REPORT


Committee on Transport and Tourism

Rapporteur: Cláudia Monteiro de Aguiar
Symbols for procedures

* Consultation procedure
*** Consent procedure
****I Ordinary legislative procedure (first reading)
****II Ordinary legislative procedure (second reading)
****III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in **bold italics** in the left-hand column. Replacements are indicated in **bold italics** in both columns. New text is indicated in **bold italics** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in **bold italics**. Deletions are indicated using either the ▌ symbol or strikeout. Replacements are indicated by highlighting the new text in **bold italics** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.
## CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION</td>
<td>5</td>
</tr>
<tr>
<td>EXPLANATORY STATEMENT</td>
<td>13</td>
</tr>
<tr>
<td>PROCEDURE – COMMITTEE RESPONSIBLE</td>
<td>15</td>
</tr>
<tr>
<td>FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE</td>
<td>16</td>
</tr>
</tbody>
</table>
DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

(COM(2017)0282 – C8-0172/2017 – 2017/0113(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

– having regard to the Commission proposal to Parliament and the Council (COM(2017)0282),

– having regard to Article 294(2) and Article 91(1) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0172/2017),

– having regard to Article 294(3) of the Treaty on the Functioning of the European Union,

– having regard to the opinion of the European Economic and Social Committee of 6 December 2017¹

– after consulting the Committee of the Regions,

– having regard to Rule 59 of its Rules of Procedure,

– having regard to the report of the Committee on Transport and Tourism (A8-0193/2018),

1. Adopts its position at first reading hereinafter set out;

2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;

3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Amendment 1

Proposal for a directive
Recital 2

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<th>Text proposed by the Commission</th>
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<td>(2) The use of hired vehicles can reduce the costs of undertakings carrying</td>
<td>(2) Such use of hired vehicles can reduce the costs of undertakings carrying</td>
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goods on their own account or for hire and reward and at the same time increase their operational flexibility. It can therefore contribute to an increase in the productivity and competitiveness of the undertakings concerned. Moreover, as hired vehicles tend to be younger than the average fleet, they are also safer and less polluting.

Amendment 2

Proposal for a directive
Recital 3

*Text proposed by the Commission*

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

*Amendment*

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

Amendment 3

Proposal for a directive
Recital 4 a (new)

*Text proposed by the Commission*

(4 a) Member States should not be allowed to restrict the use on their respective territories of a vehicle hired by an undertaking duly established on the territory of another Member State, provided that the vehicle is registered and

*Amendment*

(4 a) Member States should not be allowed to restrict the use on their respective territories of a vehicle hired by an undertaking duly established on the territory of another Member State, provided that the vehicle is registered and
Amendment 4

Proposal for a directive
Recital 5

Text proposed by the Commission

(5) The level of road transport taxation still differs considerably within the Union. Therefore, certain restrictions, which also indirectly affect the freedom to provide vehicle hiring services, remain justified in order to avoid fiscal distortions. Consequently, Member States should have the option to limit the length of time a vehicle hired in a Member State other than the one of establishment of the undertaking hiring it can be used within their respective territories.

Amendment

(5) The level of road transport taxation still differs considerably within the Union. Therefore, certain restrictions, which also indirectly affect the freedom to provide vehicle hiring services, remain justified for the purpose of avoiding fiscal distortions. Consequently, Member States should have the option to limit, subject to the conditions laid down in this Directive and within their respective territories, the length of time an established undertaking can use a hired vehicle registered or put into circulation in another Member State. They should also be allowed to limit the number of such vehicles being hired by an undertaking established within their territories.

Amendment 5

Proposal for a directive
Recital 5 a (new)

Text proposed by the Commission

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

Amendment 6
Proposal for a directive
Recital 6 a (new)

Text proposed by the Commission

(6a) In order to maintain operational standards, meet safety requirements and ensure decent working conditions for drivers, it is important for carriers to have guaranteed access to assets and direct support infrastructure in the country in which they are performing their operations.

Amendment 7
Proposal for a directive
Recital 7

Text proposed by the Commission

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

(7) The implementation and effects of this Directive should be monitored by the Commission and be documented by it in a report at the latest three years after the date of transposition of this Directive. The report should take due account of the impact on road safety, on tax revenues and on the environment. The report should also assess all infringements of this Directive, including cross-border infringements. The need for future action in this area should be considered in light of that report.

Amendment 8
Proposal for a directive
Article 1 – paragraph 1 – point 1 – point a – point ii
Directive 2006/1/EC
Article 2 – paragraph 1 – point a

Text proposed by the Commission

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

Amendment

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

Amendment 9

Proposal for a directive
Article 1 – paragraph 1 – point 1 – point b
Directive 2006/1/EC
Article 2 – paragraph 1 – point b

Text proposed by the Commission

(b) the following paragraph 1a is
inserted:

‘1a. Where the vehicle is not registered
or put into circulation in compliance with
the laws of the Member State where the
undertaking hiring the vehicle is
established, Member States may limit the
time of use of the hired vehicle within
their respective territories. However,
Member States shall in such a case allow
its use for at least four months in any
given calendar year.’

Amendment 10

Proposal for a directive
Article 1 – paragraph 1 – point 2
Directive 2006/1/EC
Article 3 – paragraph 1

Text proposed by the Commission

Member States shall take the necessary
measures to ensure that their undertakings
may use hired vehicles for the carriage of
goods by road under the same conditions as

Amendment

I. Member States shall take the necessary
measures to ensure that undertakings
established within their territories may use
hired vehicles for the carriage of goods by
vehicles owned by them, provided that the conditions laid down in Article 2 are satisfied.

road under the same conditions as vehicles owned by them, provided that the conditions laid down in Article 2 are satisfied.

Amendment 11
Proposal for a directive
Article 1 – paragraph 1 – point 2
Directive 2006/1/EC
Article 3 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Where the vehicle is registered or put into circulation in compliance with the laws of another Member State, the Member State of establishment of the undertaking may:

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

(b) limit the number of hired vehicles that can be used by any undertaking, provided that they allow the use of at least a number of vehicles corresponding to 25% of the overall goods vehicle fleet owned by the undertaking on 31 December of the year preceding the request for authorisation; in which case an undertaking that has an overall fleet of more than one and less than four vehicles, shall be allowed to use at least one such hired vehicle.”

Amendment 12
Proposal for a directive
Article 1 – paragraph 1 – point 2 a (new)
Directive 2006/1/EC
Article 3 a (new)

Text proposed by the Commission

(2 a) the following Article 3 a is inserted
“Article 3 a
1. The information on a hired vehicle’s registration number shall be entered in the national electronic register as defined in Article 16 of Regulation (EC) 1071/2009*.
2. Competent authorities of the Member State of establishment of an operator that are informed of the use of a vehicle which that operator has hired and which is registered or put into circulation in compliance with the laws of another Member State shall inform the competent authorities of that other Member State thereof.
3. The administrative cooperation provided for in paragraph 2 shall be by means of the Internal market Information System (IMI), established by Regulation (EU) No 1024/2012**.

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

Amendment 13
Proposal for a directive
Article 1 – paragraph 1 – point 3
Directive 2006/1/EC
Article 5 a – paragraph 1

Text proposed by the Commission

By [OP: please insert the date calculated 5 years after the deadline for transposition of
Amendment
By ... [3 years after the deadline for transposition of this amending Directive],
the Directive, the Commission shall submit a report to the European Parliament and the Council on the implementation and effects of this Directive. The report shall include information on the use of vehicles hired in a Member State other than the Member State of establishment of the undertaking hiring the vehicle. On the basis of this report, the Commission shall assess whether it is necessary to propose additional measures.

Amendment 14

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

Text proposed by the Commission

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [OP: please insert the date calculated 18 months following the entry into force] at the latest. They shall communicate to the Commission the text of those provisions without delay.

Amendment

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by ... [20 months after the date of entry into force of this Directive]. They shall communicate to the Commission the text of those provisions without delay.
EXPLANATORY STATEMENT

Introduction

Road transport is the dominant transport mode for goods and passengers in the EU and employs around 1.6 million people. Over the years, the EU has developed a range of rules to ensure a fair, well-functioning, safe and socially sustainable road transport sector. European legislation on the use of hired vehicles without drivers for the carriage of goods by road has been in operation for 25 years. Current Directive 2006/1/EC provides for a minimum level of the market opening for the use of such vehicles, but still includes legal provisions from the 1980s that reflect the needs of the sector at that time. This legislation has to be reviewed to correspond to operators’ actual needs, as well as to align with the latest issues in the haulage market sector and with current EU policy priorities.

The Commission’s proposal

The Commission presented a review of the Directive 2006/1/EC on the use of vehicles hired without drivers for the carriage of goods by road, as part of several proposals in the area of road transport (‘Europe on the Move’ package for clean, competitive and connected mobility) on 31 May 2017. It is closely linked to the new rules on access to the profession and access to the haulage market, as well as to the access to the coach and bus market, with an overall aim to ensuring fair competition, simplifying existing rules, preserving the internal market and ensuring the rights of workers in this sector.

Current Directive 2006/1/EC:
• allows Member States to restrict the use of hired goods vehicles with a gross vehicle weight above six tonnes for own account operations;
• restricts the use of a vehicle which has been hired in a Member State different from the one where the undertaking hiring the vehicle is established.

The Commission proposal would remove these restrictions and establish a uniform regulatory framework across the EU to ensure equal access for transport operators to the market for hired vehicles. It seeks to:
• allow the use within its territory of vehicles hired by undertakings established on the territory of another Member State, provided that the vehicle is registered or put into circulation in compliance with the laws of a Member State;
• allow the use of a vehicle hired in another Member State for at least four months in any given calendar year to enable undertakings to meet temporary or seasonal demand peaks and/or to replace defective or damaged vehicles.

Rapporteur’s position

The Rapporteur supports the overall aim of the Commission’s legislative package “Europe on the Move” and this proposal, as it is an opportunity to foster a level playing field and fair competition for rental and leasing companies in the EU while lessening unnecessary administrative burdens and boosting enforcement.

The Rapporteur agrees that the Member States should not restrict the use on their territories of
a vehicle hired by an undertaking duly established on the territory of another Member State provided the vehicle complies with current operating standards and safety requirements.

The Rapporteur shares the view that due to the various levels of road transport taxation within the Union, the Member States should have the option to limit, within their respective territories, the length of time an established undertaking may use a hired vehicle registered or put into circulation in another Member State.

Moreover, an option should be given to the Member States to limit the number of such vehicles being hired by an undertaking established within their territories, provided that they allow use of a number of vehicles at least corresponding to 25% of the overall vehicle fleet owned by that or, in case of an undertaking having a fleet of less than four vehicles, the use of at least one hired vehicle.

The Rapporteur also believes that proper enforcement is key to ensuring the correct implementation and application of this proposal. For that, the existing national electronic registers as established by Regulation (EC) 1071/2009, should include the registration number of the hired vehicle as well as the validity period of the certified copy of the Community licence, indicating for how long a Member State shall allow its operators to use hired vehicles within its territory.

The Commission’s report should be submitted at the latest 3 years after the transposition deadline, describing the impact and various effects of this proposal on road safety, environment and tax revenues, and identifying such key metrics as the number of vehicles, registered in another Member State, hired by transport operators as well as the number of infringements related to the use of hired vehicles, overall as well as cross-border.
## Use of vehicles hired without drivers for the carriage of goods by road

### References

### Date submitted to Parliament
- 31.5.2017

### Committee responsible
- TRAN
- 15.6.2017

### Rapporteurs
- Date appointed
- Cláudia Monteiro de Aguiar
- 30.6.2017

### Discussed in committee
- 23.1.2018
- 20.3.2018
- 15.5.2018

### Date adopted
- 24.5.2018

### Result of final vote
- +: 24
- --: 15
- 0: 1

### Members present for the final vote

### Substitutes present for the final vote
- Daniel Dalton, Michael Gahler, Maria Grapini, Ramona Nicole Mănescu, Marek Plura, Jozo Radoš, Matthijs van Miltenburg

### Substitutes under Rule 200(2) present for the final vote
- Eleonora Evi, Jude Kirton-Darling, José Ignacio Salafranca Sánchez-Neyra, Annie Schreijer-Pierik, Anneleen Van Bossuyt, Marco Zullo

### Date tabled
- 29.5.2018
## FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

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Key to symbols:
+ : in favour
- : against
0 : abstention