



2017/0123(COD)

23.2.2018

AMENDMENTS

41 - 244

Draft report

Jens Nilsson

Amending Regulation (EC) No 1071/2009 and Regulation (EC) No 1072/2009
with a view to adapting them to developments in the sector

Proposal for a regulation

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

Amendment 41
Karima Delli, Bas Eickhout

Proposal for a regulation
Recital 1 a (new)

Text proposed by the Commission

Amendment

(1 a) 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 42
Francisco Assis

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 rules, and thus to approximate competitive conditions between all operators, this provision should be deleted, whereas the**

(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. 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 **legal harmonisation and a greater level of professionalisation of the sector, it is necessary to apply common rules also to vehicles with a permissible laden mass of 2.5 to 3.5 tonnes.**

requirements regarding effective and stable establishment and appropriate financial standing should be rendered mandatory.

Or. pt

Amendment 43
Inés Ayala Sender

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. 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 *amended*, whereas the requirements regarding effective and stable establishment and appropriate financial standing should be rendered mandatory *for operators engaged in international transport using motor vehicles or combinations of vehicles with a permissible laden mass of 2.5 to 3.5 tonnes.*

Amendment 44**Herbert Dorfmann, Claudia Schmidt****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. To ensure a minimum level of professionalisation of the sector using vehicles with a permissible laden mass **of 2.4 to 3.5 tonnes** 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 equally apply. This provision only applies to undertakings transporting goods for hire or reward. Therefore, small and medium-size enterprises using a vehicle for transportation of their own goods, are not covered by this Regulation.**

Amendment 45**Mark Demesmaeker, 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.**

Or. nl

Amendment 46

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

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

Amendment

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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.

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 47
Dieter-Lebrecht Koch

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.

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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.

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EN

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.***

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 ***of 2.8 to*** 3.5 tonnes by way of common rules, and thus to approximate competitive conditions between all operators, the requirements ***governing exercise of the occupation of road transport operator should also apply to them.***

Or. de

Amendment 48

Elżbieta Katarzyna Łukacijewska

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

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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.*** 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 ***of 2,8 to*** 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.***

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.*

The exemption should be made, however, as regards transport operations carried out with vehicles with a permissible laden mass not exceeding 3.5 tonnes in cross-border regions, carried out by transport operators from these regions, within 100 km radius from the border.

Or. en

Justification

In some Member States there are already regulations in force that are applied to vehicles of a permissible laden mass of 2.8 tonnes. Transport operators which operate in cross border regions and deliver good from point A to point B with vehicles with permissible laden mass not exceeding 3.5 tonnes should not be covered by the rules.

Amendment 49 **Marie-Christine Arnautu**

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

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.

requirements regarding effective and stable establishment and appropriate financial standing should be rendered mandatory *for undertakings conducting transport operations internationally*.

Or. fr

Amendment 50
Luis de Grandes Pascual

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 *even if they currently account for only 0.11 % of international traffic within the EU in terms of tonnes-kilometres..* 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 *of 2.4 to 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. es

Amendment 51
Karima Delli, Bas Eickhout

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. 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 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 52
Georges Bach

Proposal for a regulation
Recital 2

Text proposed by the Commission

(2) So far, and unless otherwise

Amendment

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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 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, 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 53

Georg Mayer, Marco Zanni, Angelo Ciocca, Mario Borghezio, 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

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Amendment

(3) Currently, Member States are entitled to make access to the occupation of road transport operator subject to requirements additional to those specified

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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.***

in Regulation (EC) **No 1071/2009**.

Or. it

Justification

Given the domestic market particularities of each Member State, where supply frequently outstrips demand and where most undertakings remain within national borders, the possibility of continuing to impose additional national requirements cannot be ruled out, provided that they are non-discriminatory and proportionate.

This amendment is intrinsically related to another specific amendment, the deletion of Article 1 - paragraph 1 - point 2 of the proposal.

Amendment 54

Mark Demesmaeker, 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.

Or. nl

Amendment 55

David-Maria Sassoli

Proposal for a regulation

Recital 3

Text proposed by the Commission

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**. ***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.***

(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**.

Or. it

Justification

The Member State domestic markets each have their own particular sets of rules for admission to the occupation of road transport operator. For example, on some internal markets, supply outstrips demand in the case of transport operators (especially firms possessing a single vehicle) that remain within national borders and do not provide cross-border services. In view of these particular considerations, the possibility of continuing to impose additional national requirements cannot be ruled out, provided that they are non-discriminatory, proportionate and in line with EU law.

Amendment 56

Massimiliano Salini, Salvatore Domenico Pogliese

Proposal for a regulation

Recital 3

Text proposed by the Commission

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**. ***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.***

(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**.

Or. it

Justification

Given the particularities of the national markets, where most undertakings remain within national borders, the possibility of continuing to impose additional national requirements cannot be ruled out, provided that they are proportionate and non-discriminatory.

Amendment 57

Karima Delli, Bas Eickhout

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 58

Mark Demesmaeker, 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 59**Maria Grapini****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, ***adding the obligation for road transport operators to ensure parking places for their vehicles and to provide proof that they are also carrying out transport activities with their vehicles in the country where the company is registered.***

The provisions relating to ensuring proportionality between a transport undertaking's activity in a particular Member State and the assets held and staff employed cannot be applied in the case of companies carrying out international transport. It is more relevant to verify whether a particular company has a valid Community road transport licence (certifying that it meets all the EU criteria for access to the profession and is not a temporary employment agency), and to analyse the proportionality between the vehicles used and the professional drivers employed.

Amendment 60**Karima Delli, Bas Eickhout****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 61

Dieter-Lebrecht Koch

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) ***In order to put an end to so-called letter-box companies and the distortion of competition they cause, 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 ***provide most of*** their ***transport services in the Member State of establishment or*** from there. Therefore, and in light of experience, it is necessary to clarify the provisions regarding the existence of an effective and stable establishment.

Or. de

Amendment 62

Inés Ayala Sender

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 thus put an end to poor practices regarding establishment which run counter to the EU values of non-discrimination, fair competition and freedom of movement.***

Or. es

Amendment 63

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

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 64

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Mark Demesmaecker, 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 increasing.***

Or. nl

Amendment 65

Marie-Christine Arnautu

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 66

Marie-Christine Arnautu

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.*

Or. fr

Amendment 67
Mark Demesmaecker, 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 Union should intensify the fight against fraud and unfair competition in order to create a level playing field.*

Or. nl

Amendment 68
Renaud Muselier, Franck Proust, Elisabeth Morin-Chartier, Anne Sander, Geoffroy Didier, Jérôme Lavrilleux

Proposal for a regulation
Recital 4 a (new)

Text proposed by the Commission

Amendment

(4a) Moreover, in order to ensure the effectiveness of a link between the country of establishment and transport operations, a minimum number of operations must be carried out by the fleet of vehicles used in the Member State where the transport undertaking is established. In addition, the undertaking must have a minimum turnover in the country where it is established.

Or. fr

Amendment 69
Karima Delli, Bas Eickhout

Proposal for a regulation
Recital 4 a (new)

Text proposed by the Commission

Amendment

(4 a) Besides, in order to ensure the existence of the link between the country of establishment and the transport operations, a minimal number of transport operations should be effectuated by vehicle fleet used by the haulier for transport operations in the haulier's Member State of establishment.

Or. en

Justification

An operational and existent link between the vehicles used in international transport operations and the place of establishment needs to be established in order to fight against the development of so-called letterbox companies.

Amendment 70
Inés Ayala Sender

Proposal for a regulation
Recital 4 a (new)

Text proposed by the Commission

Amendment

(4a) There is a need to tackle and prevent bad practices in the sector such as letterbox companies or the abundance of the so-called false self-employed or false cooperatives

Or. es

Amendment 71
Andor Deli, Ádám Kósa

Proposal for a regulation
Recital 6

Text proposed by the Commission

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.

deleted

Or. en

Justification

No need to add additional elements to the conditions. Adding elements will not improve compliance with rules. Existing rules should be controlled by better enforcement.

Amendment 72
Renaud Muselier, Franck Proust, Elisabeth Morin-Chartier, Anne Sander, Geoffroy Didier, Jérôme Lavrilleux

Proposal for a regulation
Recital 6

Text proposed by the Commission

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

(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

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should be added to the items relevant to the assessment of good repute.

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 73

Luis de Grandes Pascual

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 ***and social security*** rules should be added to the items relevant to the assessment of good repute.

Or. es

Amendment 74

Maria Grapini

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

Or. ro

Justification

The application of the Posting of Workers Directive in the road transport sector has led to abusive interpretations and controls in several Member States, against which the Commission has opened infringement proceedings. The present Commission proposal on specific implementing rules for the Posting of Workers Directive in the road transport sector does not offer a feasible solution for international road transport. Consequently, the reputation of an international road transport undertaking and hence access to the profession should not be assessed on the basis of compliance with abusive national rules.

Amendment 75

Andor Deli, Ádám Kósa

Proposal for a regulation

Recital 7

Text proposed by the Commission

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 and the law applicable to contractual obligations should be added to the items relevant to the assessment of good repute. **deleted**

Or. en

Justification

No need to add additional elements to the conditions. Adding elements will not improve compliance with rules. Existing rules should be controlled by better enforcement.

Amendment 76

Claudia Tapardel

Proposal for a regulation

Recital 7

Text proposed by the Commission

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 and the law applicable to contractual obligations **deleted**

should be added to the items relevant to the assessment of good repute.

Or. en

Amendment 77

Marian-Jean Marinescu, Andrey Novakov

Proposal for a regulation

Recital 7

Text proposed by the Commission

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 and the law applicable to contractual obligations should be added to the items relevant to the assessment of good repute.

deleted

Or. en

Amendment 78

Luis de Grandes Pascual

Proposal for a regulation

Recital 7

Text proposed by the Commission

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* and the law applicable to contractual obligations should be added to the items relevant to the assessment of good repute.

(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 *drivers in the road transport sector* and the law applicable to contractual obligations should be added to the items relevant to the assessment of good repute.

Or. es

Amendment 79

Marie-Christine Arnautu

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 80

Dieter-Lebrecht Koch

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. de

Amendment 81

Mark Demesmaeker, 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

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 and the law applicable to contractual obligations should be added to the items relevant to the assessment of good repute.

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 82
Karima Delli, Bas Eickhout

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 83
Elżbieta Katarzyna Łukacijewska

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 law applicable to contractual obligations should be added to the items relevant to the assessment of good repute.

Or. en

Amendment 84
Nicola Caputo

Proposal for a regulation
Recital 7 a (new)

Text proposed by the Commission

Amendment

(7 a) A "comparison table" for infringements and sanctions among national laws should be established, in order to ensure a minimum level of harmonization of approach;

Or. en

Justification

both vary widely among MS and a comparative exercise is absolutely need for a proper and equal enforcement at the EU level.

Amendment 85
Karima Delli, Bas Eickhout

Proposal for a regulation
Recital 8

Text proposed by the Commission

Amendment

(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.

(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 86
Christine Revault d'Allonnes Bonnefoy, Lucy Anderson, Hugues Bayet, Kathleen Van Brempt, Ismail Ertug, Isabella De Monte, Karoline Graswander-Hainz, Michael Detjen

Proposal for a regulation
Recital 8 a (new)

Text proposed by the Commission

Amendment

(8 a) In order to ensure that all EU rules for mobile workers are implemented in effective way, a European Land Transport Agency should be responsible for inspecting and enforcing the rules. It should provide operational and legal support to Member States to enforce social legislation and undertake European wide inspections. The European Land Transport Agency should be responsible for the monitoring of the European Road transport undertakings register.

Or. en

Amendment 87
Maria Grapini

Proposal for a regulation
Recital 9

Text proposed by the Commission

Amendment

(9) National competent authorities have had difficulties identifying the documents which may be submitted by transport undertakings to prove their financial standing, in particular in the absence of certified annual accounts. The rules regarding evidence required to prove financial standing should be clarified.

(9) National competent authorities have had difficulties identifying the documents which may be submitted by transport undertakings to prove their financial standing, in particular in the absence of certified annual accounts. ***This provision should also apply to existing transport undertakings established in countries where there is no legal obligation to certify accounts.*** The rules regarding evidence required to prove financial standing should be clarified, ***also adding an insurance policy as a document accepted by a financial institution.***

Or. ro

Amendment 88
Karima Delli, Bas Eickhout

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 89
Georges Bach

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

Amendment

(10) Undertakings engaged in the occupation of road haulage operator by means of motor vehicles ***intended exclusively for the carriage of goods, involved in international transport and which have*** a permissible laden mass ***between 2.4 and 3.5 tonnes*** or with combinations of vehicles not exceeding that limit should have a minimum financial standing, to ensure that they have the

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.

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

Or. en

Amendment 90
Inés Ayala Sender

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 **engaged in international transport** by means of motor vehicles, **or with combinations of vehicles, intended solely for the transport of goods and with a permissible laden mass of 2.5 to 3.5 tonnes** 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 **carried out with such vehicles** are generally of a limited size, the corresponding requirements should be less demanding than those applicable to operators using vehicles above that limit.

Or. es

Amendment 91
Dieter-Lebrecht Koch

Proposal for a regulation
Recital 10

Text proposed by the Commission

(10) Undertakings engaged in the

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Amendment

(10) Undertakings engaged in the

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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.

occupation of road haulage operator solely by means of motor vehicles ***or combinations of vehicles*** with a permissible laden mass ***of 2.8 to 3.5 tonnes*** 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.

Or. de

Amendment 92

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

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. ***The rules applicable to access to the occupation of road haulage operator using 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 are those set out in Regulation (EC) No 1071/2009.***

Or. fr

Amendment 93

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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 **or combinations of vehicles** with a permissible laden mass exceeding 2.5 tonnes **and less than 3.5 tonnes** 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.

Or. pt

Amendment 94

Marie-Christine Arnautu

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

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.

rules on the national electronic register should therefore be amended accordingly.

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

Or. fr

Amendment 95
Claudia Tapardel

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 ***and up-to-date*** 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. ***National electronic registers should become interoperable in order for data to be accessible for enforcement authorities from all Member States.*** The rules on the national electronic register should therefore be amended accordingly.

Or. en

Amendment 96
Mark Demesmaeker, Helga Stevens

Proposal for a regulation
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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 complete **and up to date**, 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. **In addition, the national electronic registers must be interoperable in order to ensure a smooth exchange of information between the Member States.** The rules on the national electronic register should therefore be amended accordingly.

Or. nl

Amendment 97 Inés Ayala Sender

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

Amendment

11. The information about transport operators contained in the national electronic registers should be **harmonised and allow the competent** national authorities, **including road inspectors, direct real-time access to provide them with a clear and complete** overview of the **transport** operators being **checked or** 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

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.

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 98 **Maria Grapini**

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 number of vehicles at the disposal of operators, the number of **drivers and** their risk rating, **which** 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. ro

Justification

Adding the registration number of vehicles to the ERRU would lead to additional administrative procedures and place a fresh burden on road transport undertakings. Adding the number of employees is not relevant, since a company may also hire employees for activities other than transport. Similarly, adding commercial information to the ERRU (total assets, liabilities, equity and turnover) is also not relevant since a company may also carry out other activities in addition to transport.

Amendment 99
Dieter-Lebrecht Koch

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 **and inspectors carrying out roadside checks** 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.

Or. de

Amendment 100
Andor Deli, Ádám Kósa

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

Amendment

(11) The information about transport operators contained in the national electronic registers should be **constantly kept** complete **and up-to-date** 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

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.

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. en

Amendment 101

Georges Bach

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, the number of *drivers* 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.

Or. en

Amendment 102

Marian-Jean Marinescu, Andrey Novakov

Proposal for a regulation

Recital 11

Text proposed by the Commission

(11) The information about transport operators contained in the national

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.

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 number of the vehicles at the disposal of operators, the number of **drivers** 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.

Or. en

Amendment 103
Inés Ayala Sender

Proposal for a regulation
Recital 11 a (new)

Text proposed by the Commission

Amendment

(11a) With the objective of verifying the correct application of and compliance with this Regulation and minimising the duration of roadside stops for drivers, inspectors responsible for roadside checks will have direct real-time access, via an electronic application common to all the EU Member States, both to the system interconnecting national registers of transport undertakings and activities, ERRU, and to information on the driver's posting declaration through the Internal Market Information System (IMI). In this context, the Commission is expected to develop this electronic application that will provide direct real-time access to the ERRU and IMI during roadside checks as soon as possible.'

Or. es

Amendment 104
Mark Demesmaecker, 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 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 maintaining 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 105
Renaud Muselier, Franck Proust, Elisabeth Morin-Chartier, Anne Sander, Geoffroy Didier, Jérôme Lavrilleux

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.***

Amendment 106
Inés Ayala Sender

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, ***bearing in mind that the purpose of cabotage is to increase the efficiency of transport operations and avoid empty runs, and that said rules should promote fair competition*** while *safeguarding the advantages of the Union's internal market.*

Or. es

Amendment 107
Dieter-Lebrecht Koch

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 maintaining the level of liberalisation achieved so far, ***because only in that way will it be possible to prevent illegal cabotage.***

Or. de

Amendment 108
Peter Lundgren

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. sv

Amendment 109
Marie-Christine Arnautu

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 110
Claudia Tapardel

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, ***with a view to increase the level of liberalization and achieve a single market for transport.***

Amendment 111

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 112

Dominique Riquet

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 enable fair competition while*** maintaining the ***advantages of the EU internal market.***

Or. fr

Amendment 113

Karima Delli, Bas Eickhout

Proposal for a regulation

Recital 13

Text proposed by the Commission

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.**

(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 114

Andor Deli, Ádám Kósa

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 115

Martina Dlabajová, António Marinho e Pinto

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 116

Peter Lundgren

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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. sv

Amendment 117
Isabella De Monte

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) 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 number of (24-hour) days available for cabotage operations should be reduced to one; consequently, it is proposed to reduce to one the number of transport operations that may be carried out within a 24-hour period.

Or. it

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 out systematic cabotage by nomadic drivers. This kind of systematic cabotage needs to be prevented.

Amendment 118

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

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 **and the risk 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. **The time limit for cabotage should be set at 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 119

Dieter-Lebrecht Koch

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) **As Member States have been unable to monitor the number of cabotage operations subsequent to an international carriage operation, this criterion should be abolished in order finally to make it possible to monitor cabotage and do away with current uncertainties. At the same time, the limitation of cabotage should in future be based only on the number of hours** available for such operations.

Or. de

Amendment 120

Maria Grapini

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 **set at seven days calculated from the first day of loading in a host Member State**.

Or. ro

Amendment 121

Karima Delli, Bas Eickhout

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 122

Elżbieta Katarzyna Łukacijewska

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 ***as well as to ensure that levels of empty running decrease***, 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 ***maintained***.

Or. en

Amendment 123

Mark Demesmaecker, 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 124

Claudia Tapardel

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. en

Amendment 125

Marian-Jean Marinescu, Andrey Novakov

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 and*** the number of days available for such operations should be ***abolished***.

Or. en

Amendment 126

Marie-Christine Arnautu

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, ***any*** cabotage ***operation*** subsequent to an international carriage should be ***remunerated in accordance with the rules in force in the country where the cabotage takes place where those rules are more favourable to the driver***.

Or. fr

Amendment 127

Marie-Christine Arnautu

Proposal for a regulation
Recital 14 a (new)

Text proposed by the Commission

Amendment

(14a) The effective implementation and enforcement of this Regulation is undermined when other Union legislation is used by hauliers to unduly circumvent the cabotage rules, contrary to the intention of the legislator. Council Directive 92/106/EEC* (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.

*** 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 128
Mark Demesmaeker, 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

Elżbieta Katarzyna Łukacijewska

**Proposal for a regulation
Recital 14 a (new)**

Text proposed by the Commission

Amendment

(14 a) In order to ensure that cabotage operations are not carried out on systematic basis which may create a permanent activity, hauliers should not be allowed to carry out cabotage operations in the same host Member State within a certain period of time after completing the cabotage operation.

Or. en

Justification

The introduction of a short cooling off period could significantly reduce the cases of illegal cabotage.

**Amendment 130
Georges Bach**

**Proposal for a regulation
Recital 14 a (new)**

Text proposed by the Commission

Amendment

(14 a) To ensure that cabotage operations are not carried out in a way that creates a permanent or continuous activity, hauliers should not be allowed to carry out cabotage operations in the same host Member State within two weeks after the end of a period of cabotage operations.

Or. en

**Amendment 131
Renaud Muselier, Franck Proust, Elisabeth Morin-Chartier, Anne Sander, Geoffroy Didier, Jérôme Lavrilleux**

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) The means by which road transport operators can prove compliance with the rules for cabotage operations should be clarified. ***To ensure fair competition in each internal market, the application of EU rules to electronic transport information, the use and transmission of*** which should simplify the provision of relevant evidence and its treatment by the competent authorities, ***should be subject to effective control***. 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. ***To do that, it is desirable to continue the process of making transport documents paperless in order to simplify controls and administrative and procedures. Thus, in the spirit of the Additional Protocol of 20 February 2008 to the Convention on the Contract for the International Carriage of Goods by Road (CMR), the use of electronic documents should eventually become the rule, particularly the electronic consignment note.***

Or. fr

Amendment 132

Dieter-Lebrecht Koch

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

Amendment

(15) ***Experience has shown that the existing rules are not being properly enforced and that, despite appropriate legislation being***

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.

adopted, current problems have not therefore been resolved. In order to ensure more efficient enforcement, digitisation must be introduced throughout Europe in this sector. Electronic transport documents (eCMR) and the networking of national electronic registers of road undertakings (ERRU) which has been in progress since 2012 must be made to work properly at long last and employed throughout Europe. 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. de

Amendment 133
Claudia Țapardel

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

Amendment

(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.

authenticity. ***To this end, further digitalization of enforcement capacity and documentation is essential and should be further encouraged at national and EU level, beginning with the introduction and use of smart tachographs and with the tools communicating remotely with smart tachographs, which are necessary for the roadside enforcement authorities.***

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 134

Andor Deli, Ádám Kósa

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. Further digitalization of enforcement by using electronic transport documents is essential in order to free up enforcement capacity, reduce unnecessary administrative burden and better target fraudulent practices.*** 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 135
Maria Grapini

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) 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, ***while avoiding the creation of a new database in order not to impose an additional burden on international transport operators, in particular SMEs.***

Or. ro

Amendment 136
Elżbieta Katarzyna Łukacijewska

Proposal for a regulation
Recital 15 a (new)

Text proposed by the Commission

Amendment

(15 a) The introduction of a new device - smart tachograph - should enable enforcement authorities carrying out roadside checks to detect infringements and abnormalities especially in cabotage operations quicker and more efficiently which would result in better enforcement of this regulation.

Or. en

Amendment 137

Martina Dlabajová, António Marinho e Pinto

Proposal for a regulation

Recital 15 a (new)

Text proposed by the Commission

Amendment

(15 a) 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 138

Karima Delli, Bas Eickhout

Proposal for a regulation

Recital 16

Text proposed by the Commission

Amendment

(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

(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 ***as well as other***

commission transport services which involve infringements of the provisions of Regulation (EC) No 1072/2009.

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 139

Kosma Złotowski, Tomasz Piotr Poręba, Roberts Zile, Ryszard Antoni Legutko, Bolesław G. Piecha, Zdzisław Krasnodębski, Richard Sulík, Czesław Hoc, Angel Dzhambazki, Evžen Tošenovský

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;

deleted

Or. en

Amendment 140

Georges Bach

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 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

Amendment 141

Elżbieta Katarzyna Łukacijewska

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

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

Amendment

(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 2,8
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

Amendment 142

Pavel Telička, Jozo Radoš

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 2,8 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

Amendment 143

Mark Demesmaecker, 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*:

(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 only in national transportation. Member States may, however, lower this limit for all or some categories of road transport operations.

Or. nl

Amendment 144

Daniela Aiuto, Rosa D'Amato

Proposal for a regulation

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

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Text proposed by the Commission

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

Amendment

- (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 145
Henna Virkkunen

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

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

Amendment

- (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 engaged exclusively in national transport operations in their Member State of establishment;

Or. en

Amendment 146
Merja Kyllönen

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

PE618.056v01-00

60/108

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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 that are engaged exclusively in national transport operations or international transport operations not exceeding a radius of 50 kilometres from the border.

Or. en

Justification

In order not to create undue administrative burden, companies, especially SME's should have the possibility to use LCV's without complying the rules of this Regulation for international transport operations within so called twin-city situations or other small-scale cross-border operations which are not competing in the international transport markets.

Amendment 147
Inés Ayala Sender

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 3.5 tonnes or less, that are engaged exclusively in national transport operations in the Member State in which they are established;

Or. es

Amendment 148
Cláudia Monteiro de Aguiar

Proposal for a regulation

Article 1.º – paragraph 1 – point 1 – point a – point i

Regulation (EC) No 1071/2009

Article 1 – paragraph 4 – point a

Text proposed by the Commission

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

Amendment

(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 in national transport operations, or international transport operations undertaken in a radius of 100 kilometres;

Or. pt

Amendment 149
Dieter-Lebrecht Koch

Proposal for a regulation

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

Verordnung (EG) Nr. 1071/2009

Artikel 1 – Absatz 4 – Buchstabe a

Text proposed by the Commission

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

Amendment

(i) point (a) is ***replaced by the following:***
(a) undertakings engaged in the occupation of road haulage operator using only motor vehicles or combinations of vehicles the permissible laden mass of which does not exceed 2.8 tonnes.

Or. de

Amendment 150
Isabella De Monte

Proposal for a regulation

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

Regolamento (EC) 1071/2009

Articolo 1 – paragrafo 4 – lettera a

Text proposed by the Commission

Amendment

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

(i) point (a) *to read as follows:*
(a) undertakings engaged in the occupation of road haulage operator using only motor vehicles or combinations of vehicles the permissible laden mass of which is lower than 1.5 tonnes;

Or. it

Amendment 151

Herbert Dorfmann, Claudia Schmidt

Proposal for a regulation

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

Regulation No 1071/2009 (EC)

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 2,4 tonnes;

Or. en

Amendment 152

Inés Ayala Sender

Proposal for a regulation

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

Text proposed by the Commission

Amendment

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

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 2.5 tonnes or less;

Or. es

Amendment 153
Claudia Tapardel

Proposal for a regulation

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

Regulation No 1071/2009 (EC)

Article 1 – paragraph 4 – point b – paragraph 2

Text proposed by the Commission

Any carriage by road for which no remuneration is received and which does not **create** any income, such as carriage of persons for charity purposes or for strictly private use, is to be considered as carriage exclusively for non-commercial purposes;;

Amendment

Any carriage by road for which no remuneration is received and which does not **generate** any income, such as carriage of persons for charity purposes or for strictly private use, is to be considered as carriage exclusively for non-commercial purposes;;

Or. en

Amendment 154
Jacqueline Foster

Proposal for a regulation

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

Regulation 1071/2009

Article 1 – paragraph 4 – point b – paragraph 2

Text proposed by the Commission

Any carriage by road **for** which **no remuneration is received and which does not create any income**, such as **carriage of persons for charity purposes or for strictly private use**, is to be considered as carriage exclusively for non-commercial purposes;;

Amendment

Any carriage by road **the purpose of** which **is not to generate any profit for the driver or others**, such as **where the service is provided on a charitable or philanthropic basis**, is to be considered as carriage exclusively for non-commercial purposes;;

Or. en

Justification

The definition of "non-commercial carriage" should include operations undertaken where the motivation is not commercial gain. Purely charitable operations, such as community bus services, that involve some form of financial contribution towards the carriage, should not be excluded from this exemption.

Amendment 155

Inés Ayala Sender

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point b

Regulation (EC) 1071/2009

Article 1 – paragraph 6

Text proposed by the Commission

Amendment

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

'6.

'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:

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

Or. es

Amendment 156

Dieter-Lebrecht Koch

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)

'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:

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

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

Or. de

Amendment 157

Daniela Aiuto, Rosa D'Amato

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:

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 158

Peter Lundgren

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point b

Förordning (EG) nr 1071/2009

Artikel 1 – point 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)’

Amendment 159

Karima Delli, Bas Eickhout

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point b

Regulation (EC) no1071/2009

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 below 3.5t

Amendment 160

Georges Bach

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point b

Regulation (EC) No 1071/2009

Article 1 – paragraph 6

PE618.056v01-00

68/108

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(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. 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 161

Christine Revault d'Allonnes Bonnefoy, Kathleen Van Brempt, Ismail Ertug, Hugues Bayet, Lucy Anderson, Karoline Graswander-Hainz, Michael Detjen

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point b

Regulation 1071/2009

Article 1 – paragraph 6

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
deleted

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 162

Herbert Dorfmann, Claudia Schmidt

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point b

Regulation No 1071/2009

Article 1 – paragraph 6

Text proposed by the Commission

Amendment

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. *deleted*

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 163
Claudia Schmidt

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point b

Regulation (EC) No 1071/2009

Article 1 – point 6

Text proposed by the Commission

Amendment

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.

deleted

Or. de

Amendment 164
Henna Virkkunen

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point b

Regulation (EC) No 1071/2009

Article 1 – point 6

Text proposed by the Commission

Amendment

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.

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 ***when they operate international carriage as defined in Regulation (EU) 1072/2009.***

Or. en

Amendment 165

Olga Sehnalová

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point b

Nařízení (ES) č. 1071/2009

odstavec 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

'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 **or combinations of vehicles** with a permissible laden mass not exceeding **2.8 tonnes. Member States may, however, lower this limit for all or some categories of road transport operations;**

Or. cs

Justification

All four criteria should be mandatory for all light commercial vehicles in international transport above 2.8 tonnes, which means that the Directive will not have an impact on M1 category vehicles.

Amendment 166

Merja Kyllönen

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point b

Regulation (EC) No 1071/2009

Article 1 – paragraph 6 – first subparagraph

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)(d)** and Articles **8** 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.

Or. en

Justification

The requirements of professional competence should be analysed further in light of administrative burden and costs especially for SME's using LCV's.

Amendment 167

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

Proposal for a regulation

Article premier – paragraph 1 – point 1 – point b

Règlement (CE) 1071/2009

Article 1 – paragraph 6 – subparagraph 1

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

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 and used for road transport activities.

Amendment 168

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

Proposal for a regulation

Article premier – paragraph 1 – point 1 – point b

Règlement (CE) 1071/2009

Article 1 – paragraph 6 – subparagraph 2

Text proposed by the Commission

Member States may, however:

Amendment

deleted

(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

It is essential to extend to all Member States the obligation to register light transport operators in the national registries and to make this conditional on the four requirements for access to the occupation of road transport operator.

Amendment 169

Elżbieta Katarzyna Łukacijewska

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point b

Regulation 1071/2009

Article 1 – paragraph 6 – second subparagraph

Text proposed by the Commission

Amendment

Member States may, however:

deleted

(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

Ensuring a level playing field between LCVs and bigger trucks is necessary as there is a large number of SMEs having LCVs in their fleets. Hence, limiting the requirements for vehicles between 2.8 and with a permissible laden mass not exceeding 3.5 tonnes for effective and stable establishment as well as financial standing will be enough to improve enforcement.

Amendment 170

Jacqueline Foster

Proposal for a regulation

PE618.056v01-00

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Article 1 – paragraph 1 – point 1 – point b
Regulation 1071/2009/EC
Article 1 – paragraph 6 – second subparagraph

Text proposed by the Commission

Amendment

Member States may, however:

deleted

***(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

*This proposal would distract control officers from enforcing rules against dangerous vehicles
which pose a threat to life in favour of compliance with administrative processes.*

Amendment 171
Claudia Schmidt

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point b
EC 1071/2009
Artikel 1 – Absatz 6 – Buchstaben a und b

Text proposed by the Commission

Amendment

Member States may, however:

deleted

***(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. de

Amendment 172
Elżbieta Katarzyna Łukacijewska

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point b (new)
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PE618.056v01-00

EN

Text proposed by the Commission

Amendment

(b a) The following paragraph 5 a is added:

By way of derogation from paragraph 2, this Regulation shall, unless otherwise provided for in national law, not apply to transport operations in cross-border regions, carried out by transport operators by means of vehicles with the permissible laden mass which does not exceed 3,5 tonnes from these regions, within 100 km radius from the border.

Or. en

Justification

Applying the rules to transport operations being carried out on permanent basis in cross-border regions would affect badly medium and small enterprises. In this case drivers do not cover long distances, they rest, eat and sleep back at home.

Amendment 173

Mark Demesmaecker, Helga Stevens

Proposal for a regulation

Article 1 – paragraph 1 – point 2

Regulation 1071/2009/EC

Article 3 – paragraph 2

Text proposed by the Commission

Amendment

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

deleted

Or. nl

Amendment 174

Georg Mayer, Marco Zanni, Angelo Ciocca, Mario Borghezio, Mara Bizzotto

Proposal for a regulation

Article 1 – paragraph 1 – point 2

Regulation 1071/2009/EC

Article 3 – paragraph 2

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Text proposed by the Commission

Amendment

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

Or. it

Justification

Given the domestic market particularities of each Member State, where supply frequently exceeds demand and where most undertakings remain within national borders, the possibility of continuing to impose additional national requirements cannot be ruled out, provided that they are proportionate and non-discriminatory. The amendment is necessarily related to the specific amendment deleting the second sentence of recital 3 of the proposal.

Amendment 175

Daniela Aiuto, Rosa D'Amato

Proposal for a regulation

Article 1 – paragraph 1 – point 2

Regulation 1071/2009/EC

Article 3 – paragraph 2

Text proposed by the Commission

Amendment

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

Or. it

Amendment 176

David-Maria Sassoli

Proposal for a regulation

Article 1 – paragraph 1 – point 2

Regulation 1071/2009/EC

Article 3 – paragraph 2

Text proposed by the Commission

Amendment

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

Or. it

Justification

The Member State domestic markets each have their own particular sets of rules for admission to the occupation of road transport operator. For example, on some internal markets, supply outstrips demand in the case of transport operators (especially firms possessing a single vehicle) that remain within national borders and do not provide cross-border services. In view of these particular considerations, the possibility of continuing to impose additional national requirements cannot be ruled out, provided that they are proportionate, non-discriminatory and in line with EU law.

Amendment 177

Massimiliano Salini, Salvatore Domenico Pogliese

Proposal for a regulation

Article 1 – paragraph 1 – point 2

Regulation 1071/2009/EC

Article 3 – paragraph 2

Text proposed by the Commission

Amendment

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

Or. it

Justification

Given the particularities of the national markets, where most undertakings remain within national borders, the possibility of continuing to impose additional national requirements cannot be ruled out, provided that they are proportionate and non-discriminatory.

Amendment 178

Luis de Grandes Pascual

Proposal for a regulation

Article 1 – paragraph 1 – point 2

Regulation 1071/2009/EC

Article 3 – paragraph 2

Text proposed by the Commission

Amendment

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

Or. es

Amendment 179
Karima Delli, Bas Eickhout

Proposal for a regulation
Article 1 – paragraph 1 – point 2
Regulation (EC) no1071/2009
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 180
Isabella De Monte

Proposal for a regulation
Article 1 – paragraph 1 – point 2
Regolamento (CE) 1071/2009
Articolo 3 – paragrafo 2

Text proposed by the Commission

Amendment

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

(2) Article3, paragraph 2 is amended as follows:
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 national road transport operator.

Or. it

Amendment 181
Cláudia Monteiro de Aguiar

Proposal for a regulation
Article 1.º – paragraph 1 – point 3 – introductory part
regulation 1071/2009

Article 5 paragraph 1

Text proposed by the Commission

(3) Article 5 is amended as follows:

Amendment

(3) Article 5 is amended as follows:
In order to satisfy the requirement laid down in Article 3(1)(a), the undertaking shall:

Or. pt

Amendment 182

Karima Delli, Bas Eickhout

Proposal for a regulation

Article 1 – paragraph 1 – point 3 – point a

Regulation (EC) no1071/2009

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, ***accessible both electronically and in hardcopy*** 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 183

Inés Ayala Sender

Proposal for a regulation

Article 1 – paragraph 1 – point 3 – point a

Reglamento 1071/2009

Artículo 5– letra a

PE618.056v01-00

80/108

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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 **original** business documents, **or ensure access to the documents electronically**, in particular its **transport** contracts, accounting documents, personnel management documents, labour contracts, **social security documents, documents relating to collective agreements, where appropriate**, 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;

Or. es

Amendment 184

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

Proposal for a regulation

Article premier – paragraph 1 – point 3 – point a

Règlement (CE) 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 the member State of establishment**, in which it keeps its core business documents, **accessible either in hard copy or electronic form**, 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;;

Or. fr

Amendment 185
Daniela Aiuto, Rosa D'Amato

Proposal for a regulation
Article 1 – paragraph 1 – point 3 – point a
Regolamento (CE) n. 1071/2009
Articolo 5 – lettera 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 186
Dieter-Lebrecht Koch

Proposal for a regulation
Article 1 – paragraph 1 – point 3 – point a
Verordnung (EG) Nr. 1072/2009
Artikel 5 – Buchstabe 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 an establishment situated in that Member State with*** premises in which it keeps its core business documents, in particular its contracts, accounting documents, personnel management documents, ***pay slips***, documents containing data relating to ***cabotage 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.

Amendment 187

Pavel Telička, Jozo Radoš

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, **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 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;

Or. en

Amendment 188

Claudia Tapardel

Proposal for a regulation

Article 1 – paragraph 1 – point 3 – point a
regulation 1071

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, **or allows access to them, including in electronic format**, 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;;

Or. en

Amendment 189

Marie-Christine Arnautu

Proposal for a regulation

Article premier – paragraph 1 – point 3 – point a

Regulation 1071/2009/EC

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, **to cabotage and to posting, as well as** 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 190

Merja Kyllönen

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

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 **posted workers**, driving time and rest and any other document to which the competent authority

order to verify compliance with the conditions laid down in this Regulation;;

must have access in order to verify compliance with the conditions laid down in this Regulation;;

Or. en

Amendment 191

Andor Deli, Ádám Kósa

Proposal for a regulation

Article 1 – paragraph 1 – point 3 – point a

Regulation 1071/2009/EC

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, ***either in written or electronic form***, in particular its 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;;

Or. en

Amendment 192

Karima Delli, Bas Eickhout

Proposal for a regulation

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

Regulation (EC) no1071/2009

Article 5 point a a (new)

Text proposed by the Commission

Amendment

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

Justification

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

Amendment 193

Daniela Aiuto, Rosa D'Amato

Proposal for a regulation

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

Regulation 1071/2009/EC

Articolo 5 – lettera a bis

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 194

Christine Revault d'Allonnes Bonnefoy, Ismail Ertug, Hugues Bayet, Lucy Anderson, Kathleen Van Brempt, Isabella De Monte, Karoline Graswander-Hainz, Michael Detjen

Proposal for a regulation

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

Regulation 1071/2009/EC

Article 5 – point a a (new)

Text proposed by the Commission

Amendment

(a a) the following point (a a) is added:

(a a) The vehicles referred to in point (b) shall perform, in the framework of a transport contract, at least one loading or one unloading of goods per week in the premises of one company located in the same territory than the one of the establishment country.

Or. en

Amendment 195
Inés Ayala Sender

Proposal for a regulation
Article 1 – paragraph 1 – point 3 – point b
Reglamento 1071/2009
Artículo 5– letra c

Text proposed by the Commission

(c) conduct effectively and continuously its administrative and commercial activities with the ***appropriate administrative equipment and facilities at premises*** situated in that Member State;;

Amendment

(c) conduct effectively and continuously its administrative and commercial activities ***at premises situated in that Member State and carry out its transport operations*** with the ***vehicles referred to in point (b) with the appropriate technical equipment*** situated in that Member State;

Or. es

Amendment 196
Andor Deli, Ádám Kósa

Proposal for a regulation
Article 1 – paragraph 1 – point 3 – point b
Regulation 1071/2009
Article 5 – point c

Text proposed by the Commission

(c) conduct effectively and continuously its administrative and commercial activities ***with the appropriate administrative equipment and facilities*** at premises situated in that Member State;;

Amendment

(c) conduct effectively and continuously its administrative and commercial activities at premises situated in that Member State;

Or. en

Amendment 197
Pavel Telička, Jozo Radoš

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

Text proposed by the Commission

Amendment

(c) conduct effectively and continuously its administrative and commercial activities with the appropriate administrative equipment and facilities at premises situated in that Member State;;

(c) conduct effectively and continuously its administrative and commercial activities with the appropriate administrative equipment and facilities at premises ***referred to in point (a)*** situated in that Member State;

Or. en

Amendment 198

Andor Deli, Ádám Kósa

Proposal for a regulation

Article 1 – paragraph 1 – point 3 – point c

Regulation 1071/2009

Article 5 – point d

Text proposed by the Commission

Amendment

(c) ***the following point (d) is added:***
‘(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;;’

deleted

Or. en

Amendment 199

Inés Ayala Sender

Proposal for a regulation

Article 1 – paragraph 1 – point 3 – point c

Reglamento 1071/2009

Artículo 5– letra 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;;***

deleted

Or. es

Amendment 200
Dieter-Lebrecht Koch

Proposal for a regulation
Article 1 – paragraph 1 – point 3 – point c
Verordnung (EG) Nr. 1071/2009
Artikel 5 – Buchstabe 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) ***or provide most of*** the transport ***services from that Member State or have more parking spaces than would be consistent*** with the ***number of*** vehicles as referred to in point (b) ***and other*** appropriate technical ***equipment;***

Or. de

Justification

A transport undertaking should provide most of its transport services in the country in which it is established. If it carries out most of its haulage operations in another country, then it should also be established there. It should also have an appropriate number of parking spaces at its headquarters. Enforcing these requirements can help to combat letter-box companies.

Amendment 201
Karima Delli, Bas Eickhout

Proposal for a regulation
Article 1 – paragraph 1 – point 3 – point c
Regulation 1071/2009/EC
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) manage the transport operations carried out with the vehicles referred to in point (b) ***as well as the routine maintenance of the vehicles of the fleet*** with the appropriate technical equipment situated in that Member State;;

Or. en

Justification

In order to avoid the development of the so called letterbox companies and to better fight against social and fiscal dumping, it is detailed that the technical equipment set up by the

haulier in the country of establishment shall enable the managing as well as the maintenance of the vehicles composing the fleet.

Amendment 202

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

Proposal for a regulation

Article premier – paragraph 1 – point 3 – point c

Règlement (CE) 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) manage the transport operations carried out with the vehicles referred to in point (b) **and the servicing of this fleet of vehicles** with the appropriate technical **equipment** situated in that Member State;;

Or. fr

Justification

In order to more effectively tackle fiscal and social dumping, it must be possible to manage transport operations and vehicle servicing with the appropriate technical equipment put in place by the transport undertaking in the country of establishment.

Amendment 203

Pavel Telička

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

Or. en

Amendment 204
Marie-Christine Arnautu

Proposal for a regulation
Article premier – paragraph 1 – point 3 – point c
règlement (CE) n° 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 continuously*** the transport operations carried out with the appropriate technical ***equipment*** situated in that Member State;;

Or. fr

Amendment 205
Andor Deli, Ádám Kósa

Proposal for a regulation
Article 1 – paragraph 1 – point 3 – point d
Regulation 1071/2009
Article 5 – point e

Text proposed by the Commission

Amendment

(d) ***the following point (e) is added:***
‘(e) hold assets and employ staff proportionate to the activity of the establishment.;;’

deleted

Or. en

Amendment 206
Marian-Jean Marinescu, Andrey Novakov

Proposal for a regulation
Article 1 – paragraph 1 – point 3 – point d
Regulation 1071/2009
Article 5 – point e

Text proposed by the Commission

Amendment

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

deleted

establishment.;

Or. en

Amendment 207
Inés Ayala Sender

Proposal for a regulation
Article 1 – paragraph 1 – point 3 – point d
Reglamento 1071/2009
Artículo 5– letra e

Text proposed by the Commission

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

Amendment

(e) *have at its disposal on a regular basis a number of vehicles and drivers which is commensurate with the number of operations carried out by the undertaking, as well as an administrative staff and operating infrastructure* proportionate to the activity of the *undertaking;*

Or. es

Amendment 208
Massimiliano Salini, Salvatore Domenico Pogliese

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 *vehicles* and employ *drivers* proportionate to the activity of the establishment;

(This amendment applies throughout the text; adopting it will necessitate corresponding changes throughout.)

Or. it

Justification

Use of the terms 'vehicles' and 'drivers' make it easier to ascertain immediately and verifiably the existence of true proportionality between the organisational structure (vehicles and drivers) and transport operations, so as to ensure that the former is fit for purpose when it comes to ensuring effective and regular transport operations.

Amendment 209

Mark Demesmaecker, Helga Stevens

Proposal for a regulation

Article 1 – paragraph 1 – point 3 – point d

VERORDENING (EG) nr. 1071/2009

Artikel 5, letter 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 210

Marie-Christine Arnautu

Proposal for a regulation

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

Regulation (EC) No 1071/2009

Article 5 – point f and g (new)

Text proposed by the Commission

Amendment

(ea) (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.

(g) the undertaking has a representative in each Member State in which it operates on a regular basis who can provide access to any documentation serving to verify that the conditions set out in this Regulation have been satisfied.

Or. fr

Amendment 211
Cláudia Monteiro de Aguiar

Proposal for a regulation

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

regulation 1071/2009

Article 5 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

(da) 1a. In addition to the requirements laid down in the first subparagraph, the Member State of establishment may require that an undertaking has:

(a) duly qualified administrative staff at the premises of the transport manager, contactable during suitable hours, in proportion to the scale on which the undertaking operates;

(b) operational infrastructure, in addition to the technical equipment referred to in point 1(c) on the territory of that Member State, including an office open during suitable hours, in proportion to the scale on which the undertaking operates.

Or. pt

Amendment 212

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

Proposal for a regulation

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

Règlement (CE) 1071/2009

Article 5 – point d a (new)

Text proposed by the Commission

Amendment

(da) organises its activities in such a way that each vehicle used in international transport operations performs, at least once every two weeks, one commercial loading or unloading of goods operation in the country of establishment of the undertaking concerned.

Amendment 213

Karima Delli, Bas Eickhout

Proposal for a regulation

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

Regulation (EC) no1071/2009

Article 5 – point d a (new)

Text proposed by the Commission

Amendment

(d a) have an operating centre situated in that Member State with necessary equipment, and in particular a sufficient number of vehicles 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's initial proposal for a regulation on access to occupation COM(2007) 263final/2

Amendment 214

Karima Delli, Bas Eickhout

Proposal for a regulation

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

Regulation (EC) no1071/2009

Article 5 point d b (new)

Text proposed by the Commission

Amendment

(3 a) (d b) organise its business activity in order that each vehicle used in the framework of transport international operations, completes at least within a period of 2 weeks, one commercial operation of loading or unloading in the concerned haulier's Member State of establishment.

Or. en

Justification

A sufficient and operational link between the vehicles used and the place of establishment of the hauliers shall be established in order to avoid the development of the so called letterbox companies.

Amendment 215

Mark Demesmaecker, Helga Stevens

Proposal for a regulation

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

Regulation 1071/2009/EC

Article 5 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

(3a) The assessment of the effective and stable establishment of an undertaking in the Member State concerned is always an individual and general assessment, taking into account all relevant factors.

Or. nl

Amendment 216

Kosma Złotowski, Tomasz Piotr Poręba, Roberts Zīle, Ryszard Antoni Legutko, Bolesław G. Piecha, Zdzisław Krasnodębski, Czesław Hoc, Evžen Tošenovský, Richard Sulík, Angel Dzhambazki

Proposal for a regulation

Article 1 – paragraph 1 – point 4 – point a – point i

Regulation (EC) No 1071/2009

Article 6 – paragraph 1– subparagraph 2

Text proposed by the Commission

Amendment

In determining whether an undertaking has satisfied that requirement, Member States shall consider the conduct of the undertaking, its transport managers, executive directors, general partners in the case of partnerships, other legal representatives and any other relevant person as may be determined by the Member State. Any reference in this Article to convictions, penalties or ***deleted***

infringements shall include convictions, penalties or infringements of the undertaking itself, its transport managers, executive directors, general partners in the case of partnerships, other legal representatives and any other relevant person as may be determined by the Member State.;

Or. en

Amendment 217

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

Proposal for a regulation

Article premier – paragraph 1 – point 4 – point a – point i

Règlement (CE) 1071/2009

Article 6 – paragraph 1 – subparagraph 2

Text proposed by the Commission

In determining whether an undertaking has satisfied that requirement, Member States shall consider the conduct of the undertaking, its transport managers, executive directors, general partners in the case of partnerships, other legal representatives and any other relevant person as may be determined by the Member State. Any reference in this Article to convictions, penalties or infringements shall include convictions, penalties or infringements of the undertaking itself, its transport managers, executive directors, general partners in the case of partnerships, other legal representatives and any other relevant person as may be determined by the Member State.;

Amendment

In determining whether an undertaking, ***irrespective of the type of vehicle it uses in its transport operations***, has satisfied that requirement, Member States shall consider the conduct of the undertaking, its transport managers, executive directors, general partners in the case of partnerships, other legal representatives and any other relevant person as may be determined by the Member State. Any reference in this Article to convictions, penalties or infringements shall include convictions, penalties or infringements of the undertaking itself, its transport managers, executive directors, general partners in the case of partnerships, other legal representatives and any other relevant person as may be determined by the Member State.;

Or. fr

Justification

In the interests of transparency and fairness between different types of operator, it is important to consider light commercial vehicles of less than 3.5 tonnes in the same way as

other vehicles used for an international transport operation in terms of the good repute requirement.

Amendment 218

Andor Deli, Ádám Kósa

Proposal for a regulation

Article 1 – paragraph 1 – point 4 – point a – point ii

Regulation 1071/2009/EC

Article 6 – paragraph 1a – point vii

Text proposed by the Commission

Amendment

(ii) in point (a) of the third subparagraph the following point (vii) is added:

deleted

‘(vii) tax law.;’

Or. en

Justification

No need to add additional elements to the conditions. Adding elements will not improve compliance with rules. Existing rules should be controlled by better enforcement.

Amendment 219

Claudia Schmidt

Proposal for a regulation

Article 1 – paragraph 1 – point 4 – point a – point ii

Regulation (EC) No 1071/2009

Article 6 – paragraph 1 – subparagraph 3 – point a – point vii

Text proposed by the Commission

Amendment

(vii) tax law.;

deleted

Or. de

Amendment 220

Luis de Grandes Pascual

Proposal for a regulation

Article 1 – paragraph 1 – point 4 – point a – point ii

Reglamento (CE) n.º 1071/2009

Artículo 6 párrafo 3, letra a),

Text proposed by the Commission

Amendment

(vii) tax law.;

(vii) tax law ***and social security contributions.***';

Or. es

Amendment 221

Claudia Țapardel

Proposal for a regulation

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

Regulation 1071/2009/EC

Article 6 – paragraph 1 – point b – point xi

Text proposed by the Commission

Amendment

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

deleted

Or. en

Amendment 222

Elżbieta Katarzyna Łukacijewska

Proposal for a regulation

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

Regulation (EC) No 1071/2009

Article 6 – paragraph 1b – point xi

Text proposed by the Commission

Amendment

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

deleted

Or. en

Justification

It is hard to say whether applying posting of workers directive to transport sector is a condition relating to a good repute of the establishment.

Amendment 223

**Kosma Zlotowski, Tomasz Piotr Poręba, Roberts Zile, Ryszard Antoni Legutko,
Bolesław G. Piecha, Zdzisław Krasnodębski, Evžen Tošenovský, Richard Sulík, Angel
Dzhambazki**

Proposal for a regulation

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

Regulation (EC) No 1071/2009

Article 6 – paragraph 1 – point b – point xi

Text proposed by the Commission

Amendment

(xi) the posting of workers; deleted

Or. en

Amendment 224

Andor Deli, Ádám Kósa

Proposal for a regulation

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

Regulation 1071/2009/EC

Article 6 – paragraph 1b – point xi

Text proposed by the Commission

Amendment

(xi) the posting of workers; deleted

Or. en

Justification

No need to add additional elements to the conditions. Adding elements will not improve compliance with rules. Existing rules should be controlled by better enforcement.

Amendment 225

Marian-Jean Marinescu, Andrey Novakov

Proposal for a regulation

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

Regulation 1071/2009

Article 6 (1) (b) (xi)

Text proposed by the Commission

Amendment

(xi) the posting of workers; deleted

Or. en

Amendment 226

Luis de Grandes Pascual

Proposal for a regulation

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

Reglamento (CE) n.º 1071/2009

artículo 6 párrafo tercero, letra b)

Text proposed by the Commission

Amendment

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

(xi) posting of *drivers in the road transport sector*;

Or. es

Amendment 227

Marie-Christine Arnautu

Proposal for a regulation

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

Regulation 1071/2009/EC

Article 6 – paragraph 1 – point b – point xi a

Text proposed by the Commission

Amendment

(*xia*) (*xii*) *cabotage*

Or. fr

Amendment 228

Mark Demesmaeker, Helga Stevens

Proposal for a regulation

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

VERORDENING (EG) nr. 1071/2009

Artikel 6, lid 1, alinea 3, letter b, punt xi(bis)(nieuw)

Text proposed by the Commission

Amendment

(*xia*) *Cabotage*

Or. nl

Amendment 229
Karima Delli, Bas Eickhout

Proposal for a regulation

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

Regulation (EC) no1071/2009

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

Text proposed by the Commission

Amendment

(xi a) cabotage

Or. en

Amendment 230
Claudia Schmidt

Proposal for a regulation

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

EC 1071/2009 and EC 1072/2009

Artikel 6 – Absatz 1 – Unterabsatz 3 – Buchstabe b

Text proposed by the Commission

Amendment

xia) cabotage

Or. de

Amendment 231
Andor Deli, Ádám Kósa

Proposal for a regulation

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

Regulation 1071/2009/EC

Article 6 – paragraph 1b – point xii

Text proposed by the Commission

Amendment

(xii) the law applicable to contractual obligations.; **deleted**

Or. en

Justification

No need to add additional elements to the conditions. Adding elements will not improve compliance with rules. Existing rules should be controlled by better enforcement.

Amendment 232

Marian-Jean Marinescu, Andrey Novakov

Proposal for a regulation

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

Regulation 1071/2009

Article 6 (1)(b)(xii)

Text proposed by the Commission

Amendment

(xii) the law applicable to contractual obligations.; **deleted**

Or. en

Amendment 233

Dieter-Lebrecht Koch

Proposal for a regulation

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

Verordnung (EG) Nr. 1071/2009

Artikel 6 – Absatz 1 – Unterabsatz 3 – Buchstabe b – Ziffer xii a (neu)

Text proposed by the Commission

Amendment

xiia) cabotage

Or. de

Amendment 234

Christine Revault d'Allonnes Bonnefoy, Kathleen Van Brempt, Lucy Anderson, Hugues Bayet, Ismail Ertug, Isabella De Monte, Karoline Graswander-Hainz, Michael Detjen

Proposal for a regulation

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

Regulation 1071/2009

Article 6, paragraphe 1 point b (xii a) new

Text proposed by the Commission

Amendment

(xii a) cabotage

Or. en

Amendment 235

Pavel Telička, Izaskun Bilbao Barandica, Jozo Radoš

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

(xii a) cabotage

Or. en

Amendment 236

Daniela Aiuto, Rosa D'Amato

Proposal for a regulation

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

Regolamento (CE) n. 1071/2009

Articolo 6 – lettera b – punto xii bis (nuovo)

Text proposed by the Commission

Amendment

(xiia) cabotage;

Or. it

Amendment 237

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

Proposal for a regulation

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

Règlement (CE) 1071/2009

Article 6 – paragraphe 1 – point b – sous point xiii (nouveau)

Text proposed by the Commission

Amendment

(xiia) cabotage

Or. fr

Justification

The conditions relating to the good repute requirement should take account of infringements of cabotage rules.

Amendment 238
Karima Delli, Bas Eickhout

Proposal for a regulation
Article 1 – paragraph 1 – point 4 – point b
Regulation (EC) no1071/2009
article 6 – paragraph 2 – subparagraph 1

Text proposed by the Commission

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 inspection at the premises of the undertaking concerned.

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 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 premises of the undertaking concerned.

Or. en

Amendment 239
Kosma Zlotowski, Tomasz Piotr Poręba, Roberts Zile, Ryszard Antoni Legutko, Bolesław G. Piecha, Zdzisław Krasnodębski, Czesław Hoc, Evžen Tošenovský, Richard Sulík, Angel Dzhambazki

Proposal for a regulation
Article 1 – paragraph 1 – point 4 – point c
Regulation (EC) No 1071/2009
Article 6 – paragraph 2 a – point b

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;

Amendment 240

Andor Deli, Ádám Kósa

Proposal for a regulation

Article 1 – paragraph 1 – point 4 – point c

Regulation 1071/2009/EC

Article 6 – paragraph 2a – point b)

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;

Or. en

Amendment 241

Luis de Grandes Pascual

Proposal for a regulation

Article 1 – paragraph 1 – point 4 – point c

Regulation 1071/2009/EC

Article 6 – paragraph 2 a – point b

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, to distort competition in the road transport market, ***and the failure to comply with, or the poor application of, the relevant Union labour legislation;***

Or. es

Amendment 242

Inés Ayala Sender

Proposal for a regulation

Article 1 – paragraph 1 – point 4 – point c

Regulation 1071/2009/EC

Article 6 – paragraph 2 a – point b

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, ***as well as the failure to comply with, or poor application of, the relevant Union labour legislation;***

Or. es

Amendment 243

Mark Demesmaeker, Helga Stevens

Proposal for a regulation

Article 1 – paragraph 1 – point 4 – point c

VERORDENING (EG) nr. 1071/2009

Artikel 6, lid 2 bis, letter b

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 ***evading the applicable labour and social legislation;***

Or. nl

Amendment 244

Inés Ayala Sender

Proposal for a regulation

Article 1 – paragraph 1 – point 4 – point c (new)

Regulation 1071/2009/EC

Article 6 – paragraph 2 a – point c a (new)

Text proposed by the Commission

Amendment

(ca) shall publish and regularly update a list of undertakings which fail to meet the conditions of good repute as regards this Regulation. Undertakings included on that list shall have the option of being removed from the list once they meet and respect these conditions.

Or. es