



ROAD TRANSPORT: HARMONISATION OF LEGISLATION

It is impossible to create a single European market for road transport without harmonising the relevant legal provisions in force in the Member States. The measures adopted by the EU are of a fiscal, technical, administrative and social nature.

LEGAL BASIS AND OBJECTIVES

Title VI of the Lisbon Treaty, and in particular Article 91 of the Treaty on the Functioning of the European Union (TFEU). A common road transport policy that safeguards fair conditions of competition and guarantees the freedom to provide services calls for the harmonisation of the relevant legal provisions in force in the Member States. This applies not only to taxation (VAT, vehicle taxes and fuel taxes) and State aid, but also to technical specifications (maximum authorised dimensions and weights), social provisions and measures to protect the environment.

ACHIEVEMENTS

A. Tax and technical harmonisation

1. Excise duty system and infrastructure charging

On 8 July 2008, the European Commission presented a package of initiatives to make transport greener ([‘Greening Transport’ package](#)), which provided a transparent and generally applicable model for calculating all external costs, including environment-, noise-, congestion- and health-related costs. It served as the basis for the calculations of infrastructure charges in the context of the revision of [Directive 1999/62/EC](#) of 17 June 1999 (also known as the ‘Eurovignette’ Directive) and prefigured a strategy for the gradual application of this model to all modes of transport.

The ‘Eurovignette’ Directive remains the reference point when it comes to charging infrastructure costs to transport undertakings. It was amended by [Directive 2006/38/EC](#) of 17 May 2006 and [Directive 2011/76/EU](#) of 27 September 2011. The ‘Eurovignette’ Directive is based on the ‘polluter-pays’ principle and the internalisation of the external costs of road transport. It aims to ensure that the costs of infrastructure use by heavy goods vehicles are reflected in the charges.

As part of the Commission’s ‘Europe on the Move’ legislative agenda, published on 31 May 2017, two new proposals for the modification of the ‘Eurovignette’ Directive are now on the table: a proposal for a directive of the European Parliament and of the Council amending Directive 1999/62/EC on the charging of heavy goods vehicles



for the use of certain infrastructures (under the COD — ordinary legislative procedure ([COM\(2017\)0275](#))) and a proposal for a Council directive amending Directive 1999/62/EC on the charging of heavy goods vehicles for the use of certain infrastructures, as regards certain provisions on vehicle taxation (under the CNS — consultation procedure ([COM\(2017\)0276](#))).

Another item that was also included on the 2017 ‘Europe on the Move’ legislative agenda is a proposal for a directive of the European Parliament and of the Council on the interoperability of electronic road toll systems and facilitating cross-border exchange of information on the failure to pay road fees in the Union ([COM\(2017\)0280](#)). Following completion of the co-decision procedure, the proposal was approved and subsequently published in the Official Journal of the European Union as [Directive 2019/520/EU](#).

2. Emission performance standards

[Regulation \(EC\) 443/2009](#) and [Regulation \(EU\) 510/2011](#) set emission performance standards for new passenger cars and light commercial vehicles as part of an integrated approach to reducing CO₂ emissions. These regulations were then amended by [Regulation \(EU\) No 333/2014](#) of 11 March 2014 amending Regulation (EC) No 443/2009 to define the modalities for reaching the 2020 target to reduce CO₂ emissions from new passenger cars and by [Regulation \(EU\) No 253/2014](#) of 26 February 2014 amending Regulation (EU) No 510/2011 to define the modalities for reaching the 2020 target to reduce CO₂ emissions from new light commercial vehicles.

A new proposal on emission performance standards for new passenger cars and for new light commercial vehicles ([COM\(2017\)0676](#)) amending Regulation (EC) No 715/2007 (recast) repealing Regulation (EC) No 443/2009 [2007/0297\(COD\)](#) and repealing Regulation (EU) No 510/2011 [2009/0173\(COD\)](#) aims to set emissions reduction targets for 2025 and 2030. The co-decision process has now finished and the act has been approved. The final act was published in the Official Journal in April 2019 ([2017/0293\(COD\)](#)).

3. Maximum authorised dimensions and weights

[Directive 96/53/EC](#) of 25 July 1996 laying down the maximum authorised dimensions and weights of national and international vehicles is the reference text used to set the maximum dimensions of heavy goods vehicles circulating between the Member States. However, Article 4 of the directive grants some national derogations: Member States may allow vehicles which exceed the limits referred to in the annex to the directive (18.75 m and 40 t) to carry out transport operations which are considered to not significantly affect international competition in the transport sector (for example, operations linked to logging and the forestry industry). The Member States must inform the Commission of the measures taken, which then issues derogations.

This directive was amplified and amended by [Directive 97/27/EC](#) of 22 July 1997 (which was then repealed by Regulation (EC) No 661/2009 of 13 July 2009) and [Directive 2002/7/EC](#) of 18 February 2002, which aimed to harmonise the maximum dimensions of buses to enable free circulation within the EU and, in particular, to ensure that cabotage operations for passenger transport worked efficiently.



[Directive \(EU\) 2015/719](#) of 29 April 2015 amended Directive 96/53/EC and laid down provisions for certain road vehicles circulating within the EU the maximum authorised dimensions in national and international traffic and the maximum authorised weights in international traffic.

Most recently, the Commission presented a proposal for a decision of the European Parliament and of the Council ([COM\(2018\)0275](#)) to amend Directive 96/53/EC as regards the time limit for the implementation of the special rules regarding maximum length in case of cabs delivering improved aerodynamic performance, energy efficiency and safety performance. In March 2019, Parliament adopted its position at first reading. The final act was published in the Official Journal in June 2019 ([2018/0130\(COD\)](#)).

B. Administrative harmonisation

1. Legal obligations for drivers

[Directive 91/439/EEC](#) of 29 July 1991 on driving licences harmonised the format of licences and categories of vehicles, introduced the principle of mutual recognition and laid down basic requirements in respect of health and competence. [Directive 96/47/EC](#) of 23 July 1996 provided for an alternative credit-card format for driving licences. The third directive on driving licences ([Directive 2006/126/EC](#) of 20 December 2006, repealing Directive 91/439/EEC) makes this credit-card format compulsory for all licences issued in the EU as from 19 January 2013. Furthermore, all the existing paper licences in circulation must be converted to the new plastic-card format when they are renewed or by 2033 at the latest. All new licences will be valid for a fixed period (from 10 to 15 years for motorcycles and cars, depending on the country, and for 5 years for lorries and buses) and they will be valid throughout the EU. The harmonisation is intended to meet the following objectives: combating fraud, reducing driving licence tourism, guaranteeing free circulation and improving road safety.

On 1 February 2017, the Commission published a proposal for a Directive (EU) 2018/645 of the European Parliament and of the Council amending Directive 2003/59/EC on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers and Directive 2006/126/EC on driving licences ([COM\(2017\)0047](#)). The Directive was published in the [Official Journal](#) on 2 May 2018.

As of 4 December 2011, driver attestation has been governed by [Regulation \(EC\) No 1072/2009](#) of 21 October 2009 on common rules for access to the international road haulage market. This legislation replaces [Regulation \(EC\) No 484/2002](#) amending Council Regulations ([EEC\) No 881/92](#) and ([EEC\) No 3118/93](#). The driver attestation is a uniform document certifying that the driver of a vehicle carrying out road haulage operations between Member States is either lawfully employed by the EU transport operator concerned in the Member State in which the operator is established, or lawfully placed at the disposal of that operator.

2. Vehicle registration

[Directive 1999/37/EC](#) of 29 April 1999 (amended by [Directive 2003/127/EC](#) and again by [Directive 2014/46/EU](#), included in the Roadworthiness Package) harmonises vehicle registration documents and simplifies checks on ownership and transfers



between residents of two different Member States. [Regulation \(EC\) No 2411/98](#) of 3 November 1998 (on the recognition in intra-Community traffic of the distinguishing sign of the Member State in which motor vehicles and their trailers are registered) makes it compulsory for registration plates to display the retro-reflecting European flag and for the distinguishing sign of the Member State to be affixed on the far left of the registration plate.

C. Social harmonisation on working time, driving time and rest periods

The transport sector was excluded from the scope of [Directive 93/104/EC](#) of 23 November 1993 concerning certain aspects of the organisation of working time. [Directive 2002/15/EC](#) of 11 March 2002 on the organisation of the working time of persons performing mobile road transport activities seeks to lay down minimum requirements in relation to working time in order to improve the health and safety of drivers. Under the directive, average weekly working time is 48 hours. This may be increased to 60 hours provided that an average of 48 hours per week is not exceeded in any four-month period. Rules on maximum driving time per day and per week, breaks and minimum daily rest periods are laid down in [Regulation \(EC\) 561/2006](#) of 15 March 2006 repealing [Regulation \(EEC\) 3820/85](#) of 20 December 1985. The regulation applies to drivers transporting goods (vehicles exceeding 3.5 tonnes) or passengers (vehicles carrying more than nine people). It also introduced more frequent breaks and improved and simplified checking and penalty measures. [Regulation \(EC\) 561/2006](#) also amended [Regulation \(EEC\) 3821/85](#) of 20 December 1985 and made the digital tachograph mandatory. Given that it cannot be tampered with, the tachograph facilitates the detection of infringements of EU social legislation. [Directive 2006/22/EC](#) of 15 March 2006 lays down minimum requirements for the implementation of the aforementioned regulations and stipulates the minimum number of checks (at least 3% of days worked by drivers in 2010) to be carried out by the Member States in order to monitor compliance with the rules on driving time, breaks and rest periods. [Regulation \(EC\) 561/2006](#) is also linked to [Regulation \(EU\) 165/2014](#) which regulates the requirements for tachographs. The replacement of analogue tachographs with digital tachographs was expected gradually to clear the way for a greater volume of data to be checked more swiftly and more precisely, thereby making it possible for the Member States to carry out more checks. As part of the 2009 road transport package, [Regulation \(EC\) 1073/2009](#) of 21 October 2009 amended [Regulation \(EC\) 561/2006](#), reintroducing the '12-day rule' whereby coach drivers engaged in providing a single occasional passenger service may work for up to 12 consecutive days (instead of a maximum of six) provided that it is an international transport occasional service which includes at least one 24-hour break period. The derogation is permitted only on the basis of strict conditions, which maintain road safety and require drivers to take weekly rest periods immediately before and after the service. Other conditions will be added from 1 January 2014: the vehicle must be equipped with a digital tachograph and in cases where a driver works between 22.00 and 6.00, either the driver's shift will be reduced by three hours or there will be other drivers on board to take over. Road transport legislation such as [Directive 2002/15/EC](#) and [Directive 2006/22/EC](#) complement [Regulation \(EC\) 561/2006](#), particularly with regard to working time and enforcement.



On 31 May 2017, the Commission put forward its ‘Europe on the Move’ legislative package, which included a proposal for a regulation of the European Parliament and of the Council amending [Regulation \(EC\) No 561/2006](#) as regards on minimum requirements on maximum daily and weekly driving times, minimum breaks and daily and weekly rest periods and [Regulation \(EU\) 165/2014](#) as regards positioning by means of tachographs ([COM\(2017\)0277](#)). As part of its 2017 ‘Europe on the Move’ package, the Commission also put forward a proposal for a directive of the European Parliament and of the Council amending [Directive 2006/22/EC](#) as regards enforcement requirements and laying down specific rules with respect to [Directive 96/71/EC](#) and [Directive 2014/67/EU](#) for posting drivers in the road transport sector ([COM\(2017\)0278](#)). In April 2019, Parliament adopted a decision at first reading on both proposals. In September 2019, Parliament’s Committee on Transport and Tourism (TRAN) decided to open interinstitutional negotiations. In January 2020, the text agreed at early second reading interinstitutional negotiations was approved by the Committee ([2017/0121\(COD\)](#)).

ROLE OF THE EUROPEAN PARLIAMENT

Parliament has used its legislative powers to support, in principle, most of the Commission’s proposals for harmonisation, whilst at the same time emphasising certain aspects to which it attaches particular importance. When the last revision of the ‘Eurovignette Directive’ was carried out, Parliament stressed the importance of the environmental aspects, with the result that from the second half of 2013 toll prices may include the costs of noise and air pollution. This outcome, which Parliament considered the bare minimum needed to ensure the application of the ‘polluter pays’ principle, was achieved thanks to the unwavering determination of the TRAN Committee. In its [resolution of 15 March 2017](#) on the Commission’s approval of Germany’s revised plan to introduce a road toll, Parliament pointed out that there is an ongoing infringement procedure against Germany to address indirect discrimination based on nationality, which is in breach of Union law and violates the fundamental principles of the Treaties.

In its [resolution of 9 September 2015](#) entitled ‘the implementation of the [2011 White Paper on Transport](#): taking stock and the way forward towards sustainable mobility’, Parliament called on the Commission to propose additional legislative measures in some of the areas mentioned above. It called in particular for a review of the third Driving Licence Directive ([Directive 2006/126/EC](#)) in order to reinforce the requirements for the issue of driving licences and the training of drivers, and a review of [Directive \(EU\) 2015/719](#) of 29 April 2015, amending [Directive 96/53/EC](#), on the maximum authorised dimensions and weights in national and/or international traffic.

Despite securing more stringent checks on driving time and breaks, Parliament has consistently argued for effective social harmonisation in the EU. To this end, Parliament called on the Commission, before the end of 2013, to review the regulatory framework governing driving and rest periods in passenger and goods transport and to improve the harmonisation of the application and control of the rules. The State of the Union Road Transport Market report ([COM\(2014\)0222](#)), adopted on 14 April 2014, sets out



the development of the road haulage market and describes the social dimension of the road haulage sector.

On 16 October 2017, a joint public hearing was held by the TRAN and EMPL Committees in Parliament on the working conditions of mobile workers in transport. Furthermore, Parliament's Policy Department for Structural and Cohesion Policies has published a study entitled '[Research for TRAN Committee – Road Transport Hauliers in the EU: Social and Working Conditions](#)', which updates a study carried out in 2013. It analyses the social legislation applicable to and working conditions of professional drivers active in the road freight transport sector. It concentrates on the fundamental social issues that arise in this transport segment, including driving times, rest periods, and practical aspects that have a direct impact on the quality of life of drivers, such as employment schemes and income levels.

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