation on the number of cabotage operations subsequent to an international carriage should be abolished, while the number of days available for such operations should be reduced.*

Amendment

(14) *All forms of liberalisation of cabotage that would lead to a further destabilisation of the sector to the benefit of unfair and unregulated competition, a lack of road safety and a loss of profitability should be firmly opposed.*

Or. it

Amendment 95
Helga Stevens

Proposal for a regulation
Recital 14 a (new)

Text proposed by the Commission

Amendment

(14a) Recital 17 of Regulation (EC) No 1072/2009 explicitly stipulates that the Directive concerning the posting of workers in the framework of the provision of services applies to transport undertakings performing a cabotage operation. Since cabotage involves direct participation in the transport market of the host Member State, this is the only way of achieving a level playing field.

Or. nl

Amendment 96
Dominique Martin, Joëlle Mélin

Proposal for a regulation
Recital 14 a (new)

Text proposed by the Commission

Amendment

(14a) Cabotage is prohibited for a lorry registered abroad.

Or. fr

Amendment 97
Dominique Martin, Joëlle Mélin

Proposal for a regulation
Recital 14 b (new)

Text proposed by the Commission

Amendment

(14b) The effective implementation and

enforcement of this Regulation is undermined when other EU legislation is used by hauliers to circumvent the cabotage rules, contrary to the intention of the legislator. Council Directive 92/106/EEC^{1a} (the Combined Transport Directive) should therefore be amended so that hauliers cannot use it as a pretext for circumventing the rules on cabotage laid down in this Regulation.

^{1a} Council Directive 92/106/EEC of 7 December 1992 on the establishment of common rules for certain types of combined transport of goods between Member States (OJ L 368, 17.12.1992, p. 38).

Or. fr

Amendment 98

Siôn Simon, Ole Christensen, Evelyn Regner, Rory Palmer, Guillaume Balas, Alex Mayer, Claudiu Ciprian Tănăsescu, Michael Detjen

Proposal for a regulation

Recital 15

Text proposed by the Commission

(15) The means by which road transport operators can prove compliance with the rules for cabotage operations should be clarified. The use and transmission of electronic transport information should be recognised as such means, which should simplify the provision of relevant evidence and its treatment by the competent authorities. The format used for that purpose should ensure reliability and authenticity. Considering the increasing use of efficient electronic exchange of information in transport and logistics, it is important to ensure coherence in the regulatory frameworks and provisions addressing the simplification of administrative procedures.

Amendment

(15) ***Effective and efficient enforcement of the rules is a prerequisite for fair competition in the internal market and to ensure that the rights of workers are protected. Further digitalisation of enforcement is essential in order to free up enforcement capacity, reduce unnecessary administrative burden and better target high-risk transport operators. The rapid update and use of smart tachographs and electronic transport documents (eCMR) is necessary.*** The means by which road transport operators can prove compliance with the rules for cabotage operations should be clarified. The use and transmission of electronic transport information should be recognised

as such means, which should simplify the provision of relevant evidence and its treatment by the competent authorities. The format used for that purpose should ensure reliability and authenticity. Considering the increasing use of efficient electronic exchange of information in transport and logistics, it is important to ensure coherence in the regulatory frameworks and provisions addressing the simplification of administrative procedures.

Or. en

Amendment 99

Martina Dlabajová, António Marinho e Pinto, Enrique Calvet Chambon, Robert Rochefort, Renate Weber

Proposal for a regulation Recital 15 a (new)

Text proposed by the Commission

Amendment

(15a) Further digitalisation of enforcement tools is a prerequisite for the proper functioning of the internal market, reducing unnecessary administrative burden and carrying out effective and efficient enforcement of the rules in the road sector;

Or. en

Amendment 100

Karima Delli, Terry Reintke
on behalf of the Verts/ALE Group

Proposal for a regulation Recital 16

Text proposed by the Commission

Amendment

(16) Transport undertakings are the addressees of the rules on international

(16) Transport undertakings are the addressees of the rules on international

carriage and are, as such, subject to the consequences of any infringements committed by them. However, in order to prevent abuses by undertakings contracting transport services from road haulage operators, Member States should also provide for sanctions on shippers and freight forwarders *in case* they knowingly commission transport services which involve infringements of the provisions of Regulation (EC) No 1072/2009.

carriage and are, as such, subject to the consequences of any infringements committed by them. However, in order to prevent abuses by undertakings contracting transport services from road haulage operators, Member States should also provide for sanctions on shippers and freight forwarders *as well as other contractors where* they knowingly commission transport services which involve infringements of the provisions of Regulation (EC) No 1072/2009.

Or. en

Justification

It is of utmost importance that anyone who knowingly commissions transport services which involve infringements is covered by this provision.

Amendment 101 **Georgi Pirinski**

Proposal for a regulation **Recital 17**

Text proposed by the Commission

(17) Insofar as this Regulation introduces a degree of harmonisation in certain areas so far not harmonised by Union law, *in particular in respect of transport with light commercial vehicles and enforcement practices*, its objectives, namely to approximate conditions of competition and improve enforcement, cannot be sufficiently achieved by the Member States but can rather, by reason of the nature of the objectives pursued in combination with the cross-border nature of road transport, be better achieved at Union level. Therefore, 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 accordance with the principle of proportionality, as set

Amendment

(17) Insofar as this Regulation introduces a degree of harmonisation in certain areas so far not harmonised by Union law, its objectives, namely to approximate conditions of competition and improve enforcement, cannot be sufficiently achieved by the Member States but can rather, by reason of the nature of the objectives pursued in combination with the cross-border nature of road transport, be better achieved at Union level. Therefore, 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 accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary to achieve the

out in that Article, this Regulation does not go beyond what is necessary to achieve the objectives pursued.

objectives pursued.

Or. en

Amendment 102

Rina Ronja Kari, Paloma López Bermejo, Tania González Peñas, João Pimenta Lopes

Proposal for a regulation

Article 2 – paragraph 1 a (new)

Regulation (EC) No 1072/2009

Article 1 paragraph 1

Present text

Amendment

1a. In paragraph 1 of Article 1, the following subparagraph is added:

‘This Regulation shall also apply to incoming or outgoing carriage of goods by road as either the initial and/or final leg of a combined transport journey as laid down in Council Directive 92/106/EEC.’

Or. en

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32009R1072&from=EN>)

Amendment 103

Jeroen Lenaers

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point a – point i

Text proposed by the Commission

Amendment

(i) point (a) is deleted;

deleted

Or. nl

Amendment 104

Georgi Pirinski

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point a – point i

Text proposed by the Commission

Amendment

- (i) *point (a) is deleted;* *deleted*

Or. en

Amendment 105

Helga Stevens

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point a – point i

Regulation (EC) No 1071/2009

Article 1 – paragraph 4 – point a

Text proposed by the Commission

Amendment

- (i) point (a) is *deleted*;
- (i) point (a) is *replaced by the following*:

'undertakings engaged in the occupation of road haulage operator solely by means of motor vehicles or combinations of vehicles the permissible laden mass of which does not exceed 3.5 tonnes and that engage only in national transportation. Member States may, however, lower this limit for all or some categories of road transport operations.'

Or. nl

Amendment 106

Rosa D'Amato, Daniela Aiuto, Laura Agea, Tiziana Beghin

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point a – point i

Regulation (EC) No 1071/2009

Article 1 – paragraph 4 – point a

Text proposed by the Commission

Amendment

(i) point (a) is **deleted**;

(i) point (a) is **replaced by the following**:

“(a) undertakings engaged in the occupation of road haulage operator solely by means of motor vehicles or combinations of vehicles the permissible laden mass of which does not exceed 3.5 tonnes and that engage solely in national transportation.”

Or. it

Amendment 107

Siôn Simon, Ole Christensen, Evelyn Regner, Rory Palmer, Guillaume Balas, Alex Mayer, Claudiu Ciprian Tănăsescu, Michael Detjen

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point a – point i

Regulation (EC) No 1071/2009

Article 1 – paragraph 4 – point a

Text proposed by the Commission

Amendment

(i) point (a) is **deleted**;

(i) point (a) is **replaced by the following**:

“(a) undertakings engaged in the occupation of road haulage operator solely by means of motor vehicles or combinations of vehicles the permissible laden mass of which is lower than 3,5 tonnes;

Or. en

Justification

Lighter vehicles should be included in the scope of the regulation.

Amendment 108

Georges Bach

Proposal for a regulation

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

Regulation (EC) No 1071/2009

Article 1– paragraph 4 – point a

Text proposed by the Commission

Amendment

(ia) (a) undertakings engaged in the occupation of road haulage operator solely by means of motor vehicles or combinations of vehicles the permissible laden mass of which is lower than 2.4 tonnes;

(aa) undertakings engaged in the occupation of road haulage operator solely by means of motor vehicles or combinations of vehicles the permissible laden mass of which is lower than 3.5 tonnes that are engaged exclusively in national transport operations;

Or. en

Justification

Light commercial vehicles that operate internationally with a laden mass between 2.4 and 3.5 tonnes are included in the scope to ensure a level playing field between heavy-duty vehicles and light commercial vehicles.

Amendment 109

Robert Rochefort

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point b

Regulation (EC) No 1071/2009

Article 1

Text proposed by the Commission

Amendment

(b) the following paragraph 6 is added: *deleted*

‘

6.

Article 3(1)(b) and (d) and Articles 4, 6, 8, 9, 14, 19 and 21 shall not apply to

undertakings engaged in the occupation of road haulage operator solely by means of motor vehicles with a permissible laden mass not exceeding 3.5 tonnes or combinations of vehicles with a permissible laden mass not exceeding 3.5 tonnes.

Member States may, however:

(a) require those undertakings to apply some or all of the provisions referred to in the first subparagraph;

(b) lower the limit referred to in the first subparagraph for all or some categories of road transport operations.;

,

Or. fr

Justification

Given the increasing use of light commercial vehicles for international transport and in order to ensure fair competition between heavy-duty and light commercial vehicles, the rules on access to the occupation of road haulage operator must be extended to companies carrying out this occupation using light commercial vehicles (LCVs) with a permissible laden mass not exceeding 3.5 tonnes.

Amendment 110

Rosa D'Amato, Daniela Aiuto, Laura Agea, Tiziana Beghin

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point b

Regulation (EC) No 1071/2009

Article 1 – paragraph 6

Text proposed by the Commission

Amendment

(b) the following paragraph 6 is deleted

added:

,

6.

Article 3(1)(b) and (d) and Articles 4, 6, 8, 9, 14, 19 and 21 shall not apply to undertakings engaged in the occupation

of road haulage operator solely by means of motor vehicles with a permissible laden mass not exceeding 3.5 tonnes or combinations of vehicles with a permissible laden mass not exceeding 3.5 tonnes.

Member States may, however:

- (a) require those undertakings to apply some or all of the provisions referred to in the first subparagraph;*
- (b) lower the limit referred to in the first subparagraph for all or some categories of road transport operations.;*

Or. it

Amendment 111
Jeroen Lenaers

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point b
Regulation (EC) No 1071/2009
Article 1 – paragraph 6

Text proposed by the Commission

Amendment

(b) the following paragraph 6 is added: *deleted*

‘

6.

Article 3(1)(b) and (d) and Articles 4, 6, 8, 9, 14, 19 and 21 shall not apply to undertakings engaged in the occupation of road haulage operator solely by means of motor vehicles with a permissible laden mass not exceeding 3.5 tonnes or combinations of vehicles with a permissible laden mass not exceeding 3.5 tonnes.

Member States may, however:

- (a) require those undertakings to apply some or all of the provisions*

referred to in the first subparagraph;
(b) lower the limit referred to in the first subparagraph for all or some categories of road transport operations.');
,

Or. nl

Amendment 112
Georges Bach

Proposal for a regulation
Article 1 – paragraph 1 – point 1 – point b
Regulation (EC) No 1071/2009
Article 1 – paragraph 6

Text proposed by the Commission

Amendment

(b) the following paragraph 6 is added: *deleted*

‘
6.

Article 3(1)(b) and (d) and Articles 4, 6, 8, 9, 14, 19 and 21 shall not apply to undertakings engaged in the occupation of road haulage operator solely by means of motor vehicles with a permissible laden mass not exceeding 3.5 tonnes or combinations of vehicles with a permissible laden mass not exceeding 3.5 tonnes.

Member States may, however:

- (a) require those undertakings to apply some or all of the provisions referred to in the first subparagraph;*
- (b) lower the limit referred to in the first subparagraph for all or some categories of road transport operations.;*

Or. en

Justification

Light commercial vehicles that operate internationally with a laden mass between 2.4 and 3.5 tonnes are included in the scope to ensure a level playing field between heavy-duty vehicles and light commercial vehicles. Therefore, all four requirements should apply to engage in the occupation of road transport operator.

Amendment 113
Georgi Pirinski

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point b

Regulation (EC) 1071/2009

Article 1 – paragraph 6 (new)

Text proposed by the Commission

Amendment

(b) *the following paragraph 6 is added:* ***deleted***

‘

6.

Article 3(1)(b) and (d) and Articles 4, 6, 8, 9, 14, 19 and 21 shall not apply to undertakings engaged in the occupation of road haulage operator solely by means of motor vehicles with a permissible laden mass not exceeding 3.5 tonnes or combinations of vehicles with a permissible laden mass not exceeding 3.5 tonnes.

Member States may, however:

(a) require those undertakings to apply some or all of the provisions referred to in the first subparagraph;

(b) lower the limit referred to in the first subparagraph for all or some categories of road transport operations.;

Or. en

Amendment 114

Karima Delli, Terry Reintke

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point b

Regulation (EC) No 1071/2009

Article 1 – paragraph 6

Text proposed by the Commission

Amendment

(b) the following paragraph 6 is added: *deleted*

‘

6.

Article 3(1)(b) and (d) and Articles 4, 6, 8, 9, 14, 19 and 21 shall not apply to undertakings engaged in the occupation of road haulage operator solely by means of motor vehicles with a permissible laden mass not exceeding 3.5 tonnes or combinations of vehicles with a permissible laden mass not exceeding 3.5 tonnes.

Member States may, however:

(a) require those undertakings to apply some or all of the provisions referred to in the first subparagraph;

(b) lower the limit referred to in the first subparagraph for all or some categories of road transport operations.;

Or. en

Justification

Such exemptions lead to an unfair competitive advantage for vehicles less than 3.5t.

Amendment 115

Siôn Simon, Ole Christensen, Evelyn Regner, Rory Palmer, Guillaume Balas, Alex Mayer, Claudiu Ciprian Tănăsescu, Michael Detjen, Elena Gentile

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point b

Regulation (EC) No 1071/2009

Article 1 – paragraph 6

Text proposed by the Commission

Amendment

(b) the following paragraph 6 is added: **deleted**

‘

6.

Article 3(1)(b) and (d) and Articles 4, 6, 8, 9, 14, 19 and 21 shall not apply to undertakings engaged in the occupation of road haulage operator solely by means of motor vehicles with a permissible laden mass not exceeding 3.5 tonnes or combinations of vehicles with a permissible laden mass not exceeding 3.5 tonnes.

Member States may, however:

(a) require those undertakings to apply some or all of the provisions referred to in the first subparagraph;

(b) lower the limit referred to in the first subparagraph for all or some categories of road transport operations.;

Or. en

Amendment 116

Rina Ronja Kari, Paloma López Bermejo, João Pimenta Lopes

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point b

Regulation (EC) No 1071/2009

Article 1

Text proposed by the Commission

Amendment

(b) the following paragraph 6 is added: **deleted**

6.

Article 3(1)(b) and (d) and Articles 4, 6, 8, 9, 14, 19 and 21 shall not apply to undertakings engaged in the occupation of road haulage operator solely by means of motor vehicles with a permissible laden mass not exceeding 3.5 tonnes or combinations of vehicles with a permissible laden mass not exceeding 3.5 tonnes.

Member States may, however:

(a) require those undertakings to apply some or all of the provisions referred to in the first subparagraph;

(b) lower the limit referred to in the first subparagraph for all or some categories of road transport operations.;

Or. en

Amendment 117

Jérôme Lavrilleux, Geoffroy Didier, Elisabeth Morin-Chartier, Anne Sander, Renaud Muselier, Franck Proust

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point b

Regulation (EC) No 1071/2009

Article 1 – paragraph 6

Text proposed by the Commission

Article 3(1)(b) and (d) and Articles 4, 6, 8, 9, 14, 19 and 21 shall **not** apply to undertakings engaged in the occupation of road haulage operator **solely** by means of motor vehicles with a permissible laden mass not exceeding 3.5 tonnes or combinations of vehicles with a permissible laden mass not exceeding 3.5 tonnes.

Amendment

Article 3(1)(b) and (d) and Articles 4, 6, 8, 9, 14, 19 and 21 shall **also** apply to undertakings engaged in the occupation of road haulage operator by means of motor vehicles with a permissible laden mass not exceeding 3.5 tonnes or combinations of vehicles with a permissible laden mass not exceeding 3.5 tonnes.

Or. fr

Justification

All the conditions laid down by Regulation (EC) 1071/2009 concerning the occupation of road haulage operator must be applied uniformly, including to motor vehicles with a permissible laden mass not exceeding 3.5 tonnes or combinations of vehicles with a permissible laden mass not exceeding 3.5 tonnes.

Amendment 118

Claude Rolin

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point b

Regulation (EC) No 1071/2009

Article 1 – paragraph 6 (new)

Text proposed by the Commission

Article 3(1)(b) and (d) and Articles 4, 6, 8, 9, 14, 19 and 21 shall **not** apply to undertakings engaged in the occupation of road haulage operator solely by means of motor vehicles with a permissible laden mass not exceeding 3.5 tonnes or combinations of vehicles with a permissible laden mass not exceeding 3.5 tonnes.

Amendment

Article 3(1)(b) and (d) and Articles 4, 6, 8, 9, 14, 19 and 21 shall **also** apply to undertakings engaged in the occupation of road haulage operator solely by means of motor vehicles with a permissible laden mass not exceeding 3.5 tonnes or combinations of vehicles with a permissible laden mass not exceeding 3.5 tonnes.

Or. fr

Amendment 119

Claude Rolin

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point b

Regulation (EC) No 1071/2009

Article 1 – paragraph 6 (new)

Text proposed by the Commission

Member States may, however:

(a) require those undertakings to apply some or all of the provisions referred to in the first subparagraph;

(b) lower the limit referred to in the first subparagraph for all or some

Amendment

deleted

categories of road transport operations.';

Or. fr

Amendment 120

Helga Stevens

Proposal for a regulation

Article 1 – paragraph 1 – point 2

Regulation (EC) No 1071/2009

Article 3 – paragraph 2

Text proposed by the Commission

Amendment

(2) in Article 3, paragraph 2 is deleted; *deleted*

Or. nl

Amendment 121

Jeroen Lenaers

Proposal for a regulation

Article 1 – paragraph 1 – point 2

Text proposed by the Commission

Amendment

(2) in Article 3, paragraph 2 is deleted; *deleted*

Or. nl

Amendment 122

Mara Bizzotto

Proposal for a regulation

Article 1 – paragraph 1 – point 2

Text proposed by the Commission

Amendment

(2) in Article 3, paragraph 2 is deleted; *deleted*

Amendment 123

Rosa D'Amato, Daniela Aiuto, Laura Agea, Tiziana Beghin

Proposal for a regulation

Article 1 – paragraph 1 – point 2

Text proposed by the Commission

Amendment

(2) *in Article 3, paragraph 2 is deleted;* *deleted*

Or. it

Amendment 124

Karima Delli, Terry Reintke
on behalf of the Verts/ALE Group

Proposal for a regulation

Article 1 – paragraph 1 – point 2

Regulation (EC) No 1071/2009

Article 3 – paragraph 2

Text proposed by the Commission

Amendment

(2) *in Article 3, paragraph 2 is deleted;* *deleted*

Or. en

Justification

To enforce the rules in road transport, it is of utmost importance that Member States may introduce the necessary requirements.

Amendment 125

Siôn Simon, Ole Christensen, Evelyn Regner, Rory Palmer, Guillaume Balas, Alex Mayer, Claudiu Ciprian Tănăsescu, Michael Detjen, Elena Gentile

Proposal for a regulation

Article 1 – paragraph 1 – point 2

Text proposed by the Commission

(2) in Article 3, paragraph 2 is **deleted**;

Amendment

(2) in Article 3, paragraph 2 is **replaced by the following**:

2. Member States may decide to impose additional requirements, which shall be proportionate and non-discriminatory, to be satisfied by undertakings in order to engage in the occupation of road transport.

Or. en

Amendment 126

Siôn Simon, Ole Christensen, Evelyn Regner, Rory Palmer, Guillaume Balas, Alex Mayer, Claudiu Ciprian Tănăsescu, Michael Detjen, Elena Gentile

Proposal for a regulation

Article 1 – paragraph 1 – point 3 – point a

Regulation (EC) No 1071/2009

Article 5 – point (a)

Text proposed by the Commission

(a) have premises in which it keeps its core business documents, in particular its commercial contracts, accounting documents, personnel management documents, labour contracts, documents containing data relating to driving time and rest and any other document to which the competent authority must have access in order to verify compliance with the conditions laid down in this Regulation;

Amendment

(a) have **appropriate** premises, **proportionate to the activities of the undertaking**, in which it keeps its core business documents, **or secures access to them, either in written or electronic form**, in particular its commercial contracts, accounting documents, personnel management documents, labour contracts, documents containing data relating to **cabotage, posting of workers rules, and** driving time and rest and any other document to which the competent authority must have access in order to verify compliance with the conditions laid down in this Regulation;

Justification

In order to effectively combat letterbox companies, there must be a focus on the substantive vehicle activity in the country of establishment.

Amendment 127

Karima Delli, Terry Reintke

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 1 – paragraph 1 – point 3 – point a

Regulation (EC) No 1071/2009

Article 5 – point a

Text proposed by the Commission

(a) have premises in which it keeps its core business documents, in particular its commercial contracts, accounting documents, personnel management documents, labour contracts, documents containing data relating to driving time and rest and any other document to which the competent authority must have access in order to verify compliance with the conditions laid down in this Regulation;;

Amendment

(a) have premises in which it keeps its core business documents, in particular its commercial contracts, accounting documents, personnel management documents, labour contracts, documents containing data relating to driving time and rest and any other document to which the competent authority must have access in order to verify compliance with the conditions laid down in this Regulation;
Member States may require that hauliers established on their territory also have other documents available at their premises at any time;

Or. en

Amendment 128

Rosa D'Amato, Daniela Aiuto, Laura Agea, Tiziana Beghin

Proposal for a regulation

Article 1 – paragraph 1 – point 3 – point a

Regulation (EC) No 1071/2009

Article 5 – point a

Text proposed by the Commission

(a) have premises in which it keeps its core business documents, in particular its commercial contracts, accounting documents, personnel management documents, labour contracts, documents containing data relating to driving time and rest and any other document to which the competent authority must have access in order to verify compliance with the conditions laid down in this Regulation;

Amendment

(a) have premises *suitable for carrying out the undertaking's activities*, in which it keeps its core business documents *in paper and/or electronic format*, in particular its commercial contracts, accounting documents, personnel management documents, labour contracts, documents containing data relating to *postings*, driving time and rest and any other document to which the competent authority must have access *at any time* in order to verify compliance with the conditions laid down in this Regulation;

Or. it

Amendment 129

Dominique Martin, Joëlle Mélin

Proposal for a regulation

Article 1 – paragraph 1 – point 3 – point a

Regulation (EC) No 1071/2009

Article 5 – a

Text proposed by the Commission

(a) have premises in which it keeps its core business documents, in particular its commercial contracts, accounting documents, personnel management documents, labour contracts, documents containing data relating to driving time and rest and any other document to which the competent authority must have access in order to verify compliance with the conditions laid down in this Regulation;';

Amendment

(a) have premises in which it keeps its core business documents, in particular its commercial contracts, accounting documents, personnel management documents, labour contracts, documents containing data relating to driving time and rest, *cabotage, posting*, and any other document to which the competent authority must have access in order to verify compliance with the conditions laid down in this Regulation;

Or. fr

Amendment 130

Rosa D'Amato, Daniela Aiuto, Laura Agea, Tiziana Beghin

Proposal for a regulation

Article 1 – paragraph 1 – point 3 – point a a (new)

Regulation (EC) No 1071/2009

Article 5 – point a a

Text proposed by the Commission

Amendment

(aa) the following point is added:

(aa) have parking areas that are proportionate to the size of its own vehicle fleet;

Or. it

Amendment 131

Karima Delli, Terry Reintke

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 1 – paragraph 1 – point 3 – point a a (new)

Regulation (EC) No 1071/2009

Article 5 – point a a (new)

Text proposed by the Commission

Amendment

(aa) conduct a substantial part of their transport operations using the vehicles referred to in point (b) in the Member State of establishment;

Or. en

Justification

The requirements on effective establishment need to be much more clear and precise in order to effectively fight so-called "letterbox companies".

Amendment 132

Claude Rolin

Proposal for a regulation

Article 1 – paragraph 1 – point 3 – point a a (new)

Text proposed by the Commission

Amendment

(aa) carry out a major part of its activity in the Member State of establishment;

Or. fr

Amendment 133

Siôn Simon, Ole Christensen, Evelyn Regner, Rory Palmer, Guillaume Balas, Alex Mayer, Claudiu Ciprian Tănăsescu, Michael Detjen

Proposal for a regulation

Article 1 – paragraph 1 – point 3 – point c

Regulation (EC) No 1071/2009

Article 5 – point d

Text proposed by the Commission

Amendment

(d) manage **the** transport operations carried out **with** the vehicles referred to in point (b) **with** the appropriate technical **equipment** situated in that Member State;;

(d) manage **effectively and regularly, a substantial part of** transport operations carried out **using** the vehicles referred to in point (b) **in the Member State of establishment and provide parking spaces proportionate to the size of the fleet of the vehicles and** the appropriate technical **equipment** situated in that Member State;

Or. en

Amendment 134

Dominique Martin, Joëlle Mélin

Proposal for a regulation

Article 1 – paragraph 1 – point 3 – point c

Regulation (EC) No 1071/2009

Article 5 – d

Text proposed by the Commission

Amendment

(d) manage the transport operations carried out with the vehicles referred to in point (b) with the appropriate technical **equipment** situated in that Member State;

(d) manage the transport operations carried out with the vehicles referred to in point (b) **and with a number of parking places commensurate with the size of the**

vehicle fleet and with the appropriate technical *equipment* situated in that Member State;

Or. fr

Amendment 135

Rina Ronja Kari, Paloma López Bermejo, Tania González Peñas, João Pimenta Lopes

Proposal for a regulation

Article 1 – paragraph 1 – point 3 – point c

Regulation (EC) No 1071/2009

Article 5 - point d

Text proposed by the Commission

(d) *manage the transport operations carried out with* the vehicles referred to in point (b) *with* the appropriate technical *equipment situated in that Member State;*

Amendment

(d) *have an operational centre in that Member State with sufficient parking space for regular use by* the vehicles referred to in point (b) *and* the appropriate technical *equipment;*

Or. en

Amendment 136

Siôn Simon, Ole Christensen, Evelyn Regner, Rory Palmer, Guillaume Balas, Alex Mayer, Claudiu Ciprian Tănăsescu, Michael Detjen, Elena Gentile

Proposal for a regulation

Article 1 – paragraph 1 – point 3 – point d

Regulation (EC) No 1071/2009

Article 5 – point e

Text proposed by the Commission

(e) hold assets and employ staff proportionate to the *activity* of the *establishment;*

Amendment

(e) hold assets and employ staff proportionate to the *activities* of the *undertaking;*

Or. en

Amendment 137

Helga Stevens

Proposal for a regulation

Article 1 – paragraph 1 – point 3 – point d

Regulation (EC) No 1071/2009

Article 5 – point e

Text proposed by the Commission

(e) *hold assets and employ staff proportionate to the activity of the establishment;*

Amendment

(e) *have the necessary means to comply with the above-mentioned requirements;*

Or. nl

Amendment 138

Dominique Martin, Joëlle Mélin

Proposal for a regulation

Article 1 – paragraph 1 – point 3 – point d a (new)

Regulation (EC) No 1071/2009

Text proposed by the Commission

Amendment

(da) *the following point (f) is added:*

(f) *have a clear link between the transport operations carried out using the vehicles referred to in point (b) and the Member State of establishment.*

Or. fr

Amendment 139

Dominique Martin, Joëlle Mélin

Proposal for a regulation

Article 1 – paragraph 1 – point 3 – point d b (new)

Regulation (EC) No 1071/2009

Text proposed by the Commission

Amendment

(db) *the following point (g) is added:*

(g) *The company has a representative in each Member State in which it operates*

regularly which can make available any documentation serving to verify that the conditions set out in this Regulation have been satisfied.

Or. fr

Amendment 140
Claude Rolin

Proposal for a regulation
Article 1 – paragraph 1 – point 3 – point d a (new)

Text proposed by the Commission

Amendment

(da) the following point (f) is added:

(f) have an operating centre, situated in that Member State, with the necessary equipment, and in particular a sufficient number of vehicle parking places for regular use by its vehicles.

Or. fr

Amendment 141
Rina Ronja Kari, Paloma López Bermejo, João Pimenta Lopes

Proposal for a regulation
Article 1 – paragraph 1 – point 3 – point d a (new)

Text proposed by the Commission

Amendment

(da) the following point (f) is added:

(f) conduct a substantial part of transport operations in the Member State of establishment, using the vehicles referred to in point (b)

Or. en

Amendment 142
Karima Delli, Terry Reintke

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 1 – paragraph 1 – point 3 – point d a (new)

Text proposed by the Commission

Amendment

(da) the following point (f) is added:

(f) have an operating centre situated in that Member State with the necessary equipment, and in particular a sufficient number of vehicle parking places for regular use by the vehicles referred to in point (b).

Or. en

Justification

This amendment suggested by the European Transport Workers Federation comes from the EC initial proposal for a regulation on access to occupation COM(2007) 263 final/2.

Amendment 143

Siôn Simon, Ole Christensen, Evelyn Regner, Rory Palmer, Guillaume Balas, Alex Mayer, Claudiu Ciprian Tănăsescu, Michael Detjen, Elena Gentile

Proposal for a regulation

Article 1 – paragraph 1 – point 3 – point d a (new)

Text proposed by the Commission

Amendment

(da) The following point (f) is added:

(f) have a clear link between the transport operations carried out using the vehicles referred to in point (b) and the Member State of establishment.

Or. en

Amendment 144

Emilian Pavel, Claudia Țapardel

Proposal for a regulation
Article 1 – paragraph 1 – point 3 – point d a (new)

Text proposed by the Commission

Amendment

- (da) The following point (f) is added:*
- (f) directly bill the beneficiaries of the services they provide or, in case of a subsidiary system, the billing should be done in a proportionate way by the parent company;*

Or. en

Amendment 145
Helga Stevens

Proposal for a regulation
Article 1 – paragraph 1 – point 3 a (new)
Regulation (EC) No 1071/2009
Article 5 – paragraph 2 (new)

Text proposed by the Commission

Amendment

- (3a) the following paragraph 2 is added:*
- ‘The assessment of the effective and stable establishment of an undertaking is always an individual and general assessment, taking into account all relevant factors.’*

Or. nl

Amendment 146
Kosma Złotowski, Czesław Hoc, Zdzisław Krasnodębski

Proposal for a regulation
Article 1 – paragraph 1 – point 4 – point a – point iii
Regulation (EC) No 1071/2009
Article 6 – paragraph 1

Text proposed by the Commission

Amendment

(xi) *the posting of workers;* *deleted*

Or. en

Amendment 147

Danuta Jazłowiecka, Agnieszka Kozłowska-Rajewicz, Marek Plura, Krzysztof Hetman

Proposal for a regulation

Article 1 – paragraph 1 – point 4 – point a – point iii

Regulation (EC) No 1071/2009

Article 6

Text proposed by the Commission

Amendment

(xi) *the posting of workers;* (xi) *social and labour law;*

Or. pl

Justification

It is still unclear how posting rules should be applied to international transport, and so a company's good reputation should not be contingent on its compliance with these rules. A violation of these rules may not be intentional, but may instead stem from the lack of legal clarity.

Amendment 148

Karima Delli, Terry Reintke

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 1 – paragraph 1 – point 4 – point a – point iii (new)

Regulation (EC) No 1071/2009

Article 6 – paragraph 1 – subparagraph 3 – point xi a (new)

Text proposed by the Commission

Amendment

(xia) *cabotage*

Or. en

Amendment 149

Helga Stevens

Proposal for a regulation

Article 1 – paragraph 1 – point 4 – point a – point iii (new)

Regulation (EC) No 1071/2009

Article 6 – paragraph 1 – point b – point xi a (new)

Text proposed by the Commission

Amendment

(xia) cabotage

Or. nl

Amendment 150

Rina Ronja Kari, Paloma López Bermejo, Tania González Peñas, João Pimenta Lopes

Proposal for a regulation

Article 1 – paragraph 1 – point 4 – point a – point iii (new)

Regulation (EC) No 1071/2009

Article 6 paragraph 1

Text proposed by the Commission

Amendment

(xiia) cabotage

Or. en

Amendment 151

Rosa D'Amato, Daniela Aiuto, Laura Agea, Tiziana Beghin

Proposal for a regulation

Article 1 – paragraph 1 – point 4 – point a – point iii (new)

Regulation (EC) No 1071/2009

Article 6 – point b – point xii a (new)

Text proposed by the Commission

Amendment

(xiia) cabotage;

Or. it

Amendment 152

Siôn Simon, Ole Christensen, Evelyn Regner, Rory Palmer, Guillaume Balas, Alex Mayer, Claudiu Ciprian Tănăsescu, Michael Detjen, Elena Gentile

Proposal for a regulation

Article 1 – paragraph 1 – point 4 – point a – point iii (new)

Regulation (EC) No 1071/2009

Article 6 – point b – point xii a (new)

Text proposed by the Commission

Amendment

(xiiia) cabotage

Or. en

Justification

Undertakings involved in road transport that are found in breach of posting of workers rules should see a consequence for the good repute of the company and the potential loss of the Community licence.

Amendment 153

Dominique Martin, Joëlle Mélin

Proposal for a regulation

Article 1 – paragraph 1 – point 4 – point a – point iii (new)

Regulation (EC) No 1071/2009

Article 6 – xii a

Text proposed by the Commission

Amendment

(xiiia) cabotage

Or. fr

Amendment 154

Robert Rochefort

Proposal for a regulation

Article 1 – paragraph 1 – point 4 – point a – point iii (new)

Regulation (EC) No 1071/2009

Article 6 – paragraph 1 – indent 3

Text proposed by the Commission

Amendment

(xiia) cabotage;

Or. fr

Amendment 155
Claude Rolin

Proposal for a regulation

Article 1 – paragraph 1 – point 4 – point a – point iii (new)

Regulation (EC) No 1071/2009

Article 6 – paragraph 1 – indent a – point xii a

Text proposed by the Commission

Amendment

(xiia) cabotage.

Or. fr

Amendment 156
Karima Delli, Terry Reintke
on behalf of the Verts/ALE Group

Proposal for a regulation

Article 1 – paragraph 1 – point 4 – point b

Regulation (EC) No 1071/2009

Article 6 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment

For the purposes of point (b) of the third subparagraph of paragraph 1, where the transport manager or the transport undertaking has been convicted of a *serious* criminal offence or has incurred a penalty for one of the *most serious* infringements of Union rules as set out in Annex IV, in one or more Member States, the competent authority of the Member State of establishment shall carry out and complete in an appropriate and timely manner an administrative procedure, which shall include, if appropriate, an on-site

For the purposes of point (b) of the third subparagraph of paragraph 1, where the transport manager or the transport undertaking has been convicted of a criminal offence or has incurred a penalty for one of the infringements of Union rules as set out in Annex IV, in one or more Member States, the competent authority of the Member State of establishment shall carry out and complete in an appropriate and timely manner an administrative procedure, which shall include, if appropriate, an on-site inspection at the

inspection at the premises of the undertaking concerned.

premises of the undertaking concerned.

Or. en

Amendment 157

Kosma Złotowski, Czesław Hoc, Richard Sulík, Zdzisław Krasnodębski

Proposal for a regulation

Article 1 – paragraph 1 – point 4 – point c

Regulation (EC) No 1071/2009

Article 6 – paragraph 2 a

Text proposed by the Commission

(b) define the degree of seriousness of infringements according to their potential to create a risk of fatalities or serious injuries ***and to distort competition in the road transport market, including by undermining the working conditions of transport workers;***

Amendment

(b) define the degree of seriousness of infringements according to their potential to create a risk of fatalities or serious injuries;

Or. en

Amendment 158

Jeroen Lenaers

Proposal for a regulation

Article 1 – paragraph 1 – point 4 – point c

Regulation (EC) No 1071/2009

Article 6 – paragraph 2 a

Text proposed by the Commission

(b) define the degree of seriousness of infringements according to their potential to create a risk of fatalities or serious injuries and to distort competition in the road transport market, including by undermining the working conditions of transport workers;

Amendment

(b) define the degree of seriousness of infringements according to their potential to create a risk of fatalities or serious injuries and to distort competition in the road transport market, including by undermining the working conditions of transport workers, ***as well as failure to comply with, or the poor application of, the relevant Union labour legislation;***

Amendment 159

Danuta Jazłowiecka, Agnieszka Kozłowska-Rajewicz, Marek Plura, Krzysztof Hetman

Proposal for a regulation

Article 1 – paragraph 1 – point 4 – point c

Regulation (EC) No 1071/2009

Article 6 paragraph 1

Text proposed by the Commission

(b) define the degree of seriousness of infringements according to their potential to create a risk of fatalities or serious injuries and *to distort competition in the road transport market, including by undermining the working conditions of transport workers*;

Amendment

(b) define the degree of seriousness of infringements according to their potential to create a risk of fatalities or serious injuries and *the threat to the health and safety of the worker posed by the non-compliance with labour law*;

Or. pl

Justification

The risk of market distortion cannot be considered as serious as health risks. The focus should be on the most serious risks, which is why the threat to the health and safety of the worker should be included.

Amendment 160

Helga Stevens

Proposal for a regulation

Article 1 – paragraph 1 – point 4 – point c

Regulation (EC) No 1071/2009

Article 6 – paragraph 2 a

Text proposed by the Commission

(b) define the degree of seriousness of infringements according to their potential to create a risk of fatalities or serious injuries and to distort competition in the road transport market, including by *undermining the working conditions of*

Amendment

(b) define the degree of seriousness of infringements according to their potential to create a risk of fatalities or serious injuries and to distort competition in the road transport market, including by *evading the applicable labour and social*

transport workers;

legislation;

Or. nl

Amendment 161

Kosma Zlotowski, Czesław Hoc, Richard Sulík, Zdzisław Krasnodębski

Proposal for a regulation

Article 1 – paragraph 1 – point 5 – point a

Regulation (EC) No 1071/2009

Article 7 – paragraph 1 - subparagraph 1

Text proposed by the Commission

Amendment

(a) in paragraph 1, the first subparagraph is replaced by the following:

deleted

‘

In order to satisfy the requirement laid down in Article 3(1)(c), an undertaking shall, on a permanent basis, be able to meet its financial obligations in the course of the annual accounting year. The undertaking shall demonstrate, on the basis of annual accounts certified by an auditor or a duly accredited person, that, every year, it has at its disposal equity capital totalling at least EUR 9 000 when only one vehicle is used and EUR 5 000 for each additional vehicle used. Undertakings engaged in the occupation of road haulage operator solely by means of motor vehicles with a permissible laden mass not exceeding 3.5 tonnes or combinations of vehicles with a permissible laden mass not exceeding 3.5 tonnes shall demonstrate, on the basis of annual accounts certified by an auditor or a duly accredited person, that, every year, they have at their disposal equity capital totalling at least EUR 1 800 when only one vehicle is used and EUR 900 for each additional vehicle used.;

,

Amendment 162

Georgi Pirinski

Proposal for a regulation

Article 1 – paragraph 1 – point 5 – point a

Regulation (EC) 1071/2009

Article 7 – paragraph 1 – subparagraph 1

Text proposed by the Commission

In order to satisfy the requirement laid down in Article 3(1)(c), an undertaking shall, on a permanent basis, be able to meet its financial obligations in the course of the annual accounting year. The undertaking shall demonstrate, on the basis of annual accounts certified by an auditor or a duly accredited person, that, every year, it has at its disposal equity capital totalling at least EUR 9 000 when only one vehicle is used and EUR 5 000 for each additional vehicle used. *Undertakings engaged in the occupation of road haulage operator solely by means of motor vehicles with a permissible laden mass not exceeding 3.5 tonnes or combinations of vehicles with a permissible laden mass not exceeding 3.5 tonnes shall demonstrate, on the basis of annual accounts certified by an auditor or a duly accredited person, that, every year, they have at their disposal equity capital totalling at least EUR 1 800 when only one vehicle is used and EUR 900 for each additional vehicle used.;*

Amendment

In order to satisfy the requirement laid down in Article 3(1)(c), an undertaking shall, on a permanent basis, be able to meet its financial obligations in the course of the annual accounting year. The undertaking shall demonstrate, on the basis of annual accounts certified by an auditor or a duly accredited person, that, every year, it has at its disposal equity capital totalling at least EUR 9 000 when only one vehicle is used and EUR 5 000 for each additional vehicle used with a permissible laden mass exceeding 3.5tonnes.

Amendment 163

Siôn Simon, Ole Christensen, Evelyn Regner, Rory Palmer, Guillaume Balas, Alex Mayer, Claudiu Ciprian Tănăsescu, Michael Detjen

Proposal for a regulation

Article 1 – paragraph 1 – point 5 – point a

Text proposed by the Commission

In order to satisfy the requirement laid down in Article 3(1)(c), an undertaking shall, on a permanent basis, be able to meet its financial obligations in the course of the annual accounting year. The undertaking shall demonstrate, on the basis of annual accounts certified by an auditor or a duly accredited person, that, every year, it has at its disposal equity capital totalling at least EUR 9 000 when only one vehicle is used and EUR 5 000 for each additional vehicle used. Undertakings engaged in the occupation of road haulage operator solely by means of motor vehicles with a permissible laden mass not exceeding 3.5 tonnes or combinations of vehicles with a permissible laden mass not exceeding 3.5 tonnes shall demonstrate, on the basis of annual accounts certified by an auditor or a duly accredited person, that, every year, they have at their disposal equity capital totalling at least EUR 1 800 when only one vehicle is used and EUR 900 for each additional vehicle used.;

Amendment

In order to satisfy the requirement laid down in Article 3(1)(c), an undertaking shall, on a permanent basis, be able to meet its financial obligations in the course of the annual accounting year. The undertaking shall demonstrate, on the basis of annual accounts certified by an auditor or a duly accredited person, that, every year, it has at its disposal equity capital totalling at least EUR 9 000 when only one vehicle is used and EUR 5 000 for each additional vehicle used. Undertakings engaged in the occupation of road haulage operator solely by means of motor vehicles with a permissible laden mass not exceeding 3.5 tonnes or combinations of vehicles with a permissible laden mass not exceeding 3.5 tonnes shall demonstrate, on the basis of annual accounts certified by an auditor or a duly accredited person, that, every year, they have at their disposal equity capital totalling at least EUR 1 800 when only one vehicle is used and EUR 900 for each additional vehicle used. ***In addition, undertakings shall demonstrate that they have at their disposal an amount proportionate to one month's wage per mobile worker at the level of the country where they habitually carry out their activity;***

Or. en

Amendment 164

Karima Delli, Terry Reintke

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 1 – paragraph 1 – point 5 – point a

Regulation (EC) No 1071/2009

Article 7 – paragraph 1 – subparagraph 1

Text proposed by the Commission

In order to satisfy the requirement laid down in Article 3(1)(c), an undertaking shall, ***on a permanent basis***, be able to meet its financial obligations in the course of the annual accounting year. The undertaking shall demonstrate, on the basis of annual accounts certified by an auditor or a duly accredited person, that, every year, it has at its disposal equity capital totalling at least EUR 9 000 when only one vehicle is used and EUR 5 000 for each additional vehicle used. Undertakings engaged in the occupation of road haulage operator solely by means of motor vehicles with a permissible laden mass not exceeding 3.5 tonnes or combinations of vehicles with a permissible laden mass not exceeding 3.5 tonnes shall demonstrate, on the basis of annual accounts certified by an auditor or a duly accredited person, that, every year, they have at their disposal equity capital totalling at least EUR 1 800 when only one vehicle is used and EUR 900 for each additional vehicle used.;

Amendment

In order to satisfy the requirement laid down in Article 3(1)(c), an undertaking shall, ***at all times***, be able to meet its financial obligations in the course of the annual accounting year. The undertaking shall demonstrate, on the basis of annual accounts certified by an auditor or a duly accredited person, that, every year:

(a) it has at its disposal equity capital totalling at least EUR 9 000 when only one vehicle is used and EUR 5 000 for each additional vehicle used; ***and***

(b) ***two months' worth of salary per employed mobile worker, at the level of the Member State where, or from where, it habitually carries out its activities.***

Undertakings engaged in the occupation of road haulage operator solely by means of motor vehicles with a permissible laden mass not exceeding 3.5 tonnes or combinations of vehicles with a permissible laden mass not exceeding 3.5 tonnes shall demonstrate, on the basis of annual accounts certified by an auditor or a duly accredited person, that, every year, they have at their disposal equity capital totalling at least EUR 1 800 when only one vehicle is used and EUR 900 for each

additional vehicle used.

Or. en

Justification

This regulation must make it mandatory for operators to have a social guarantee fund proportionate with the number of drivers recruited in the Member State of establishment. This would ensure hauliers are able to meet at all times their obligations relating to wages and social contributions and will have the potential to end current practices whereby hauliers declare themselves bankrupt and close down subsidiaries while owing unpaid salaries to drivers and social contributions to Member States.

Amendment 165 **Jeroen Lenaers**

Proposal for a regulation

Article 1 – paragraph 1 – point 5 – point a

Regulation (EC) No 1071/2009

Article 7 – paragraph 1 – indent 1

Text proposed by the Commission

'In order to satisfy the requirement laid down in Article 3(1)(c), an undertaking shall, on a permanent basis, be able to meet its financial obligations in the course of the annual accounting year. The undertaking shall demonstrate, on the basis of annual accounts certified by an auditor or a duly accredited person, that, every year, it has at its disposal equity capital totalling at least EUR 9 000 when only one vehicle is used and EUR 5 000 for each additional vehicle used. Undertakings engaged in the occupation of road haulage operator solely by means of motor vehicles with a permissible laden mass not exceeding 3.5 tonnes or combinations of vehicles with a permissible laden mass not exceeding 3.5 tonnes shall demonstrate, on the basis of annual accounts certified by an auditor or a duly accredited person, that, every year, they have at their disposal equity capital totalling at least EUR 1 800 when only one vehicle is used and EUR 900 for each

Amendment

'In order to satisfy the requirement laid down in Article 3(1)(c), an undertaking shall, on a permanent basis, be able to meet its financial obligations in the course of the annual accounting year. The undertaking shall demonstrate, on the basis of annual accounts certified by an auditor or a duly accredited person, that, every year, it has at its disposal equity capital totalling at least EUR 9 000 when only one vehicle is used and EUR 5 000 for each additional vehicle used ***that is over 3.5 tonnes, or EUR 1 000 for each additional vehicle with a permissible laden mass which does not exceed 3.5 tonnes.*** Undertakings engaged in the occupation of road haulage operator solely by means of motor vehicles with a permissible laden mass not exceeding 3.5 tonnes or combinations of vehicles with a permissible laden mass not exceeding 3.5 tonnes shall demonstrate, on the basis of annual accounts certified by an auditor or a duly accredited person, that, every year,

additional vehicle used.';

they have at their disposal equity capital totalling at least EUR 1 800 when only one vehicle is used and EUR 900 for each additional vehicle used.';

Or. nl

Amendment 166

Ádám Kósa, Csaba Sógor, Andor Deli

Proposal for a regulation

Article 1 – paragraph 1 – point 5 – point b

Regulation (EC) No 1071/2009

Article 7 – paragraph 2

Text proposed by the Commission

(2) By way of derogation from paragraph 1, in the absence of certified annual accounts the competent authority shall agree that an undertaking demonstrate its financial standing by means of a certificate, such as a bank guarantee, a document issued by a financial institution establishing access to credit in the name of the undertaking, or another binding document proving that the undertaking has at its disposal the amounts specified in the first subparagraph of paragraph 1;

Amendment

(2) By way of derogation from paragraph 1, in the absence of certified annual accounts the competent authority shall agree that an undertaking demonstrate its financial standing by means of a certificate, such as a bank guarantee, ***an insurance policy***, a document issued by a financial institution establishing access to credit in the name of the undertaking, or another binding document proving that the undertaking has at its disposal the amounts specified in the first subparagraph of paragraph 1;

Or. hu

Amendment 167

Siôn Simon, Ole Christensen, Evelyn Regner, Rory Palmer, Guillaume Balas, Alex Mayer, Claudiu Ciprian Tănăsescu, Michael Detjen

Proposal for a regulation

Article 1 – paragraph 1 – point 6 a (new)

Regulation (EC) No 1071/2009

Article 8 – paragraph 5

Present text

Amendment

(6a) Article 8 Paragraph 5 is amended as follows:

Member States may promote periodic training on the subjects listed in Annex I at **10-year** intervals to ensure that **transport managers are** aware of developments in the sector.

"Member States may promote periodic training on the subjects listed in Annex I at **three-year** intervals to ensure that **the person or persons referred to in article 8 paragraph 1 are sufficiently** aware of developments in the sector.

Or. en

(<http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex%3A32009R1071>)

Amendment 168

Siôn Simon, Ole Christensen, Evelyn Regner, Rory Palmer, Guillaume Balas, Alex Mayer, Claudiu Ciprian Tănăsescu, Michael Detjen

Proposal for a regulation

Article 1 – paragraph 1 – point 8

Text proposed by the Commission

(8) in Article 12(2), the second subparagraph is **deleted**;

Amendment

(8) in Article 12(2), the second subparagraph is **replaced by following**;

'Member States shall carry out checks at least every three years to verify that undertakings fulfil the requirements laid down in Article 3'

Or. en

Amendment 169

Karima Delli

Proposal for a regulation

Article 1 – paragraph 1 – point 8

Regulation (EC) No 1071/2009

Article 12 – paragraph 2

Text proposed by the Commission

(8) in Article **12(2)**, **the second subparagraph is deleted**;

Amendment

(8) In Article **12**, **paragraph 2 is replaced by the following**;

'Member States shall carry out checks at least every 3 years to verify that

undertakings fulfil the requirements laid down in Article 3."

Or. en

Amendment 170

Karima Delli, Terry Reintke

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 1 – paragraph 1 – point 8 a (new)

Regulation (EC) No 1071/2009

Article 12

Text proposed by the Commission

Amendment

(8a) Member States shall carry out checks at least every 3 years to verify that undertakings fulfil the requirements laid down in Article 3.

Or. en

Amendment 171

Rina Ronja Kari, Paloma López Bermejo, Tania González Peñas, João Pimenta Lopes

Proposal for a regulation

Article 1 – paragraph 1 – point 8 a (new)

Regulation (EC) No 1071/2009

Article 12 paragraph 2

Present text

Amendment

2. *Until 31 December 2014*, Member States shall carry out checks at least every 5 years to verify that undertakings *fulfil* the requirements laid down in Article 3.

(8a) In Article 12(2) the first subparagraph is amended as follows:

"2. Member States shall carry out checks at least every 2 years to verify that undertakings *fulfil* the requirements laid down in Article 3.

"

Or. en

Amendment 172

Claude Rolin

Proposal for a regulation

Article 1 – paragraph 1 – point 11 – point -a (new)

Regulation (EC) No 1071/2009

Article 16 – paragraph 1

Text proposed by the Commission

Amendment

(-a) Paragraph 1 is amended as follows:

1. For the purposes of the implementation of this Regulation, and in particular Articles 11 to 14 and Article 26 thereof, each Member State shall keep a national electronic register of road transport undertakings which have been authorised by a competent authority designated by it to engage in the occupation of road transport operator. The data contained in that register shall be processed under the supervision of a public authority designated for that purpose. The relevant data contained in the national electronic register shall be accessible to all the competent authorities of the Member State in question.

Or. fr

Amendment 173

Karima Delli, Terry Reintke

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 1 – paragraph 1 – point 11 – point -a (new)

Regulation (EC) No 1071/2009

Article 16 – paragraph 1 a (new)

(-a) The following paragraph is inserted:

"1a. For the purposes of increasing the effectiveness of the cross-border enforcement and of targeted checks, the data contained in the national electronic registers shall be accessible in real time to all competent inspecting authorities from all Member States.

The European Labour Authority shall be responsible for the monitoring and access to data contained in the national electronic registers.

Or. en

Justification

The access to data in real time from national electronic registers to the competent inspecting authorities is a necessity for better enforcement. The creation of a black list like in the aviation sector, would help to prevent companies that do not comply with this legislation from operating in international transport operations. Those items should fall under the European Labour Authority foreseen to be created by the end of 2018, as mentioned by Mr Juncker in his State of the Union speech 2017.

Amendment 174

Rina Ronja Kari, Paloma López Bermejo, Tania González Peñas, João Pimenta Lopes

Proposal for a regulation

Article 1 – paragraph 1 – point 11 – point a – point i – introductory part

Text proposed by the Commission

Amendment

(i) the following points (g), (h), (i) **and (j)** are added:

(i) the following points (g), (h), (i), **(j) and (k)** are added:

Or. en

Amendment 175

Verónica Lope Fontagné

Proposal for a regulation

Article 1 – paragraph 1 – point 11 – point a – point i – introductory part

Text proposed by the Commission

Amendment

(i) *the following points (g), (h), (i) and (j) are added:*

(i) *points (g) and (h) are added:*

Or. es

Amendment 176

Karima Delli, Terry Reintke

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 1 – paragraph 1 – point 11 – point a – point i

Regulation (EC) No 1071/2009

Article 16 - paragraph 2 – point g a (new)

Text proposed by the Commission

Amendment

(ga) the following data about each employee, including mobile personnel: the name, nationality, Member State of residence, the Member State where the employment contract was registered, the Member State where social security contributions are made and the social or national insurance number;

Or. en

Amendment 177

Karima Delli, Terry Reintke

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 1 – paragraph 1 – point 11 – point a – point i

Regulation (EC) No 1071/2009/EC

Article 16 – paragraph 2 – point g b (new)

Text proposed by the Commission

Amendment

(gb) the total assets, liabilities, equity and turnover during the previous two

years;

Or. en

Amendment 178

Karima Delli, Terry Reintke

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 1 – paragraph 1 – point 11 – point a – point i

Regulation (EC) No 1071/2009

Article 16 – paragraph 2 – point g c (new)

Text proposed by the Commission

Amendment

(gc) the risk rating of the undertaking pursuant to Article 9 of Directive 2006/22/EC;

Or. en

Amendment 179

Siôn Simon, Ole Christensen, Evelyn Regner, Rory Palmer, Guillaume Balas, Alex Mayer, Claudiu Ciprian Tănăsescu, Michael Detjen

Proposal for a regulation

Article 1 – paragraph 1 – point 11 – point a – point i

Regulation (EC) No 1071/2009

Article 16 – paragraph 2 – point h

Text proposed by the Commission

Amendment

(h) the number of employees;

(h) the number of employees, *their names, nationality, country of residence, Member State of social contribution and social insurance number;*

Or. en

Amendment 180

Danuta Jazłowiecka, Agnieszka Kozłowska-Rajewicz, Marek Plura, Krzysztof Hetman

Proposal for a regulation

Article 1 – paragraph 1 – point 11 – point a – point i

Regulation (EC) No 1071/2009

Article 16 – paragraph 2

Text proposed by the Commission

Amendment

(h) the number of employees;

(h) the number of employees *working in the company over the last calendar year*;

Or. pl

Justification

The addition of the reference period will increase the legal certainty of the provision.

Amendment 181

Karima Delli

Proposal for a regulation

Article 1 – paragraph 1 – point 11 – point a – point i

Regulation (EC) No 1071/2009

Article 16 – paragraph 2 – point h a (new)

Text proposed by the Commission

Amendment

(ha) the following data about each employee, including mobile personnel: the name, nationality, Member State of residence, the Member State where the employment contract was registered, the Member State where social security contributions are made and the social or national insurance number;

Or. en

Amendment 182

Verónica Lope Fontagné

Proposal for a regulation

Article 1 – paragraph 1 – point 11 – point a – point i

Regulation (EC) No 1071/2009
Article 16 – paragraph 2

Text proposed by the Commission

Amendment

(i) *the total assets, liabilities, equity and turnover during the last two years;* *deleted*

Or. es

Amendment 183

Rina Ronja Kari, Paloma López Bermejo, Tania González Peñas, João Pimenta Lopes

Proposal for a regulation

Article 1 – paragraph 1 – point 11 – point a – point i

Regulation (EC) No 1071/2009

Article 16 - paragraph 2 - point j a (new)

Text proposed by the Commission

Amendment

(ja) *the following data about the drivers of the undertaking: name, nationality, country of residence, Member State of registration of employment contract, Member State where social security contribution are paid*

Or. en

Amendment 184

Kosma Złotowski, Czesław Hoc, Richard Sulík, Zdzisław Krasnodębski

Proposal for a regulation

Article 1 – paragraph 1 – point 11 – point a – point i

Regulation (EC) No 1071/2009

Article 16 – paragraph 2

Text proposed by the Commission

Amendment

(i) *the total assets, liabilities, equity and turnover during the last two years;* *deleted*

Or. en

Amendment 185

Danuta Jazłowiecka, Agnieszka Kozłowska-Rajewicz, Marek Plura, Krzysztof Hetman

Proposal for a regulation

Article 1 – paragraph 1 – point 11 – point a – point i

Regulation (EC) No 1071/2009

Article 16 – paragraph 2

Text proposed by the Commission

Amendment

(i) *the total assets, liabilities, equity and turnover during the last two years;*

(i) *a copy of the annual financial report or other documents proving financial capacity, of the kind mentioned under Article 7(2).*

Or. pl

Justification

The requirement to transfer all the data proposed by the Commission does not seem entirely justifiable. It is not clear how the provision of this information would improve the enforcement of the rules governing admission to the occupation of road transport operator. Instead, it would be better to include information on the documents that could genuinely show the financial capacity of a company.

Amendment 186

Verónica Lope Fontagné

Proposal for a regulation

Article 1 – paragraph 1 – point 11 – point a – point i

Regulation (EC) No 1071/2009

Text proposed by the Commission

Amendment

(j) *the risk rating of the undertaking pursuant to Article 9 of Directive 2006/22/EC.;* *deleted*

Or. es

Amendment 187

Siôn Simon, Ole Christensen, Evelyn Regner, Rory Palmer, Guillaume Balas, Alex Mayer, Claudiu Ciprian Tănăsescu, Michael Detjen

Proposal for a regulation

Article 1 – paragraph 1 – point 11 – point a – point i a (new)

Regulation (EC) No 1071/2009

Article 16 – Paragraph 2

Text proposed by the Commission

Amendment

(ia) the following point (ca) is added:

,

(ca) the names and all relevant information of the road transport undertakings previously managed by the transport managers;

,

Or. en

Amendment 188

Dominique Martin, Joëlle Mélin

Proposal for a regulation

Article 1 – paragraph 1 – point 11 – point a – point ii

Regulation (EC) No 1071/2009

Article 16 – paragraph 2

Text proposed by the Commission

Amendment

Member States may choose to keep the data referred to in points (e) to (j) of the first subparagraph in separate registers. In such a case, the relevant data shall be ***available upon request or*** directly accessible to all the competent authorities of the Member State in question. The requested information shall be provided within five working days of receipt of the request. The data referred to in points (a) to (d) of the first subparagraph shall be publicly accessible, in line with the relevant provisions on personal data protection.

Member States may choose to keep the data referred to in points (e) to (j) of the first subparagraph in separate registers. In such a case, the relevant data shall be directly accessible to all the competent authorities of the Member State in question. The requested information shall be provided within five working days of receipt of the request. The data referred to in points (a) to (d) of the first subparagraph shall be publicly accessible, in line with the relevant provisions on personal data protection.

Or. fr

Amendment 189
Verónica Lope Fontagné

Proposal for a regulation

Article 1 – paragraph 1 – point 11 – point a – point ii

Regulation (EC) No 1071/2009

Article 16 – paragraph 2

Text proposed by the Commission

Member States may choose to keep the data referred to in points (e) to (j) of the first subparagraph in separate registers. In such a case, the relevant data shall be available upon request or directly accessible to all the competent authorities of the Member State in question. The requested information shall be provided within five working days of receipt of the request. The data referred to in points (a) to (d) of the first subparagraph shall be publicly accessible, in line with the relevant provisions on personal data protection.

Amendment

Member States may choose to keep the data referred to in points (e) to (h) of the first subparagraph in separate registers. In such a case, the relevant data shall be available upon request or directly accessible to all the competent authorities of the Member State in question. The requested information shall be provided within five working days of receipt of the request. The data referred to in points (a) to (d) of the first subparagraph shall be publicly accessible, in line with the relevant provisions on personal data protection.

Or. es

Amendment 190

Siôn Simon, Ole Christensen, Evelyn Regner, Rory Palmer, Guillaume Balas, Alex Mayer, Claudiu Ciprian Tănăsescu, Michael Detjen, Elena Gentile

Proposal for a regulation

Article 1 – paragraph 1 – point 11 – point a (new)

Text proposed by the Commission

Amendment

*(aa) Paragraph -1 is added as follows:
'For more effective cross-border enforcement, the data contained in the national electronic registers shall be fully accessible and in real time to competent authorities from all Member States';*

Or. en

Amendment 191

Rina Ronja Kari, Paloma López Bermejo, Tania González Peñas, João Pimenta Lopes

Proposal for a regulation

Article 1 – paragraph 1 – point 11 – point a a (new)

Regulation (EC) No 1071/2009

Article 16 - paragraph 2 - point c

Present text

(c) the names of the transport managers designated to meet the conditions as to good repute and professional competence or, as appropriate, the name of a legal representative;

Amendment

(aa) Article 16 - paragraph 2 - point c is amended as follows:

"(c) the names of the transport managers designated to meet the conditions as to good repute and professional competence or, as appropriate, the name of a legal representative; ***the names of the undertakings previously managed by the transport managers;***

"

Or. en

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32009R1071&from=EN>)

Amendment 192

Siôn Simon, Ole Christensen, Evelyn Regner, Rory Palmer, Guillaume Balas, Alex Mayer, Claudiu Ciprian Tănăsescu, Michael Detjen

Proposal for a regulation

Article 1 – paragraph 1 – point 11 – point a b (new)

Regulation (EC) No 1071/2009

Article 16 – Paragraph 2 – point c

Present text

(c) the names of the transport managers designated to meet the ***conditions as*** to good repute and professional competence or, as appropriate, the name of a legal representative;

Amendment

(ab) Article 16 - paragraph 2 - point c is amended as follows:

"(c) the names of the transport managers designated to meet the ***requirements laid down in Article 3 relating*** to good repute and professional competence or, as appropriate, the name of a legal representative;

(<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32009R1071>)

Amendment 193

Rosa D'Amato, Daniela Aiuto, Laura Agea, Tiziana Beghin

Proposal for a regulation

Article 1 – paragraph 1 – point 11 – point b a (new)

Regulation (EC) No 1071/2009

Article 16 – paragraph 5

Present text

5. ***Without prejudice to paragraphs 1 and 2, Member States shall take all necessary measures to ensure that the national electronic registers are interconnected and **accessible** throughout the **Community through the national contact points defined in Article 18. Accessibility through national contact points and interconnection shall be implemented by 31 December 2012** in such a way that **a competent authority of any Member State is able to consult the national electronic register of any Member State.*****

Amendment

(ba) paragraph 5 is replaced by the following:

“5. Member States shall take all necessary measures to ensure that the national electronic registers are interconnected and **interoperable** throughout the **Union and are connected to the portal referred to in Regulation (EU) No 165/2014** in such a way that **the data referred to in paragraph 2 are directly accessible to all the competent authorities and control bodies of all the Member States.**”

(<http://eur-lex.europa.eu/legal-content/en/ALL/?uri=CELEX:32009R1071>)

Amendment 194

Rosa D'Amato, Daniela Aiuto, Laura Agea, Tiziana Beghin

Proposal for a regulation

Article 1 – paragraph 1 – point 11 – point b b (new)

Present text

6. Common rules concerning the implementation of paragraph 5, such as the format of the data exchanged, the technical procedures for electronic consultation of the national electronic registers of the other Member States and the promotion of the interoperability of these registers with other relevant databases, shall be adopted by the Commission in accordance with the advisory procedure referred to in Article 25(2) and for the first time before 31 December 2010. Those common rules shall determine which authority is responsible for access to data and further use and updating of data after access and, to this effect, shall include rules on data logging and data monitoring.

Amendment

(bb) paragraph 6 is replaced by the following:

"6. The Commission is empowered to adopt delegated acts in accordance with Article 24 to establish and update common rules to ensure that the national electronic registers are fully interconnected and interoperable, both among themselves and with the portal referred to in Regulation (EU) No 165/2014, in such a way that a competent authority or control body in any Member State is able to directly access the national electronic register of any Member State as stipulated in paragraph 5. Those common rules shall include rules on the format of the data exchanged, the technical procedures for electronic consultation of the national electronic registers of the other Member States and the interoperability of these registers, in addition to specific rules concerning access to data, data logging and data monitoring.

"

Or. it

(<http://eur-lex.europa.eu/legal-content/en/ALL/?uri=CELEX:32009R1071>)

Amendment 195
Karima Delli

Proposal for a regulation
Article 1 – paragraph 1 – point 11 a (new)

Text proposed by the Commission

Amendment

(11a) In order to ensure that all EU rules for mobile workers are implemented in a fair, simple and effective way, a

European Labour Authority shall be responsible for inspecting and enforcing the rules. It shall provide operational and legal support to Member States, social partners as well as workers to enforce social legislation and undertake European-wide inspections.

Or. en

Amendment 196

Rina Ronja Kari, Paloma López Bermejo, João Pimenta Lopes

Proposal for a regulation

Article 1 – paragraph 1 – point 11 - point -a (new)

Regulation (EC) No 1071/2009

Article 16 paragraph 2

Present text

2. National electronic registers shall contain at least the following data:(a)the name and legal form of the undertaking;(b)the address of its establishment;(c)the names of the transport managers designated to meet the conditions as to good repute and professional competence or, as appropriate, the name of a legal representative;(d)the type of authorisation, the number of vehicles it covers and, where appropriate, the serial number of the Community licence and of the certified copies;(e)the number, category and type of serious infringements, as referred to in Article 6(1)(b), which have resulted in a conviction or penalty during the last 2 years;(f)the name of any person declared to be unfit to manage the transport activities of an undertaking, as long as the good repute of that person has not been re-established pursuant to Article 6(3), and the rehabilitation measures applicable. For the purposes of point (e), Member States may, until 31 December 2015, choose to

Amendment

(-a) Paragraph 2 is amended as follows:

"2. National electronic registers shall contain at least the following data:(a)the name and legal form of the undertaking;(b)the address of its establishment;(c)the names of the transport managers designated to meet the conditions as to good repute and professional competence or, as appropriate, the name of a legal representative;(d)the type of authorisation, the number of vehicles it covers and, where appropriate, the serial number of the Community licence and of the certified copies;(e)the number, category and type of serious infringements, as referred to in Article 6(1)(b), which have resulted in a conviction or penalty during the last 2 years;(f)the name of any person declared to be unfit to manage the transport activities of an undertaking, as long as the good repute of that person has not been re-established pursuant to Article 6(3), and the rehabilitation measures applicable. For the purposes of point (e), Member States may, until 31 December 2015, choose to

include in the national electronic register only the most serious infringements set out in Annex IV.

include in the national electronic register only the most serious infringements set out in Annex IV.

For the purpose of effective cross-border enforcement, the data contained in the National electronic registers shall be accessible in real time to all Member States' competent authorities.

"

Or. en

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32009R1071&from=EN>)

Amendment 197

Anne Sander, Elisabeth Morin-Chartier, Jérôme Lavrilleux, Geoffroy Didier, Franck Proust, Renaud Muselier

Proposal for a regulation

Article 1 – paragraph 1 – point 12

Regulation (EC) No 1071/2009

Article 18 – point 3 a

Text proposed by the Commission

Amendment

3a. In order to facilitate cooperation between administrations and the exchange of best monitoring practice, the Member States shall work together with the platform for combating undeclared work and the European Labour Authority

Or. fr

Amendment 198

Siôn Simon, Ole Christensen, Evelyn Regner, Rory Palmer, Guillaume Balas, Alex Mayer, Claudiu Ciprian Tănăsescu, Michael Detjen, Elena Gentile

Proposal for a regulation

Article 1 – paragraph 1 – point 12

Regulation (EC) No 1071/2009

Article 18 – paragraph 4

Text proposed by the Commission

4. Where the requested Member State considers that the request is insufficiently reasoned, it shall inform the requesting Member State accordingly within **ten** working days. The requesting Member State shall further substantiate the request. Where this is not possible, the request may be rejected by the Member State.

Amendment

4. ***In relation to paragraphs 1 and 2,*** where the requested Member State considers that the request is insufficiently reasoned, it shall inform the requesting Member State accordingly within ***five*** working days. The requesting Member State shall further substantiate the request ***and the Member States concerned shall discuss with each other with a view to finding a solution for any difficulty raised.*** Where this is not possible, the request may be rejected by the ***requested*** Member State. ***In such a case, the requesting Member State may refer the complaint to the Commission, who may take necessary measures as appropriate.***

Or. en

Amendment 199

Jeroen Lenaers

Proposal for a regulation

Article 1 – paragraph 1 – point 12

Regulation (EC) No 1071/2009

Article 18 – paragraph 5

Text proposed by the Commission

5. Where it is difficult or impossible to comply with a request for information or to carry out checks, inspections or investigations, the Member State in question shall inform the requesting Member State accordingly within ten working days, with reasons. The Member States concerned shall discuss with each other with a view to finding a solution for any difficulty raised.

Amendment

5. Where it is difficult or impossible to comply with a request for information or to carry out checks, inspections or investigations, the Member State in question shall inform the requesting Member State accordingly within ten working days, with reasons. The Member States concerned shall ***cooperate and*** discuss with each other with a view to finding a solution for any difficulty raised.

Or. nl

Amendment 200

Siôn Simon, Ole Christensen, Evelyn Regner, Rory Palmer, Guillaume Balas, Alex Mayer, Claudiu Ciprian Tănăsescu, Michael Detjen, Elena Gentile

Proposal for a regulation

Article 1 – paragraph 1 – point 12

Regulation (EC) No 1071/2009

Article 18 – paragraph 6

Text proposed by the Commission

6. In response to requests under paragraph 3, Member States shall supply the requested information and carry out the required checks, inspections and investigations within *twenty-five* working days from the receipt of the request, unless *they have informed* the requesting Member State *that the request is insufficiently reasoned or of the impossibility or the difficulties pursuant to paragraphs 4 and 5.*

Amendment

6. In response to requests under paragraph 3, Member States shall supply the requested information and carry out the required checks, inspections and investigations within *fifteen* working days from the receipt of the request, unless *another time limit is mutually agreed between the Member States concerned. Where this is not possible, the request may be rejected by the Member State. In such a case* the requesting Member State *may refer the complaint to the Commission, who may take necessary measures as appropriate;*

Or. en

Amendment 201

Emilian Pavel, Claudia Țapardel

Proposal for a regulation

Article 1 – paragraph 1 – point 12

Regulation (EC) No 1071/2009

Article 18

Text proposed by the Commission

Amendment

9a. Member States shall conduct cross-country controls on related transport companies (parent - subsidiary companies) in order to identify disproportionate profit-shifting or under-billing infringements;

Or. en

Amendment 202

Karima Delli

Proposal for a regulation

Article 1 – paragraph 1 – point 12

Text proposed by the Commission

Amendment

9a. A Community list of road hauliers that do not meet the relevant legal requirements shall be made public in order to ensure the greatest transparency. This Community list shall be based on common criteria developed at Community level and reviewed annually by the European Labour Authority. Road hauliers listed on the Community list shall be subject to an operating ban. The operating prohibitions on the Community list shall apply throughout the territory of the Member States. In exceptional cases, Member States shall be allowed to take unilateral measures. In an emergency, and when faced with an unforeseen security problem, Member States shall have the possibility of immediately issuing an operating ban for their own territory.

Or. en

Justification

The aviation sector has a global blacklist of airlines that do not meet safety standards. Companies on this list are prohibited from doing business as long as they are listed. Given the fact that compliance with the rules in the road transport sector is closely linked to road safety, a similar list should be put in place as soon as possible and placed under the responsibility of the European labour authority being set up.

Amendment 203

Georgi Pirinski

Proposal for a regulation

Article 1 – paragraph 1 – point 16

Text proposed by the Commission

Amendment

(16) in Article 26, the following paragraphs 3, 4 and 5 are added:

deleted

3. Every year, Member States shall draw up a report on the use of motor vehicles with a permissible laden mass not exceeding 3.5 tonnes or combinations of vehicles with a permissible laden mass not exceeding 3.5 tonnes in their territory and shall forward it to the Commission no later than 30 June of the year after the end of the reporting period. This report shall include:

(a) the number of authorisations granted to operators engaged in the occupation of road haulage operator solely by means of motor vehicles with a permissible laden mass not exceeding 3.5 tonnes or combinations of vehicles with a permissible laden mass not exceeding 3.5 tonnes;

(b) the number of vehicles with a permissible laden mass not exceeding 3,5 tonnes registered in the Member State in each calendar year;

(c) the overall number of vehicles with a permissible laden mass not exceeding 3,5 tonnes registered in the Member State as of 31 December of each year;

(d) the estimated share of motor vehicles with a permissible laden mass not exceeding 3.5 tonnes or combinations of vehicles with a permissible laden mass not exceeding 3.5 tonnes in the overall road transport activity of all vehicles registered in the Member State, broken down by national, international and cabotage operations.

4. On the basis of the information gathered by the Commission under paragraph 3 and of further evidence, the

Commission shall, by 31 December 2024 at the latest, present a report to the European Parliament and the Council on the evolution of the total number of motor vehicles with a permissible laden mass not exceeding 3.5 tonnes or combinations of vehicles with a permissible laden mass not exceeding 3.5 tonnes engaged in national and international road transport operations. On the basis of this report, it shall reassess whether it is necessary to propose additional measures.

5. Every year Member States shall report to the Commission on the requests made by them under Article 18(3) and (4), on the replies received from other Member States and on the actions that they have taken on the basis of the information provided.;

,

Or. en

Amendment 204

Rina Ronja Kari, Paloma López Bermejo, João Pimenta Lopes

Proposal for a regulation

Article 2 – paragraph 1 – point 1

Regulation (EC) No 1072/2009

Article 1 paragraph 1

Text proposed by the Commission

Amendment

The carriage of empty containers or pallets shall be considered as carriage of goods for hire or reward whenever it is subject to a transport contract.;

deleted

Or. en

Amendment 205

Siôn Simon, Ole Christensen, Evelyn Regner, Rory Palmer, Alex Mayer, Claudiu Ciprian Tănăsescu, Michael Detjen, Elena Gentile

Proposal for a regulation

Article 2 – paragraph 1 – point 1

Regulation (EC) No 1072/2009

Article 1 – paragraph 1 – subparagraph 1 a

Text proposed by the Commission

Amendment

The carriage of empty containers or pallets shall be considered as carriage of goods for hire or reward whenever it is subject to a transport contract.;

deleted

Or. en

Amendment 206

Georges Bach

Proposal for a regulation

Article 2 – paragraph 1 – point 1

Regulation (EC) No 1072/2009

Article 1 – paragraph 1 – subparagraph 1 a

Text proposed by the Commission

Amendment

The carriage of empty containers or pallets shall be considered as carriage of goods for hire or reward *whenever it is subject to a transport contract.;*

The carriage of empty containers or pallets shall *not* be considered as *an international* carriage of goods for hire or reward *for the purposes of Chapter III.;*

Or. en

Justification

Cabotage, on a temporary basis and clearly linked to a genuine international transport operation, can increase transport efficiency and reduce unnecessary empty runs. The current cabotage regime is abused by companies carrying out systematic cabotage, which needs to be prevented in order to ensure a level playing field. Therefore, international transport operations only carrying empty containers or pallets should not be granted.

Amendment 207

Helga Stevens

Proposal for a regulation

Article 2 – paragraph 1 – point 1

Regulation (EC) No 1072/2009
Article 1 – paragraph 1 – subparagraph 1 a

Text proposed by the Commission

The carriage of empty containers or pallets shall be considered as carriage of goods for hire or reward *whenever it is subject to a transport contract*;

Amendment

For the purposes of Chapter III on cabotage, the carriage of empty containers or pallets shall be considered as carriage of goods for hire or reward;

Or. nl

Amendment 208
Karima Delli

Proposal for a regulation
Article 2 – paragraph 1 – point 1 a (new)
Regulation (EC) No 1072/2009
Article 1 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

In Article 1, the following paragraph is added:

(1a) ‘This Regulation shall also apply to incoming or outgoing carriage of goods by road as one leg of a combined transport journey as laid down in Council Directive 92/106/EEC.’

Or. en

Amendment 209
Michael Detjen

Proposal for a regulation
Article 2 – paragraph 1 – point 1 a (new)
Regulation (EC) No 1072/2009
Article 1 – paragraph 2

Present text

Amendment

2. In the event of carriage from a Member State to a third country and vice versa, this Regulation shall apply to the part of the journey on the territory of any Member State crossed in transit. It shall not apply to that part of the journey on the territory of the Member State of loading or unloading, as long as the necessary agreement between the Community and the third country concerned has not been concluded.

(1a) Paragraph 2 of Article 1, is amended as follows:

"2. In the event of carriage from a Member State to a third country and vice versa, this Regulation shall apply to the part of the journey on the territory of any Member State crossed in transit. ***This transit journey shall be covered by the Posting of Workers Directive.*** It shall not apply to that part of the journey on the territory of the Member State of loading or unloading, as long as the necessary agreement between the Community and the third country concerned has not been concluded.

"

Or. en

(<http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32009R1072>)

Amendment 210

Jérôme Lavrilleux, Elisabeth Morin-Chartier, Anne Sander, Renaud Muselier, Franck Proust, Geoffroy Didier

Proposal for a regulation

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

Regulation (EC) No 1072/2009

Article 1 – paragraph 5 – point c

Text proposed by the Commission

Amendment

(1a) In Article 1(5), point (c) is deleted.

Or. fr

Justification

The current Regulation (EC) No 1072/2009 and all its provisions must also apply to vehicles with a permissible laden mass not exceeding 3.5 tonnes or combinations of vehicles with a permissible laden mass not exceeding 3.5 tonnes used for road transport activities.

Amendment 211

Siôn Simon, Ole Christensen, Evelyn Regner, Rory Palmer, Alex Mayer, Claudiu Ciprian Tănăsescu, Michael Detjen, Elena Gentile

Proposal for a regulation

Article 2 – paragraph 1 – point 2 – point a

Regulation (EC) No 1072/2009

Article 2 – paragraph 6

Text proposed by the Commission

Amendment

6. ‘cabotage operation’ means national carriage for hire or reward carried out on a temporary basis in a host Member State, involving the carriage from the picking up of the goods at one or several loading points until their delivery at one or several delivery points, as specified in the consignment note;;

deleted

Or. en

Amendment 212

Anne Sander, Elisabeth Morin-Chartier, Jérôme Lavrilleux, Geoffroy Didier, Franck Proust, Renaud Muselier

Proposal for a regulation

Article 2 – paragraph 1 – point 2 – point a

Regulation (EC) No 1072/2009

Article 2–paragraph 6

Text proposed by the Commission

Amendment

6. ‘cabotage operation’ means national carriage for hire or reward carried out on a temporary basis in a host Member State, involving the carriage from the picking up of the goods at one or several loading points until their delivery at one or several delivery points, as specified in the consignment note;’;

6. ‘cabotage operation’ means national carriage for hire or reward carried out on a temporary basis in a host Member State, involving the carriage from the picking up of the goods at one or several loading points until their delivery at one or several delivery points, as specified in the consignment note, *with the main aim of ensuring that lorries do not travel empty;*

Or. fr

Justification

Cabotage must not become an ordinary modus operandi of road haulage. Its main aim must be to ensure that lorries do not travel empty.

Amendment 213

Rina Ronja Kari, Paloma López Bermejo, Tania González Peñas

Proposal for a regulation

Article 2 – paragraph 1 – point 2 – point a

Regulation (EC) No 1072/2009

Article 2 paragraph 6

Text proposed by the Commission

6. ‘cabotage operation’ means national carriage for hire or reward carried out on a temporary basis in a host Member State, involving the carriage from the picking up of the goods at one *or several* loading *points* until their delivery at one *or several* delivery *points, as specified in the consignment note;*

Amendment

6. ‘cabotage operation’ means national carriage for hire or reward carried out on a temporary basis in a host Member State, involving the carriage from the picking up of the goods at one loading *point* until their delivery at one delivery *point;*

Or. en

Amendment 214

Karima Delli, Terry Reintke

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 2 – paragraph 1 – point 2 – point a

Regulation (EC) No 1072/2009

Article 2 – point 6

Text proposed by the Commission

6. ‘cabotage operation’ means national carriage for hire or reward carried out on a temporary basis in a host Member State, involving the carriage from the picking up of the goods at one *or several* loading *points* until their delivery at one *or several* delivery *points, as specified in the consignment note;*

Amendment

6. cabotage operation’ means national carriage for hire or reward carried out on a temporary basis in a host Member State, involving the carriage from the picking up of the goods at one loading *point* until their delivery at one delivery *point;*

Justification

While cabotage, on a temporary basis and clearly linked to a genuine international transport operation to or from a haulier's Member State of establishment, can increase transport efficiency and reduce unnecessary empty runs, the current cabotage regime is abused by companies carrying on systematic cabotage by nomadic drivers. This kind of systematic cabotage needs to be prevented.

Amendment 215

Claude Rolin

Proposal for a regulation

Article 2 – paragraph 1 – point 2 – point a

Regulation (EC) No 1072/2009

Article 2 – Point 6

Text proposed by the Commission

6. ‘cabotage operation’ means national carriage for hire or reward carried out on a temporary basis in a host Member State, involving the carriage from the picking up of the goods at one *or several* loading *points* until their delivery at one *or several* delivery *points*, as specified in the consignment note;

Amendment

6. ‘cabotage operation’ means national carriage for hire or reward carried out on a temporary basis in a host Member State, involving the carriage from the picking up of the goods at one loading *point* until their delivery at one delivery *point*, as specified in the consignment note;

Or. fr

Amendment 216

Siôn Simon, Ole Christensen, Evelyn Regner, Rory Palmer, Guillaume Balas, Alex Mayer, Claudiu Ciprian Tănăsescu, Michael Detjen

Proposal for a regulation

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

Regulation (EC) No 1072/2009

Article 3

Present text

Amendment

(2a) Article 3 is replaced by the following:

General principle

International carriage shall be carried out subject to possession of a Community licence and, if the driver is a national of a third country, in conjunction with a driver attestation.

"General principle

International carriage shall be carried out subject to *the* possession of *a smart tachograph as stipulated in Chapter II of Regulation (EU) No 165/2014 of the European Parliament and of the Council**, a Community licence and, if the driver is a national of a third country, in conjunction with a driver attestation.

”

** 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).*

Or. en

(<http://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A32009R1072>)

Justification

The smart tachograph will facilitate the mandatory and automatic recording of the position of the vehicle at the start and end of the working day, and allow for data collection of cumulative driving time in a given Member State. This will create the possibility to indicate compliance with rules concerning, inter alia, posting of workers and cabotage.

Amendment 217

Rosa D'Amato, Daniela Aiuto, Laura Agea, Tiziana Beghin

Proposal for a regulation

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

Regulation (EC) No 1072/2009

Article 3

Present text

Amendment

International carriage shall be carried out subject to possession of a Community licence and, if the driver is a national of a third country, in conjunction with a driver attestation.

(2a) Article 3 is replaced by the following:

“International carriage shall be carried out subject to possession of a Community licence, **of a smart tachograph in accordance with Regulation (EU) No 165/2014** and, if the driver is a national of a third country, in conjunction with a driver attestation.

”

Or. it

(<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:300:0072:0087:EN:PDF>)

Amendment 218

Rina Ronja Kari, Paloma López Bermejo, Tania González Peñas, João Pimenta Lopes

Proposal for a regulation

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

Regulation (EC) No 1072/2009

Article 3 General principle

Present text

Amendment

International carriage shall be carried out subject to possession of a Community licence and, if the driver is a national of a third country, in conjunction with a driver attestation.

(2a) Article 3 is amended as follows:

“International carriage shall be carried out subject to **the** possession of **a smart tachograph as stipulated in Chapter II of Regulation (EU) No 165/2014;** a Community licence and, if the driver is a national of a third country, in conjunction with a driver attestation.

”

Or. en

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32009R1072&from=EN>)

Amendment 219

Jeroen Lenaers

Proposal for a regulation

Article 2 – paragraph 1 – point 5 – point a

Regulation (EC) No 1072/2009

Article 8 – paragraph 2

Text proposed by the Commission

Amendment

(a) paragraph 2 is replaced by the following:

deleted

‘

2. Once the goods carried in the course of an incoming international carriage from another Member State or from a third country to a host Member State have been delivered, hauliers referred to in paragraph 1 shall be allowed to carry out, with the same vehicle or, in the case of a coupled combination, the motor vehicle of that same vehicle, cabotage operations in the host Member State or in contiguous Member States. The last unloading in the course of a cabotage operation shall take place within 5 days from the last unloading in the host Member State in the course of the incoming international carriage.;

’

Or. nl

Amendment 220

Martina Dlabajová, António Marinho e Pinto, Enrique Calvet Chambon, Renate Weber

Proposal for a regulation

Article 2 – paragraph 1 – point 5 – point a

Regulation (EC) No 1072/2009

Article 8 – paragraph 2

Text proposed by the Commission

Amendment

2. Once the goods carried in the course of an incoming international

2. Once the goods carried in the course of an incoming international

carriage from another Member State or from a third country to a host Member State have been delivered, hauliers referred to in paragraph 1 shall be allowed to carry out, with the same vehicle or, in the case of a coupled combination, the motor vehicle of that same vehicle, cabotage operations *in the host Member State or in contiguous Member States*. The last unloading in the course of a cabotage operation shall take place within 5 days from the last unloading in the host Member State in the course of the incoming international carriage.;

carriage from another Member State or from a third country to a host Member State have been delivered, hauliers referred to in paragraph 1 shall be allowed to carry out, with the same vehicle or, in the case of a coupled combination, the motor vehicle of that same vehicle, *up to three* cabotage operations *following the international carriage from another Member State or from a third country to the host Member State. The first loading in the course of a cabotage operation can start from 00:00 of the day following the last unloading of an incoming international carriage*. The last unloading in the course of a cabotage operation *before leaving the host Member State* shall take place within 7 days from the last unloading in the host Member State in the course of the incoming international carriage. *Within the time limit referred to in the first subparagraph, hauliers may carry out some or all of the cabotage operations permitted under that subparagraph in any Member State under the condition that they are limited to one cabotage operation per Member State within 3 days of the unladen entry into the territory of that Member State. The cabotage period ends at 24:00 on the seventh day.*

Or. en

Amendment 221

Karima Delli, Terry Reintke

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 2 – paragraph 1 – point 5 – point a

Regulation (EC) No 1072/2009

Article 8 – paragraph 2

Text proposed by the Commission

2. Once the goods carried in the course of an incoming international carriage from another Member State or

Amendment

2. Once the goods carried in the course of an incoming international carriage from another Member State or

from a third country to a host Member State have been delivered, hauliers referred to in paragraph 1 shall be allowed to carry out, with the same vehicle or, in the case of a coupled combination, the motor vehicle of that same vehicle, cabotage operations in the host Member State or in contiguous Member States. The last unloading in the course of a cabotage operation shall take place within **5 days** from the last unloading in the host Member State in the course of the incoming international carriage.;

from a third country to a host Member State have been delivered, hauliers referred to in paragraph 1 shall be allowed to carry out, with the same vehicle or, in the case of a coupled combination, **with** the motor vehicle of that same vehicle, cabotage operations in the host Member State or in contiguous Member States. The last unloading in the course of a cabotage operation shall take place within **24 hours** from the last unloading in the host Member State in the course of the incoming international carriage.

Road transport undertakings shall not be allowed to carry out cabotage operations with the same vehicle, or, in the case of a coupled combination, with the motor vehicle of that same vehicle, in the host Member State within seven days from the end of the 24-hour period referred to in the first subparagraph.

Or. en

Amendment 222

Rina Ronja Kari, Paloma López Bermejo, Tania González Peñas, João Pimenta Lopes

Proposal for a regulation

Article 2 – paragraph 1 – point 5 – point a

Regulation (EC) No 1072/2009

Article 8 paragraph 2

Text proposed by the Commission

2. Once the goods carried in the course of an incoming international carriage from another Member State or from a third country to a host Member State have been delivered, hauliers referred to in paragraph 1 shall be allowed to carry out, with the same vehicle or, in the case of a coupled combination, the motor vehicle of that same vehicle, cabotage operations in the host Member State or in contiguous Member States. The last unloading in the course of a cabotage operation shall take

Amendment

2. Once the goods carried in the course of an incoming international carriage from another Member State or from a third country to a host Member State have been delivered, hauliers referred to in paragraph 1 shall be allowed to carry out, with the same vehicle or, in the case of a coupled combination, the motor vehicle of that same vehicle, cabotage operations in the host Member State or in contiguous Member States. The last unloading in the course of a cabotage operation shall take

place within **5 days** from the last unloading in the host Member State in the course of the incoming international carriage.;

place within **1 day** from the last unloading in the host Member State in the course of the incoming international carriage.

Road transport undertakings shall not be allowed to carry out cabotage operations, with the same vehicle, or, in the case of a coupled combination, the motor vehicle of that same vehicle, in the same host Member State within 7 days from the end of the 1 day period referred to in paragraph 1.

Or. en

Amendment 223

Dominique Martin, Joëlle Mélin

Proposal for a regulation

Article 2 – paragraph 1 – point 5 – point a

Regulation (EC) No 1072/2009

Article 8 – paragraph 2

Text proposed by the Commission

2. Once the goods carried in the course of an incoming international carriage from another Member State or from a third country to a host Member State have been delivered, hauliers referred to in paragraph 1 shall be allowed to carry out, with the same vehicle or, in the case of a coupled combination, the motor vehicle of that same vehicle, cabotage operations in the host Member State ***or in contiguous Member States. The last unloading in the course of a cabotage operation shall take place within 5 days from the last unloading in the host Member State in the course of the incoming international carriage.***;

Amendment

2. Once the goods carried in the course of an incoming international carriage from another Member State or from a third country to a host Member State have been delivered, hauliers referred to in paragraph 1 shall ***not*** be allowed to carry out, with the same vehicle or, in the case of a coupled combination, the motor vehicle of that same vehicle, cabotage operations in the host Member State;

Or. fr

Amendment 224

Georges Bach

Proposal for a regulation

Article 2 – paragraph 1 – point 5 – point a

Regulation (EC) No 1072/2009

Article 8 – paragraph 2

Text proposed by the Commission

2. Once the goods carried in the course of an incoming international carriage from another Member State or from a third country to a host Member State have been delivered, hauliers referred to in paragraph 1 shall be allowed to carry out, with the same vehicle or, in the case of a coupled combination, the motor vehicle of that same vehicle, cabotage operations in the host Member State ***or in contiguous Member States***. The last unloading in the course of a cabotage operation shall take place within **5** days from the last unloading in the host Member State in the course of ***the*** incoming international carriage.;

Amendment

2. Once the goods carried in the course of an incoming international carriage from another Member State or from a third country to a host Member State have been delivered, hauliers referred to in paragraph 1 shall be allowed to carry out, with the same vehicle or, in the case of a coupled combination, the motor vehicle of that same vehicle, cabotage operations in the host Member State. The last unloading in the course of a cabotage operation shall take place within **3** days from the last unloading in the host Member State in the course of ***this*** incoming international carriage, ***subject to a transport contract. This same vehicle shall not be allowed to carry out cabotage operations in the same host Member State within 7 days following the end of its cabotage operation;***

Or. en

Justification

In order to help prevent systematic cabotage, the haulier's cabotage operations should be followed by a cooling-off phase before being allowed to execute another cabotage operation in the same host Member State.

Amendment 225

Rosa D'Amato, Daniela Aiuto, Laura Agea, Tiziana Beghin

Proposal for a regulation

Article 2 – paragraph 1 – point 5 – point a

Regulation (EC) No 1072/2009

Article 8 – paragraph 2

Text proposed by the Commission

2. Once the goods carried in the course of an incoming international carriage from another Member State or from a third country to a host Member State have been delivered, hauliers referred to in paragraph 1 shall be allowed to carry out, with the same vehicle or, in the case of a coupled combination, the motor vehicle of that same vehicle, cabotage operations in the host Member State ***or in contiguous Member States***. The last unloading in the course of a cabotage operation shall take place within 5 days from the last unloading in the host Member State in the course of the incoming international carriage.;

Amendment

2. Once the goods carried in the course of an incoming international carriage from another Member State or from a third country to a host Member State have been delivered, hauliers referred to in paragraph 1 shall be allowed to carry out, with the same vehicle or, in the case of a coupled combination, the motor vehicle of that same vehicle, cabotage operations in the host Member State. The last unloading in the course of a cabotage operation shall take place within ***three*** days from the last unloading in the host Member State in the course of the incoming international carriage.

The vehicles referred to in the first subparagraph of this paragraph shall return to the Member State of origin within two weeks, at the latest, of the time of exit from that Member State.

Or. it

Amendment 226

Anne Sander, Elisabeth Morin-Chartier, Jérôme Lavrilleux, Geoffroy Didier, Franck Proust, Renaud Muselier

Proposal for a regulation

Article 2 – paragraph 1 – point 5 – point a

Regulation (EC) No 1072/2009

Article 8 – paragraph 2

Text proposed by the Commission

2. Once the goods carried in the course of an incoming international carriage from another Member State or from a third country to a host Member State have been delivered, hauliers referred to in paragraph 1 shall be allowed to carry out, with the same vehicle or, in the case of a coupled combination, the motor vehicle of that same vehicle, cabotage operations in the host Member State ***or in contiguous***

Amendment

2. Once the goods carried in the course of an incoming international carriage from another Member State or from a third country to a host Member State have been delivered, hauliers referred to in paragraph 1 shall be allowed to carry out, with the same vehicle or, in the case of a coupled combination, the motor vehicle of that same vehicle, cabotage operations in the host Member State ***in order to avoid***

Member States. The last unloading in the course of **a** cabotage operation shall take place within **5** days from the last unloading in the host Member State in the course of the incoming international carriage.;

returning empty. The last unloading in the course of **the single authorised** cabotage operation shall take place within **3** days from the last unloading in the host Member State in the course of the incoming international carriage;

Or. fr

Justification

Cabotage must be done sparingly and be limited to one operation within three days in order to avoid situations of unfair competition among hauliers. It must not become an ordinary modus operandi of road haulage. It should exist merely to satisfy environmental concerns and profitability in international haulage by ensuring lorries do not travel empty.

Amendment 227

Emilian Pavel, Claudia Tapardel

Proposal for a regulation

Article 2 – paragraph 1 – point 5 – point a

Regulation (EC) No 1072/2009

Article 8 – paragraph 2

Text proposed by the Commission

2. Once the goods carried in the course of an incoming international carriage from another Member State or from a third country to a host Member State have been delivered, hauliers referred to in paragraph 1 shall be allowed to carry out, with the same vehicle or, in the case of a coupled combination, the motor vehicle of that same vehicle, cabotage operations in the host Member State or in contiguous Member States. The last unloading in the course of a cabotage operation shall take place within **5** days from the last unloading in the host Member State in the course of the incoming international carriage.;

Amendment

2. Once the goods carried in the course of an incoming international carriage from another Member State or from a third country to a host Member State have been delivered, hauliers referred to in paragraph 1 shall be allowed to carry out, with the same vehicle or, in the case of a coupled combination, the motor vehicle of that same vehicle, cabotage operations in the host Member State or in contiguous Member States. The last unloading in the course of a cabotage operation shall take place within **6** days from the last unloading in the host Member State in the course of the incoming international carriage.;

Or. en

Amendment 228

Danuta Jazłowiecka, Agnieszka Kozłowska-Rajewicz, Marek Plura, Krzysztof Hetman

Proposal for a regulation

Article 2 – paragraph 1 – point 5 – point a

Regulation (EC) No 1071/2009

Article 8 – paragraph 2

Text proposed by the Commission

2. Once the goods carried in the course of an incoming international carriage from another Member State or from a third country to a host Member State have been delivered, hauliers referred to in paragraph 1 shall be allowed to carry out, with the same vehicle or, in the case of a coupled combination, the motor vehicle of that same vehicle, cabotage operations in the host Member State or in contiguous Member States. The last unloading in the course of a cabotage operation shall take place within 5 days from the last unloading in the host Member State in the course of the incoming international carriage’;

Amendment

2. Once the goods carried in the course of an incoming international carriage from another Member State or from a third country to a host Member State have been delivered, hauliers referred to in paragraph 1 shall be allowed to carry out, with the same vehicle or, in the case of a coupled combination, the motor vehicle of that same vehicle, cabotage operations in the host Member State or in contiguous Member States. The last unloading in the course of a cabotage operation shall take place within 7 days from the last unloading in the host Member State in the course of the incoming international carriage’;

Or. pl

Justification

According to the assumptions of the EU White Papers, cabotage services should be liberalised little by little. It is therefore proposed that the time period for carrying out cabotage operations should be kept at 7 days, without imposing a maximum number of operations, which is difficult to check.

Amendment 229

Siôn Simon, Ole Christensen, Evelyn Regner, Rory Palmer, Guillaume Balas, Alex Mayer, Claudiu Ciprian Tănăsescu, Michael Detjen, Elena Gentile

Proposal for a regulation

Article 2 – paragraph 1 – point 5 – point a

Regulation (EC) No 1072/2009

Article 8 – paragraph 2

Text proposed by the Commission

2. Once the goods carried in the

Amendment

2. Once the goods carried in the

course of an incoming international carriage *from another Member State or from a third country to a host Member State* have been delivered, *hauliers referred to in paragraph 1* shall be allowed to carry out, with the same vehicle or, in the case of a coupled combination, the motor vehicle of that same vehicle, cabotage operations in the host Member State *or in contiguous Member States*. The last unloading in the course of a cabotage operation shall take place within **5 days** from the last unloading in the host Member State in the course of *the* incoming international carriage;

course of an incoming international carriage *to or from a haulier's Member State of establishment* have been delivered, *the haulier* shall be allowed to carry out, with the same vehicle or, in the case of a coupled combination, the motor vehicle of that same vehicle, cabotage operations in the host Member State. The last unloading in the course of a cabotage operation shall take place within **48 hours** from the last unloading in the host Member State in the course of *this* incoming international carriage, *subject to a transport contract*;

Or. en

Amendment 230

Kosma Złotowski, Czesław Hoc, Zdzisław Krasnodębski, Richard Sulik

Proposal for a regulation

Article 2 – paragraph 1 – point 5 – point a

Regulation (EC) No 1072/2009

Article 8 – paragraph 2

Text proposed by the Commission

2. Once the goods carried in the course of an incoming international carriage from another Member State or from a third country to a host Member State have been delivered, hauliers referred to in paragraph 1 shall be allowed to carry out, with the same vehicle or, in the case of a coupled combination, the motor vehicle of that same vehicle, cabotage operations in the host Member State or in contiguous Member States. The last unloading in the course of a cabotage operation shall take place within **5 days** from the last unloading in the host Member State in the course of the incoming international carriage;

Amendment

2. Once the goods carried in the course of an incoming international carriage from another Member State or from a third country to a host Member State have been delivered, hauliers referred to in paragraph 1 shall be allowed to carry out, with the same vehicle or, in the case of a coupled combination, the motor vehicle of that same vehicle, cabotage operations in the host Member State or in contiguous Member States. The last unloading in the course of a cabotage operation shall take place within **7 days** from the last unloading in the host Member State in the course of the incoming international carriage;

Or. en

Amendment 231

Georgi Pirinski

Proposal for a regulation

Article 2 – paragraph 1 – point 5 – point a

Regulation (EC) 1072/2009

Article 8 – paragraph 2

Text proposed by the Commission

2. Once the goods carried in the course of an incoming international carriage from another Member State or from a third country to a host Member State have been delivered, hauliers referred to in paragraph 1 shall be allowed to carry out, with the same vehicle or, in the case of a coupled combination, the motor vehicle of that same vehicle, cabotage operations in the host Member State or in contiguous Member States. The last unloading in the course of a cabotage operation shall take place within 5 days from the last unloading in the host Member State in the course of the incoming international carriage.

Amendment

2. Once the goods carried in the course of an incoming international carriage from another Member State or from a third country to a host Member State have been delivered, hauliers referred to in paragraph 1 shall be allowed to carry out, with the same vehicle or, in the case of a coupled combination, the motor vehicle of that same vehicle, cabotage operations in the host Member State or in contiguous Member States. The last unloading in the course of a cabotage operation shall take place within 7 days from the last unloading in the host Member State in the course of the incoming international carriage.

Or. en

Amendment 232

Helga Stevens

Proposal for a regulation

Article 2 – paragraph 1 – point 5 – point a

Regulation (EC) No 1072/2009

Article 8 – paragraph 2

Text proposed by the Commission

2. Once the goods carried in the course of an incoming international carriage from another Member State or from a third country to a host Member State have been delivered, hauliers referred to in paragraph 1 shall be allowed to carry out, with the same vehicle or, in the case of a coupled combination, the motor vehicle of that same vehicle, cabotage operations

Amendment

2. Once the goods carried in the course of an incoming international carriage from another Member State or from a third country to a host Member State have been delivered, hauliers referred to in paragraph 1 shall be allowed to carry out, with the same vehicle or, in the case of a coupled combination, the motor vehicle of that same vehicle, cabotage operations

in the host Member State or in contiguous Member States. The last unloading in the course of a cabotage operation shall take place within **5** days from the last unloading in the host Member State in the course of the incoming international carriage;

in the host Member State or in contiguous Member States. The last unloading in the course of a cabotage operation shall take place within **3** days from the last unloading in the host Member State in the course of the incoming international carriage;

Or. nl

Amendment 233

Claude Rolin

Proposal for a regulation

Article 2 – paragraph 1 – point 5 – point a

Regulation (EC) No 1072/2009

Article 8 – paragraph 2

Text proposed by the Commission

2. Once the goods carried in the course of an incoming international carriage from another Member State or from a third country to a host Member State have been delivered, hauliers referred to in paragraph 1 shall be allowed to carry out, with the same vehicle or, in the case of a coupled combination, the motor vehicle of that same vehicle, cabotage operations in the host Member State or in contiguous Member States. The last unloading in the course of a cabotage operation shall take place within **5 days** from the last unloading in the host Member State in the course of the incoming international carriage.

Amendment

2. Once the goods carried in the course of an incoming international carriage from another Member State or from a third country to a host Member State have been delivered, hauliers referred to in paragraph 1 shall be allowed to carry out, with the same vehicle or, in the case of a coupled combination, the motor vehicle of that same vehicle, cabotage operations in the host Member State or in contiguous Member States. The last unloading in the course of a cabotage operation shall take place within **1 day** from the last unloading in the host Member State in the course of the incoming international carriage.

Or. fr

Amendment 234

Dominique Martin, Joëlle Mélin

Proposal for a regulation

Article 2 – paragraph 1 – point 5 – point a (new)

Regulation (EC) No 1072/2009

Article 8 – paragraph 2 a

Text proposed by the Commission

Amendment

(aa) the following paragraph 2a is inserted:

‘2a. Every cabotage operation should be remunerated in accordance with the rules in force in the country in which it takes place. Cabotage in its former interpretation as exempt from the law of the host Member State is therefore not allowed.’

Or. fr

Amendment 235

Verónica Lope Fontagné

Proposal for a regulation

Article 2 – paragraph 1 – point 5 – point a (new)

Regulation (EC) No 1072/2009

Text proposed by the Commission

Amendment

2a. The purpose of these operations shall be to return to the Member State of establishment of the undertaking

Or. es

Amendment 236

Martina Dlabajová, António Marinho e Pinto, Enrique Calvet Chambon, Renate Weber

Proposal for a regulation

Article 2 – paragraph 1 – point 5 – point b

Regulation (EC) No 1072/2009

Article 8 – paragraph 3 – subparagraph 1

Text proposed by the Commission

Amendment

National road haulage services carried out in the host Member State by a non-resident haulier shall only be deemed to comply with this Regulation if the haulier can produce clear evidence of the preceding

National road haulage services carried out in the host Member State by a non-resident haulier shall only be deemed to comply with this Regulation if the haulier can produce clear evidence of the preceding

international carriage.;

international carriage *and of each consecutive cabotage operation carried out with a consignment note. The consignment notes should be readily available on the vehicle.*

Each consignment note shall contain the number plates of the motor vehicle and trailer used. The consignment note may be presented electronically, using a revisable structured format which can be used directly for storage and processing by computers such as eCMR.

No additional documents shall be required in order to prove that the conditions laid down in this Article have been met.

Records shall be kept covering the previous 28 days. Records should be kept at the undertaking. During a roadside check the driver shall be allowed to contact the head office of the undertaking, the transport manager or any other person or entity which may provide the consignment notes of the previous 28 days.

Or. en

Amendment 237

Karima Delli, Terry Reintke

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 2 – paragraph 1 – point 5 – point b

Regulation (EC) No 1072/2009

Article 8 – paragraph 3 – subparagraph 1

Text proposed by the Commission

National road haulage services carried out in the host Member State by a non-resident haulier shall **only** be deemed to comply with this Regulation if the haulier can produce clear evidence of the preceding international carriage.

Amendment

National road haulage services carried out in the host Member State by a non-resident haulier shall be deemed to comply with this Regulation **only** if the haulier can produce clear evidence of the preceding international carriage **to or from his or her Member State of establishment and if the**

value of the transport contract for the preceding international carriage is not obviously lower than the combined value of the transport contracts for the cabotage operations.

Or. en

Amendment 238

Dominique Martin, Joëlle Mélin

Proposal for a regulation

Article 2 – paragraph 1 – point 5 – point b

Regulation (EC) No 1072/2009

Article 8 – b – paragraph 3

Text proposed by the Commission

'National road haulage services carried out in the host Member State by a non-resident haulier shall **only** be deemed to comply with this Regulation **if the haulier can produce clear evidence of the preceding international carriage.**';

Amendment

National road haulage services carried out in the host Member State by a non-resident haulier shall **not** be deemed to comply with this Regulation;

Or. fr

Amendment 239

Helga Stevens

Proposal for a regulation

Article 2 – paragraph 1 – point 5 – point b

Regulation (EC) No 1072/2009

Article 8 – paragraph 3

Text proposed by the Commission

National road haulage services carried out in the host Member State by a non-resident haulier shall only be deemed to comply with this Regulation if the haulier can produce clear evidence of the preceding international carriage.;

Amendment

National road haulage services carried out in the host Member State by a non-resident haulier shall only be deemed to comply with this Regulation if the haulier can produce clear evidence of the preceding **genuine** international carriage.;

Or. nl

Amendment 240

Karima Delli, Terry Reintke

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 2 – paragraph 1 – point 5 – point b a (new)

Regulation (EC) No 1072/2009

Article 8 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

(ba) The following paragraph is inserted:

"3a. In order to prove that the conditions laid down in this Article have been met, the competent authorities of the Member State hosting the cabotage operation shall verify:

(a) the tachograph data of the current day and that of the previous 56 days;

(b) the electronic consignment notes of the current day and of the previous 56 days;

(c) the notification referred to in paragraph 1.

"

Or. en

Amendment 241

Siôn Simon, Ole Christensen, Evelyn Regner, Rory Palmer, Guillaume Balas, Alex Mayer, Claudiu Ciprian Tănăsescu, Michael Detjen, Elena Gentile

Proposal for a regulation

Article 2 – paragraph 1 – point 5 – point b a (new)

Regulation (EC) No 1072/2009

Article 8 – Paragraph 4

Present text

Amendment

(ba) Article 8 - Paragraph 4 is replaced by the following:

No additional document shall be required

"In order to prove the conditions laid down

in order to prove *that* the conditions laid down in this Article have been met.

in this article have been met, *the competent authorities of the member State hosting the cabotage operation may require additional documents and verify data related to:*

(a) *the tachograph*

(b) *the electronic consignment note*

”

Or. en

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:02009R1072-20130701&from=en>)

Amendment 242

Siôn Simon, Ole Christensen, Evelyn Regner, Rory Palmer, Guillaume Balas, Alex Mayer, Claudiu Ciprian Tănăsescu, Michael Detjen, Elena Gentile

Proposal for a regulation

Article 2 – paragraph 1 – point 5 – point c

Regulation (EC) No 1072/2009

Article 8 – paragraph 4 a

Text proposed by the Commission

Evidence referred to in paragraph 3 shall be presented or transmitted to the authorised inspecting officer of the host Member State on request and within the duration of the roadside check. It may be presented or transmitted electronically, using a revisable structured format which can be used directly for storage and processing by computers, such as the eCMR.* During the roadside check, the driver shall be allowed to contact the head office, the transport manager or any other person or entity which may provide *the* evidence referred to in paragraph 3.

Amendment

Evidence referred to in paragraph 3 shall be *kept on board the vehicle, and* presented or transmitted to the authorised inspecting officer of the host Member State on request and within the duration of the roadside check. It may be presented or transmitted electronically, using a revisable structured format which can be used directly for storage and processing by computers, such as *an electronic consignment note* (the eCMR).* During the roadside check, the driver shall be allowed to contact the head office, the transport manager or any other person or entity which may provide *additional* evidence referred to in paragraph 3.

Or. en

Amendment 243

Karima Delli, Terry Reintke

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 2 – paragraph 1 – point 5 – point c

Regulation (EC) No 1072/2009

Article 8 – paragraph 4 a

Text proposed by the Commission

Evidence referred to in paragraph 3 shall be presented or transmitted to the authorised inspecting officer of the host Member State on request and within the duration of the roadside check. It may be presented or transmitted electronically, using a revisable structured format which can be used directly for storage and processing by computers, such as the eCMR.* During the roadside check, the driver shall be allowed to contact the head office, the transport manager or any other person or entity which may provide the evidence referred to in paragraph 3.

Amendment

Evidence referred to in paragraph 3 **shall be kept on board the vehicle and** shall be presented or transmitted to the authorised inspecting officer of the host Member State on request and within the duration of the roadside check. It may be presented or transmitted electronically, using a revisable structured format which can be used directly for storage and processing by computers, such as the eCMR.* During the roadside check, the driver shall be allowed to contact the head office, the transport manager or any other person or entity which may provide the evidence referred to in paragraph 3.

Or. en

Amendment 244

Claude Rolin

Proposal for a regulation

Article 2 – paragraph 1 – point 5 – point c

Regulation (EC) No 1072/2009

Article 8 – paragraph 4 a

Text proposed by the Commission

Evidence referred to in paragraph 3 shall be presented **or transmitted** to the authorised inspecting officer of the host Member State on request and within the duration of the roadside check. It may be presented or transmitted electronically, using a revisable structured format which can be used directly for storage and

Amendment

Evidence referred to in paragraph 3 shall be presented to the authorised inspecting officer of the host Member State on request and within the duration of the roadside check. It may be presented or transmitted electronically, using a revisable structured format which can be used directly for storage and processing by computers, such

processing by computers, such as the eCMR.* During the roadside check, the driver shall be allowed to contact the head office, the transport manager or any other person or entity which may provide the evidence referred to in paragraph 3.

as the eCMR.* During the roadside check, the driver shall be allowed to contact the head office, the transport manager or any other person or entity which may provide the evidence referred to in paragraph 3.

Or. fr

Amendment 245

Martina Dlabajová, António Marinho e Pinto, Renate Weber

Proposal for a regulation

Article 2 – paragraph 1 – point 5 – point c

Regulation (EC) No 1072/2009

Article 8– paragraph 3

Text proposed by the Commission

Amendment

deleted

Or. en

Justification

Obsolete

Amendment 246

Karima Delli, Terry Reintke

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 2 – paragraph 1 – point 5 – point c a (new)

Regulation (EC) No 1072/2009

Article 8 – paragraph 4 b (new)

Text proposed by the Commission

Amendment

(ca) The following paragraph shall be inserted:

"4b. In order to monitor effectively compliance with this Regulation, road transport undertakings shall notify in writing by way of a declaration, to the

relevant national competent authorities of the Member State hosting the cabotage activity, at the latest at the commencement of the cabotage operation and in (one of) the official language(s) of the host Member State, or in (an)other language(s) accepted by the host Member State, relevant information necessary in order to allow effective control of cabotage operations, including at least the following:

- (a) the identity of the consignor;*
- (b) the estimated duration of the cabotage operation;*
- (c) the following data about each driver: name, Member State of residence, the Member State in which the employment contract is registered, the Member State in which social security contributions are paid, the social or national insurance number.*

Or. en

Amendment 247
Georges Bach

Proposal for a regulation
Article 2 – paragraph 1 – point 5 a (new)
Regulation (EC) No 1072/2009
Article 9 – paragraph 1 – point e a (new)

Present text

Article 9
Rules applicable to cabotage operations
1. The performance of cabotage operations shall be subject, save as otherwise provided in Community legislation, to the laws, regulations and administrative provisions in force in the host Member State with regard to the

Amendment

(5a) Article 9 is amended as follows:

"Article 9
Rules applicable to cabotage operations
1. The performance of cabotage operations shall be subject, save as otherwise provided in Community legislation, to the laws, regulations and administrative provisions in force in the host Member State with regard to the

following:

- (a) the conditions governing the transport contract;
- (b) the weights and dimensions of road vehicles;
- (c) the requirements relating to the carriage of certain categories of goods, in particular dangerous goods, perishable foodstuffs and live animals;
- (d) the driving time and rest periods;
- (e) the value added tax (VAT) on transport services.

The weights and dimensions referred to in point (b) of the first subparagraph may, where appropriate, exceed those applicable in the haulier's Member State of establishment, but they may under no circumstances exceed the limits set by the host Member State for national traffic or the technical characteristics mentioned in the proofs referred to in Article 6(1) of Council Directive 96/53/EC of 25 July 1996 laying down for certain road vehicles circulating within the Community the maximum authorised dimensions in national and international traffic and the maximum authorised weights in international traffic.

The laws, regulations and administrative provisions referred to in paragraph 1 shall be applied to non-resident hauliers under the same conditions as those imposed on hauliers established in the host Member State, so as to prevent any discrimination on grounds of nationality or place of establishment.

following:

- (a) the conditions governing the transport contract;
- (b) the weights and dimensions of road vehicles;
- (c) the requirements relating to the carriage of certain categories of goods, in particular dangerous goods, perishable foodstuffs and live animals;
- (d) the driving time and rest periods;
- (e) the value added tax (VAT) on transport services;

(ea) the minimum rates of pay and paid annual leave, as stipulated in point (b) and (c) of the first subparagraph of Article 3(1) of Directive 96/71/EC of the European Parliament and of the Council;

The weights and dimensions referred to in point (b) of the first subparagraph may, where appropriate, exceed those applicable in the haulier's Member State of establishment, but they may under no circumstances exceed the limits set by the host Member State for national traffic or the technical characteristics mentioned in the proofs referred to in Article 6(1) of Council Directive 96/53/EC of 25 July 1996 laying down for certain road vehicles circulating within the Community the maximum authorised dimensions in national and international traffic and the maximum authorised weights in international traffic.

The laws, regulations and administrative

provisions referred to in paragraph 1 shall be applied to non-resident hauliers under the same conditions as those imposed on hauliers established in the host Member State, so as to prevent any discrimination on grounds of nationality or place of establishment.

”

Or. en

(http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2009.300.01.0072.01.ENG&toc=OJ:L:2009:300:TOC)

Justification

To clarify that the conditions of posted workers (minimum rates of pay and paid annual leave) apply directly and wholly to any cabotage operation from the first day since the entire transport operation is taking place in a host Member State.

Amendment 248

Siôn Simon, Ole Christensen, Evelyn Regner, Rory Palmer, Guillaume Balas, Alex Mayer, Claudiu Ciprian Tănăsescu, Michael Detjen

Proposal for a regulation

Article 2 – paragraph 1 – point 5 a (new)

Regulation (EC) No 1072/2009

Article 8 a (new)

Text proposed by the Commission

Amendment

(5a) the following Article 8a is added:

,

Electronic Notification

Road transport undertakings shall, by way of an electronic notification or in writing ahead of each cabotage operation performed, ensure that the competent authorities of all Member States are duly informed of the cabotage operation and relevant information necessary in order to allow for effective control of cabotage operations, at the latest at the commencement. This notification shall be made in one of the official languages of

the host member state, or into another acceptable language, and shall include the following information:

- (i) the name of the consignor;*
- (ii) the estimated duration of the operation;*
- (iii) the driver's name, his country of residence, his country of social contributions and social insurance number;*

Or. en

Amendment 249

Martina Dlabajová, António Marinho e Pinto, Enrique Calvet Chambon, Renate Weber

Proposal for a regulation

Article 2 – paragraph 1 – point 5 a (new)

Regulation (EC) No 1072/2009

Article 9– paragraph 1– point f (new)

Present text

Amendment

(5a) Article 9- paragraph 1- point f is added:

"(f) the application of the rules deriving from the Directive of the European Parliament and of the Council amending Directive 2006/22/EC as regards enforcement requirements and laying down specific rules with respect to Directive 96/71/EC and Directive 2014/67/EU for posting drivers in the road transport sector;

"

Or. en

(<http://eur-lex.europa.eu/legal-content/en/ALL/?uri=CELEX:32009R1072>)

Justification

Any requirements for the sector should derive solely from lex specialis

Amendment 250

Rosa D'Amato, Daniela Aiuto, Laura Agea, Tiziana Beghin

Proposal for a regulation

Article 2 – paragraph 1 – point 5 a (new)

Regulation (EC) No 1072/2009

Article 9 – paragraph 1 – point e a (new)

Text proposed by the Commission

Amendment

(5a) In Article 9, paragraph 1, the following point is added:

“(ea) the minimum rates of pay and paid annual leave, as stipulated in points (b) and (c) of the first subparagraph of Article 3(1) of Directive 96/71/EC of the European Parliament and of the Council.”

Or. it

Amendment 251

Rina Ronja Kari, Paloma López Bermejo, Tania González Peñas, João Pimenta Lopes

Proposal for a regulation

Article 2 – paragraph 1 – point 5 a (new)

Regulation (EC) No 1072/2009

Article 9 paragraph 1

Present text

Amendment

1. The performance of cabotage operations shall be subject, save as otherwise provided in Community legislation, to the laws, regulations and administrative provisions in force in the host Member State with regard to the following:(a)the conditions governing the transport contract;(b)the weights and dimensions of road vehicles;(c)the requirements relating to the carriage of certain categories of goods, in particular dangerous goods, perishable foodstuffs and

(5a) Article 9 is amended as follows:

”

1. The performance of cabotage operations shall be subject, save as otherwise provided in Community legislation, to the laws, regulations and administrative provisions in force in the host Member State with regard to the following:(a)the conditions governing the transport contract;(b)the weights and dimensions of road vehicles;(c)the requirements relating to the carriage of

live animals;(d)the driving time and rest periods;(e)the value added tax (VAT) on transport services.

certain categories of goods, in particular dangerous goods, perishable foodstuffs and live animals;(d)the driving time and rest periods;(e)the value added tax (VAT) on transport services; (f) *the conditions for posting of workers.*

”

Or. en

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32009R1072&from=EN>)

Amendment 252

Siôn Simon, Ole Christensen, Evelyn Regner, Rory Palmer, Alex Mayer, Claudiu Ciprian Tănăsescu, Michael Detjen, Elena Gentile

Proposal for a regulation

Article 2 – paragraph 1 – point 5 b (new)

Regulation (EC) No 1072/2009

Article 9 – paragraph 1 – point e a (new)

Text proposed by the Commission

Amendment

(5b) In Article 9, in paragraph 1, the following point is added:

(ea) the minimum rates of pay and paid annual leave, as stipulated in points (b) and (c) of the first subparagraph of Article 3(1) of Directive 96/71/EC of the European Parliament and of the Council*.

**** Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services (OJ L 18, 21.1.1997, p. 1).***

Or. en

Amendment 253

Kosma Złotowski, Czesław Hoc, Zdzisław Krasnodębski, Richard Sulik

Proposal for a regulation
Article 2 – paragraph 1 – point 7
Regulation (EC) No 1072/2009
Article 10 a

Text proposed by the Commission

Amendment

(7) the following Article 10a is inserted: **deleted**

‘

Article 10a

Checks

- 1. Each Member State shall organise checks in such a way that, as from 1 January 2020, in every calendar year at least 2 % of all cabotage operations performed in their territory are checked. They shall increase the percentage to at least 3 % from 1 January 2022. The basis for the calculation of that percentage shall be the total cabotage activity in the Member State in terms of tonnes-kilometres in year t-2, as reported by Eurostat.**
- 2. Member States shall target those undertakings which are classed as posing an increased risk of infringing the provisions of the present Chapter, applicable to them. For that purpose, Member States shall, within the risk classification system established by them under Article 9 of Directive 2006/22/EC of the European Parliament and of the Council*** and extended in accordance with Article 12 of Regulation (EC) No 1071/2009 of the European Parliament and of the Council,****treat the risk of such infringements as a risk in its own right.**
- 3. Member States shall, at least three times per year, undertake concerted roadside checks on cabotage operations. Such checks shall be undertaken at the same time by the national authorities in charge of enforcing the rules in the field**

*of road transport of two or more Member States, each operating in its own territory. The national contact points designated in accordance with Article 18(1) of Regulation (EC) No 1071/2009 of the European Parliament and of the Council**** shall exchange information on the number and type of infringements detected after the concerted roadside checks have taken place.*

**** 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 (OJ L 102, 11.4.2006, p. 35).*

*****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).;*

Or. en

Amendment 254
Siôn Simon

Proposal for a regulation
Article 2 – paragraph 1 – point 7 (new)
Regulation (EC) No 1072/2009
Article 10 a – paragraph 1

Text proposed by the Commission

Amendment

(7a) The following Article 10 a, is inserted:

In order to further enforce the obligations in this Chapter, Member States shall

ensure that a coherent national enforcement strategy is applied on their territory. That strategy shall focus on undertakings with a high risk rating, referred to in Article 9 of Directive 2006/22/EC of the European Parliament and of the Council, and shall make use of the information and data recorded, processed or stored over a 56-day period by the smart tachographs. The smart tachograph shall be introduced on a mandatory basis on all vehicles engaged in international transport and cabotage by the 2nd January 2020, at the latest.*

** 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*

Or. en

Amendment 255

Emilian Pavel, Claudia Țapardel

Proposal for a regulation

Article 2 – paragraph 1 – point 7

Regulation 1072/2009

Article 10 a – paragraph 1

Text proposed by the Commission

Amendment

1. Each Member State shall organise checks in such a way that, as from 1 January 2020, in every calendar year at least 2 % of all cabotage operations performed in their territory are checked. They shall increase the percentage to at least 3 % from 1 January 2022. The basis for the calculation of that percentage shall be the total cabotage activity in the

deleted

Member State in terms of tonnes-kilometres in year t-2, as reported by Eurostat.

Or. en

Amendment 256

Helga Stevens

Proposal for a regulation

Article 2 – paragraph 1 – point 7

Regulation (EC) No 1072/2009

Article 10 a – paragraph 1

Text proposed by the Commission

1. Each Member State shall organise checks in such a way that, as from 1 January 2020, in every calendar year at least 2 % of all cabotage operations performed in their territory are checked. They shall increase the percentage to at least 3 % from 1 January 2022. The basis for the calculation of that percentage shall be the total cabotage activity in the Member State in terms of tonnes-kilometres in year t-2, as reported by Eurostat.

Amendment

1. ***Each Member State shall be responsible for pursuing an effective enforcement policy in its territory. As part of that policy,*** each Member State shall organise checks in such a way that, as from 1 January 2020, in every calendar year at least 2 % of all cabotage operations performed in their territory are checked. They shall increase the percentage to at least 3 % from 1 January 2022. The basis for the calculation of that percentage shall be the total cabotage activity in the Member State in terms of tonnes-kilometres in year t-2, as reported by Eurostat.

Or. nl

Amendment 257

Dominique Martin, Joëlle Mélin

Proposal for a regulation

Article 2 – paragraph 1 – point 7

Regulation (EC) No 1072/2009

Article 10 a – paragraph 1 –

Text proposed by the Commission

1. ***Each*** Member State shall organise

Amendment

1. ***Cabotage by a carrier registered***

checks in such a way that, as from 1 January 2020, in every calendar year at least **2** % of all cabotage operations performed in their territory are checked. They shall increase the percentage to at least **3** % from 1 January 2022. The basis for the calculation of that percentage shall be the total cabotage activity in the Member State in terms of tonnes-kilometres in year t-2, as reported by Eurostat.

abroad is prohibited. Each Member State shall organise checks in such a way that, as from 1 January 2020, in every calendar year at least **4**% of all cabotage operations performed in their territory are checked. They shall increase the percentage to at least **6**% from 1 January 2022. The basis for the calculation of that percentage shall be the total cabotage activity in the Member State in terms of tonnes-kilometres in year t-2, as reported by Eurostat.

Or. fr

Amendment 258

Karima Delli, Terry Reintke

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 2 – paragraph 1 – point 7

Regulation (EC) No 1072/2009

Article 10 a – paragraph 1

Text proposed by the Commission

1. Each Member State shall organise checks in such a way that, as from 1 January 2020, in every calendar year at least **2** % of all cabotage operations performed in their territory are checked. They shall increase the percentage to at least **3** % from 1 January 2022. The basis for the calculation of that percentage shall be the total cabotage activity in the Member State in terms of tonnes-kilometres in year t-2, as reported by Eurostat.

Amendment

1. Each Member State shall organise checks in such a way that, as from 1 January 2020, in every calendar year at least **8** % of all cabotage operations performed in their territory are checked. They shall increase the percentage to at least **10** % from 1 January 2022. The basis for the calculation of that percentage shall be the total cabotage activity in the Member State in terms of tonnes-kilometres in year t-2, as reported by Eurostat.

Or. en

Amendment 259

Siôn Simon, Ole Christensen, Evelyn Regner, Rory Palmer, Guillaume Balas, Alex Mayer, Claudiu Ciprian Tănăsescu, Michael Detjen

Proposal for a regulation
Article 2 – paragraph 1 – point 7
Regulation (EC) No 1072/2009
Article 10 a – paragraph 1

Text proposed by the Commission

1. Each Member State shall organise checks in such a way that, as from 1 January 2020, in every calendar year at least **2** % of all cabotage operations performed in their territory are checked. They shall increase the percentage to at least **3** % from 1 January 2022. The basis for the calculation of that percentage shall be the total cabotage activity in the Member State in terms of tonnes-kilometres in year t-2, as reported by Eurostat.

Amendment

1. Each Member State shall organise checks in such a way that, as from 1 January 2020, in every calendar year at least **6** % of all cabotage operations performed in their territory are checked. They shall increase the percentage to at least **8** % from 1 January 2022. The basis for the calculation of that percentage shall be the total cabotage activity in the Member State in terms of tonnes-kilometres in year t-2, as reported by Eurostat.

Or. en

Amendment 260
Jeroen Lenaers

Proposal for a regulation
Article 2 – paragraph 1 – point 7
Regulation (EC) No 1072/2009
Article 10 a – paragraph 1

Text proposed by the Commission

1. Each Member State shall organise checks in such a way that, as from 1 January 2020, in every calendar year at least **2** % of all cabotage operations performed in their territory are checked. They shall increase the percentage to at least **3** % from 1 January 2022. The basis for the calculation of that percentage shall be the total cabotage activity in the Member State in terms of tonnes-kilometres in year t-2, as reported by Eurostat.

Amendment

1. Each Member State shall organise checks in such a way that, as from 1 January 2020, in every calendar year at least **4** % of all cabotage operations performed in their territory are checked. They shall increase the percentage to at least **6** % from 1 January 2022. The basis for the calculation of that percentage shall be the total cabotage activity in the Member State in terms of tonnes-kilometres in year t-2, as reported by Eurostat.

Or. nl

Amendment 261

Rosa D'Amato, Daniela Aiuto, Laura Agea, Tiziana Beghin

Proposal for a regulation

Article 2 – paragraph 1 – point 7

Regulation (EC) No 1072/2009

Article 10 a – paragraph 1

Text proposed by the Commission

1. Each Member State shall organise checks in such a way that, as from 1 January 2020, in every calendar year at least **2 %** of all cabotage operations performed in their territory are checked. They shall increase the percentage to at least **3 %** from 1 January 2022. The basis for the calculation of that percentage shall be the total cabotage activity in the Member State in terms of tonnes-kilometres in year t-2, as reported by Eurostat.

Amendment

1. Each Member State shall organise checks in such a way that, as from 1 January 2020, in every calendar year at least **5%** of all cabotage operations performed in their territory are checked. They shall increase the percentage to at least **10%** from 1 January 2022. The basis for the calculation of that percentage shall be the total cabotage activity in the Member State in terms of tonnes-kilometres in year t-2, as reported by Eurostat.

Or. it

Amendment 262

Siôn Simon, Ole Christensen, Evelyn Regner, Rory Palmer, Guillaume Balas, Alex Mayer, Claudiu Ciprian Tănăsescu, Michael Detjen

Proposal for a regulation

Article 2 – paragraph 1 – point 7

Regulation (EC) No 1072/2009

Article 10 a – paragraph 3

Text proposed by the Commission

3. Member States shall, at least **three** times per year, undertake concerted roadside checks on cabotage operations. Such checks shall be undertaken at the same time by the national authorities in charge of enforcing the rules in the field of road transport of two or more Member States, each operating in its own territory. The national contact points designated in

Amendment

3. Member States shall, at least **six** times per year, undertake concerted roadside checks on cabotage operations, ***which may be performed in conjunction with checks carried out in accordance with Directive 2006/22/EC of the European Parliament and of the Council.*** Such checks shall be undertaken at the same time by the national authorities in

accordance with Article 18(1) of Regulation (EC) No 1071/2009 of the European Parliament and of the Council**** shall exchange information on the number and type of infringements detected after the concerted roadside checks have taken place.

charge of enforcing the rules in the field of road transport of two or more Member States, each operating in its own territory. The national contact points designated in accordance with Article 18(1) of Regulation (EC) No 1071/2009 of the European Parliament and of the Council**** shall exchange information on the number and type of infringements detected after the concerted roadside checks have taken place.

Or. en

Amendment 263
Jeroen Lenaers

Proposal for a regulation
Article 2 – paragraph 1 – point 7
Regulation (EC) No 1072/2009
Article 10 a – paragraph 3

Text proposed by the Commission

3. Member States shall, at least **three** times per year, undertake concerted roadside checks on cabotage operations. Such checks shall be undertaken at the same time by the national authorities in charge of enforcing the rules in the field of road transport of two or more Member States, each operating in its own territory. The national contact points designated in accordance with Article 18(1) of Regulation (EC) No 1071/2009 of the European Parliament and of the Council**** shall exchange information on the number and type of infringements detected after the concerted roadside checks have taken place.

Amendment

3. Member States shall, at least **six** times per year, undertake concerted roadside checks on cabotage operations, **which may coincide with checks performed in accordance with Article 5 of Directive 2006/22/EC**. Such checks shall be undertaken at the same time by the national authorities in charge of enforcing the rules in the field of road transport of two or more Member States, each operating in its own territory. The national contact points designated in accordance with Article 18(1) of Regulation (EC) No 1071/2009 of the European Parliament and of the Council**** shall exchange information on the number and type of infringements detected after the concerted roadside checks have taken place.

Or. nl

Amendment 264
Dominique Martin, Joëlle Mélin

Proposal for a regulation
Article 2 – paragraph 1 – point 7
Regulation (EC) No 1072/2009
Article 10 a – paragraph 3

Text proposed by the Commission

3. Member States shall, at least **three** times per year, undertake concerted roadside checks on cabotage operations. Such checks shall be undertaken at the same time by the national authorities in charge of enforcing the rules in the field of road transport of two or more Member States, each operating in its own territory. The national contact points designated in accordance with Article 18(1) of Regulation (EC) No 1071/2009 of the European Parliament and of the Council**** shall exchange information on the number and type of infringements detected after the concerted roadside checks have taken place.

Amendment

3. Member States shall, at least **six** times per year, undertake concerted roadside checks on cabotage operations, **which may coincide with checks performed in accordance with Article 5 of Directive 2006/22/EC**. Such checks shall be undertaken at the same time by the national authorities in charge of enforcing the rules in the field of road transport of two or more Member States, each operating in its own territory. The national contact points designated in accordance with Article 18(1) of Regulation (EC) No 1071/2009 of the European Parliament and of the Council**** shall exchange information on the number and type of infringements detected after the concerted roadside checks have taken place.

Or. fr

Amendment 265
Emilian Pavel, Claudia Tapardel

Proposal for a regulation
Article 2 – paragraph 1 – point 7 (new)
Regulation 1071/2009/EC
Article 10 a

Text proposed by the Commission

Amendment

3a. Member States shall, at least once a year, undertake concerted accountant checks for transport companies which have subsidiaries in other Member States in order to identify and penalize disproportionate profit shifting or under billing practices.

Amendment 266

Kosma Zlotowski, Czesław Hoc, Zdzisław Krasnodębski, Richard Sulik

Proposal for a regulation

Article 2 – paragraph 1 – point 8

Regulation (EC) No 1072/2009

Article 14

Text proposed by the Commission

Amendment

Article 14a

deleted

Or. en

Amendment 267

Kosma Zlotowski, Czesław Hoc, Zdzisław Krasnodębski, Richard Sulik

Proposal for a regulation

Article 2 – paragraph 1 – point 8

Regulation (EC) No 1072/2009

Article 14

Text proposed by the Commission

Amendment

Liability

deleted

Or. en

Amendment 268

Kosma Zlotowski, Czesław Hoc, Zdzisław Krasnodębski, Richard Sulik

Proposal for a regulation

Article 2 – paragraph 1 – point 8

Regulation (EC) No 1072/2009

Article 14

Text proposed by the Commission

Amendment

*Member States shall provide for sanctions
against consignors, freight forwarders,
contractors and subcontractors for non-*

deleted

compliance with Chapters II and III, where they knowingly commission transport services which involve infringements of this Regulation.

Or. en

Amendment 269

Siôn Simon, Ole Christensen, Evelyn Regner, Rory Palmer, Guillaume Balas, Alex Mayer, Claudiu Ciprian Tănăsescu, Michael Detjen

Proposal for a regulation

Article 2 – paragraph 1 – point 8

Regulation (EC) No 1072/2009

Article 14 a – paragraph 1

Text proposed by the Commission

Member States shall provide for sanctions against consignors, freight forwarders, contractors and subcontractors for non-compliance with Chapters II and III, where they *knowingly* commission transport services which involve infringements of this Regulation.

Amendment

Member States shall provide for *effective and dissuasive* sanctions against consignors, freight forwarders, contractors and subcontractors for non-compliance with Chapters II and III, where they commission transport services which involve infringements of this Regulation.

Or. en

Amendment 270

Rosa D'Amato, Daniela Aiuto, Laura Agea, Tiziana Beghin

Proposal for a regulation

Article 2 – paragraph 1 – point 8

Regulation (EC) No 1072/2009

Article 14 a – paragraph 1

Text proposed by the Commission

Member States shall provide for sanctions against consignors, freight forwarders, contractors and subcontractors for non-compliance with Chapters II and III, where they *knowingly* commission transport services which involve infringements of this Regulation.

Amendment

Member States shall provide for *effective, proportionate and dissuasive* sanctions against consignors, freight forwarders, contractors and subcontractors for non-compliance with Chapters II and III, where they commission transport services which involve infringements of this Regulation.

Amendment 271
Georgi Pirinski

Proposal for a regulation
Article 2 – paragraph 1 – point 10 a (new)
Regulation (EC) 1072/ 2009
Article 17 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. *The Commission shall draw up a report on the state of the Union road transport market by the end of 2022. The report shall contain an analysis of the market situation, including an evaluation of the effectiveness of controls and the evolution of employment conditions in the profession, as well as an assessment as to whether harmonisation of the rules in the fields, inter alia, of enforcement and road user charges, as well as social and safety legislation, has progressed to such an extent that the further opening of domestic road transport markets, including cabotage, could be envisaged.*

Or. en

Amendment 272
Emilian Pavel, Claudia Țapardel

Proposal for a regulation
Article 2 – paragraph 1 – point 10 a (new)
Regulation 1072/2009/EC
Article 17 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. *By 31 January of every year, at the latest, Member States shall inform the Commission of the number of transport companies that have subsidiaries in other Member States, the number of transport companies that have been verified for*

Amendment 273

Michael Detjen

Proposal for a regulation

Article 2 - paragraph 1- point 5 - point a

Regulation (EC) No 1072/2009

Article 8 – paragraph 2

Present text

(2) Once the goods carried in the course of an incoming international carriage have been delivered, hauliers referred to in paragraph 1 shall be permitted to carry out, with the same vehicle, or, in the case of a coupled combination, the motor vehicle of that same vehicle, up to **three** cabotage **operations** following the international carriage from another Member State or from a third country to the host Member State. **The last unloading** in the course of a cabotage operation before leaving the host Member State shall take place within 7 days from the last unloading in the host Member State in the course of the incoming international carriage. **Within the time limit referred to in the first subparagraph, hauliers may carry out some or all of the cabotage operations permitted under that subparagraph in any Member State under the condition that they are limited to one cabotage operation per Member State within 3 days of the unladen entry into the territory of that Member State.**

Amendment

(2) Once the goods carried in the course of an incoming international carriage have been delivered, hauliers referred to in paragraph 1 shall be permitted to carry out, with the same vehicle, or, in the case of a coupled combination, the motor vehicle of that same vehicle, up to **one** cabotage **operation** following the international carriage from another Member State or from a third country to the host Member State. In the course of **such** a cabotage operation, **the unloading** before leaving the host Member State shall take place within 7 days from the last unloading in the host Member State in the course of the incoming international carriage. **Following this cabotage operation, no further cabotage operations shall be permitted in that host Member State for a period of seven days. By way of derogation, a cabotage operation shall be allowed where the geographical place of unloading for a cabotage operation is closer to the base of the undertaking than the place of loading for that same cabotage operation, as long as the first place of loading lies within a radius of 200 km from the place of unloading for the last international carriage.**

(<http://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A32009R1072>)