REPORT


Committee on Transport and Tourism

Rapporteur: Ismail Ertug
Symbols for procedures

- Consultation procedure
- **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.
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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION


(Ordinary legislative procedure: first reading)

The European Parliament,

– having regard to the Commission proposal to Parliament and the Council (COM(2017)0281),

– 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 (C8-0169/2017),

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

– having regard to the opinion of the Economic and Social Committee of 18 January 2018,[1]

– 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 and the opinion of the Committee on Employment and Social Affairs (A8-0204/2018),

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.

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[1] OJ C 0, 0.0.0000, p. 0.
Amendment 1

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, including that of trailers, not exceeding 3.5 tonnes. 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. In order to avoid possible loopholes and to ensure a minimum level of professionalisation of the sector using motor vehicles with a permissible laden mass, including that of trailers, 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, while avoiding a disproportionate administrative burden. Since this Regulation only applies to undertakings transporting goods for hire or reward, undertakings performing transport operations for own account are not covered by this provision.

Amendment 2

Proposal for a regulation
Recital 2 a (new)
Amendment 3
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

In order to combat the phenomenon of so-called ‘letterbox companies’ and guarantee fair competition and a level playing field in the internal market, clearer establishment criteria, more intensive monitoring and enforcement, and improved cooperation between Member States is necessary. Road transport operators established in a Member State should have a real and continuous presence in that Member State and actually conduct their transport business and perform substantial activities from there. Therefore, and in light of experience, it is necessary to clarify and strengthen the provisions regarding the existence of an effective and stable establishment, while avoiding a disproportionate administrative burden.

Amendment 4
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

Amendment

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

Amendment 5

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, including that of trailers, between 2.4 and 3.5 tonnes and engaged in international transport operations, should have a minimum financial standing, to ensure that they have the 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 of vehicles above that limit.

Amendment 6

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 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

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 and their risk rating should allow a
**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 7**

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.

**Amendment 8**

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) In order to avoid empty runs, cabotage operations should be allowed, subject to specific restrictions, in the host Member State and in contiguous Member States. To this end, and in order to
while the number of days available for such operations should be reduced.

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

Amendment 9

Proposal for a regulation
Recital 14 a (new)

Text proposed by the Commission

Amendment

(14 a) In order to prevent cabotage operations from being carried out on a systematic basis, which could create a permanent or continuous activity that distorts the national market, the period available for cabotage operations in one host Member State should be reduced. In addition, hauliers should not be allowed to carry out new cabotage operations in the same host Member State within a certain time period and until they have performed a new international carriage originating from the Member State where the undertaking is established. This provision is without prejudice to the performance of international transport operations.

Amendment 10

Proposal for a regulation
Recital 15

Text proposed by the Commission

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

Effective and efficient enforcement of the rules is a prerequisite for fair competition in the internal market. Further digitalisation of enforcement tools is essential in order to free up enforcement capacity, reduce
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.

unnecessary administrative burden on international transport operators and in particular SMEs, better target high-risk transport operators and detect fraudulent practices. In order for transport documents to become paperless, the use of electronic documents should in the future become the rule, particularly the electronic consignment note under the Convention on the Contract for the International Carriage of Goods by Road (eCMR). 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 11

Proposal for a regulation
Recital 15 a (new)

Text proposed by the Commission

Amendment

(15 a) The swift introduction of the smart tachograph is of paramount importance, as it will enable enforcement authorities carrying out roadside checks to detect infringements and abnormalities quicker and more efficiently, which would result in better enforcement of this Regulation.
Amendment 12
Proposal for a regulation
Recital 16

Text proposed by the Commission

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

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 consignors, shippers, freight forwarders, contractors and subcontractors where they know that the transport services they commission involve infringements of the provisions of Regulation (EC) No 1072/2009. When undertakings contracting transport services commission those services from transport undertakings with a low risk rating, their liability should be reduced.

Amendment 13
Proposal for a regulation
Recital 16 a (new)

Text proposed by the Commission

(16 a) The proposed European Labour Authority [...] aims at supporting and facilitating the cooperation and exchange of information between national competent authorities, with a view to the effective enforcement of relevant Union law. In supporting and facilitating the enforcement of this Regulation, the Authority may play an important role in assisting the exchange of information between competent authorities, in supporting Member States in capacity building through staff exchange and training, and in assisting Member States...
in organizing concerted checks. This would strengthen the mutual trust between Member States, improve effective cooperation between competent authorities and help fighting fraud and abuse of the rules.

Amendment 14

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 the permissible laden mass of which, including that of trailers, is lower than 2.4 tonnes;

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

Amendment 15

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

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;

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 16

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

Text proposed by the Commission

Amendment

(b) the following paragraph 6 is deleted

added:

6.

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

Member States may, however:

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

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

Amendment 17

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

Text proposed by the Commission

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

Amendment

(a) have appropriate premises, proportionate to the activities of the undertaking, at which it is able to access the originals of its core business documents, whether in electronic or any other form, in particular its commercial contracts, accounting documents, personnel management documents, labour contracts, social security documents, documents containing data relating to cabotage, posting 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 18

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

Text proposed by the Commission

(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 every three weeks in the Member State of establishment.

Amendment 19

Proposal for a regulation
Article 1 – paragraph 1 – point 3 – point b
Regulation (EC) No 1071/2009
Article 5 – point c
(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 20

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 using the vehicles referred to in point (b) with the appropriate technical equipment situated in that Member State;

Amendment 21

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

Text proposed by the Commission
(d a) The following point (f) is added:

(f) have a clear link between the transport operations carried out and the Member State of establishment, an operating centre and access to sufficient parking places for regular use by the vehicles referred to in point (b).

Amendment 22
Proposal for a regulation

Article 1 – paragraph 1 – point 4 – point a – point iiii a (new)
Regulation (EC) No 1071/2009
Article 6 – point b – point xii a (new)

Text proposed by the Commission

Amendment

(iii a) (xii a) cabotage

Amendment 23

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

Amendment

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

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

Amendment 24

Proposal for a regulation

Article 1 – paragraph 1 – point 5 – point a
Regulation (EC) No 1071/2009
Article 7 – paragraph 1

Text proposed by the Commission

Amendment

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

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

of trailers, exceeding 3.5 tonnes used and EUR 900 for each additional vehicle with a permissible laden mass, including that of trailers, between 2.4 and 3.5 tonnes used. Undertakings engaged in the occupation of road haulage operator solely by means of motor vehicles with a permissible laden mass, including that of trailers, between 2.4 and 3.5 tonnes shall demonstrate, on the basis of annual accounts certified by an auditor or a duly accredited person, that, every year, they have at their disposal equity capital totalling at least EUR 1,800 when only one vehicle is used and EUR 900 for each additional vehicle used.

Amendment 25

Proposal for a regulation
Article 1 – paragraph 1 – point 5 – point b
Regulation (EC) No 1071/2009
Article 7 – paragraph 2

Text proposed by the Commission

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

Amendment

2. By way of derogation from paragraph 1, in the absence of certified annual accounts the competent authority shall agree that an undertaking demonstrate its financial standing by means of a certificate, such as a bank guarantee or an insurance, including a professional liability insurance from one or more banks or other financial institutions including insurance companies, or another binding document providing a joint and several guarantee for the undertaking in respect of the amounts specified in the first subparagraph of paragraph 1.

Amendment 26

Proposal for a regulation
Article 1 – paragraph 1 – point 5 a (new)
Regulation (EC) No 1071/2009
Article 8 – paragraph 5

Present text

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

Amendment

(5a) in Article 8, paragraph 5 is replaced by the following:

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

Amendment 27

Proposal for a regulation
Article 1 – paragraph 1 – point 8
Regulation (EC) No 1071/2009
Article 12 – paragraph 2 – subparagraph 2

Text proposed by the Commission

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

Amendment

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

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

Amendment 28

Proposal for a regulation
Article 1 – paragraph 1 – point 10 (new)
Regulation (EC) No 1071/2009
Article 14 – paragraph 2

Text proposed by the Commission

2. Unless and until a rehabilitation measure is taken in accordance with the relevant provisions of national law, the certificate of professional competence, referred to in Article 8(8), of the transport manager declared to be unfit shall no
longer be valid in any Member State. The Commission shall draw up a list of rehabilitation measures for regaining good repute.

Amendment 29

Proposal for a regulation
Article 1 – paragraph 1 – point 11 – point a – point i a (new)
Regulation (EC) No 1071/2009
Article 16 – paragraph 2 – point c

Present text

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

Amendment

(-ia) point c is replaced by the following:

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

Amendment 30

Proposal for a regulation
Article 1 – paragraph 1 – point 11 – point a – point i
Regulation (EC) No 1071/2009
Article 16 – paragraph 2 – point h

Text proposed by the Commission

(h) the number of employees;

Amendment

(h) the number of people employed in the undertaking during the last calendar year;

Amendment 31

Proposal for a regulation
Article 1 – paragraph 1 – point 11 – point a – point ii
Regulation (EC) No 1071/2009
Article 16 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Member States may choose to keep the

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

Amendment 32

Proposal for a regulation
Article 1 – paragraph 1 – point 11 – point a – point ii
Regulation (EC) No 1071/2009
Article 16 – paragraph 2 – subparagraph 3

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>In any case, the data referred to in points (e) to (j) of the first subparagraph shall only be accessible to authorities other than the competent authorities where they are duly endowed with powers relating to supervision and the imposition of penalties in the road transport sector and their officials are sworn to, or otherwise are under a formal obligation of secrecy.</td>
<td>The data referred to in points (e) to (j) of the first subparagraph shall only be accessible to authorities other than the competent authorities where they are duly endowed with powers relating to supervision and the imposition of penalties in the road transport sector and their officials are sworn to, or otherwise are under a formal obligation of secrecy.</td>
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Amendment 33

Proposal for a regulation
Article 1 – paragraph 1 – point 11 – point a – point ii
Regulation (EC) No 1071/2009
Article 16 – paragraph 2 – subparagraph 3 a (new)

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>For the purpose of Article 14a of Regulation (EC) No 1072/2009, the data referred to in point (j) shall be available upon request to consignors, freight</td>
<td></td>
</tr>
</tbody>
</table>

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forwarders, contractors and subcontractors.

Amendment 34

Proposal for a regulation
Article 1 – paragraph 1 – point 11 – point b a (new)
Regulation (EC) No 1071/2009
Article 16 – paragraph 5

Present text
Amendment (ba) paragraph 5 is replaced by the following:

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

5. In order to increase the effectiveness of cross-border enforcement, Member States shall ensure that the national electronic registers are interconnected and interoperable throughout the Union via the European Register of Road Transport Undertakings (ERRU) referred to in Regulation (EU) 2016/480, so that the data referred to in paragraph 2 is directly accessible to all competent enforcement authorities and control bodies of all Member States in real-time.

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

Amendment 35

Proposal for a regulation
Article 1 – paragraph 1 – point 11 – point b b (new)
Regulation (EC) No 1071/2009
Article 16 – paragraph 6

Present text
Amendment (b b) paragraph 6 is replaced by the following:

6. Common rules concerning the implementation of paragraph 5, such as the format of the data exchanged, the technical procedures for electronic

6. The Commission is empowered to adopt delegated acts in accordance with Article 24a to establish and update common rules to ensure that the national electronic
consultation of the national electronic registers of the other Member States and the promotion of the interoperability of these registers with other relevant databases, shall be adopted by the Commission in accordance with the advisory procedure referred to in Article 25(2) and for the first time before 31 December 2010. Those common rules shall determine which authority is responsible for access to data and further use and updating of data after access and, to this effect, shall include rules on data logging and data monitoring.

 registers are fully interconnected and interoperable, so that a competent authority or control body in any Member State is able to directly and in real-time access the national electronic register of any Member State as stipulated in paragraph 5. Such common rules shall include rules on the format of the data exchanged, the technical procedures for electronic consultation of the national electronic registers of the other Member States and the interoperability of these registers, as well as specific rules concerning access to data, data logging and data monitoring.

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

Amendment 36

Proposal for a regulation
Article 1 – paragraph 1 – point 12
Regulation (EC) No 1071/2009
Article 18 – paragraph 1

Text proposed by the Commission

1. Member States shall designate a national contact point responsible for the exchange of information with the other Member States on the application of this Regulation. Member States shall inform the Commission of the names and addresses of their national contact points by 31 December 2018. The Commission shall draw up a list of all contact points and forward it to the Member States. Member States shall immediately communicate to the Commission any changes to the contact points.

Amendment

1. The competent authorities of the Member States shall cooperate closely and swiftly provide one another with mutual assistance and any other relevant information in order to facilitate the implementation and enforcement of this Regulation.

Amendment 37
Proposal for a regulation
Article 1 – paragraph 1 – point 12
Regulation (EC) No 1071/2009
Article 18 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. For the purposes of paragraph 1, administrative cooperation provided for in this Article shall be implemented through the Internal Market Information System (IMI), established by Regulation (EU) No 1024/2012 of the European Parliament and of the Council1a, which allows all operators to provide data in their own languages.


Amendment 38

Proposal for a regulation
Article 1 – paragraph 1 – point 12
Regulation (EC) No 1071/2009
Article 18 – paragraph 3

Text proposed by the Commission

Amendment

3. Member States shall reply to requests for information from all competent authorities of other Member States and, where necessary, carry out checks, inspections and investigations concerning compliance with the requirement laid down in Article 3(1)(a) by road transport operators established in their territory. Requests for information by competent authorities of Member States shall be reasoned. To this end, requests shall include credible indications of

3. Member States shall reply to requests for information from all competent authorities of other Member States and carry out checks, inspections and investigations concerning compliance with the requirement laid down in Article 3(1)(a) by road transport operators established in their territory. Requests for information by competent authorities of Member States shall be duly justified and reasoned. To this end, requests shall include credible indications of possible
possible infringements of Article 3(1)(a).
infringements of Article 3(1)(a).

Amendment 39

Proposal for a regulation
Article 1 – paragraph 1 – point 12
Regulation (EC) No 1071/2009
Article 18 – paragraph 4

Text proposed by the Commission

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

Amendment

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

Amendment 40

Proposal for a regulation
Article 1 – paragraph 1 – point 12
Regulation (EC) No 1071/2009
Article 18 – paragraph 5

Text proposed by the Commission

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

Amendment

5. Where it is difficult or impossible to comply with a request for information or to carry out checks, inspections or investigations, the Member State in question shall inform the requesting Member State accordingly within five working days, duly justifying that difficulty or impossibility. The Member States concerned shall cooperate with each other with a view to finding a solution for any difficulty raised. In the event of any persisting problem in the exchange of information, or of a permanent refusal to supply information without proper justification, the Commission, being informed and after consulting the Member States concerned, may take all
necessary measures to remedy the situation.

Amendment 41

Proposal for a regulation
Article 1 – paragraph 1 – point 12
Regulation (EC) No 1071/2009
Article 18 – paragraph 6

Text proposed by the Commission

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

Amendment

6. In response to requests under paragraph 3, Member States shall supply the requested information and carry out the required checks, inspections and investigations within **fifteen** working days from the receipt of the request, **unless another time limit is mutually agreed between the Member States concerned or** unless they have informed the requesting Member State that the request is insufficiently reasoned or of the impossibility or the difficulties pursuant to paragraphs 4 and 5 **and no solution for those difficulties has been found.**

Amendment 42

Proposal for a regulation
Article 1 – paragraph 1 – point 12 a (new)
Regulation (EC) No 1071/2009
Article 18 a (new)

Text proposed by the Commission

(12 a) The following Article 18a is introduced:

Article 18a

Accompanying measures

1. Member States shall take accompanying measures to develop, facilitate and promote exchanges between officials in charge of the administrative cooperation and mutual assistance
between Member States as well as those in charge of monitoring the compliance with, and enforcement of, the applicable rules of this Regulation.

2. The Commission shall provide technical and other support in order to further improve administrative cooperation and increase mutual trust between Member States, including through promoting staff exchanges and joint training programmes, as well as developing, facilitating and promoting best practice initiatives. The Commission may, without prejudice to the prerogatives of the European Parliament and the Council in the budgetary procedure, use available financing instruments to further strengthen capacity building and administrative cooperation between Member States.

3. Member States shall establish a programme of peer-reviews in which all competent enforcement authorities are to participate, ensuring the appropriate rotation of both the reviewing and the reviewed competent enforcement authorities. Member States shall notify those programmes to the Commission every two years as part of the report on the activities of the competent authorities referred to in Article 26.

Amendment 43

Proposal for a regulation
Article 1 – paragraph 1 – point 16
Regulation (EC) No 1071/2009
Article 26 – paragraph 3

Text proposed by the Commission

3. Every year, Member States shall draw up a report on the use of motor vehicles with a permissible laden mass not exceeding 3.5 tonnes or combinations of vehicles with a permissible laden mass not exceeding 3.5 tonnes in their territory and

Amendment

3. Every year, Member States shall draw up a report on the use of motor vehicles with a permissible laden mass, including that of trailers, between 2.4 and 3.5 tonnes involved in international transport and established in their territory
shall forward it to the Commission no later than 30 June of the year after the end of the reporting period. This report shall include:

Amendment 44

Proposal for a regulation
Article 1 – paragraph 1 – point 16
Regulation (EC) No 1071/2009
Article 26 – paragraph 3 – point a

Text proposed by the Commission

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

Amendment

(a) the number of authorisations granted to operators engaged in the occupation of road haulage operator solely by means of motor vehicles with a permissible laden mass, including that of trailers, between 2.4 and 3.5 tonnes involved in international transport;

Amendment 45

Proposal for a regulation
Article 1 – paragraph 1 – point 16
Regulation (EC) No 1071/2009
Article 26 – paragraph 3 – point b

Text proposed by the Commission

(b) the number of vehicles with a permissible laden mass not exceeding 3.5 tonnes registered in the Member State in each calendar year;

Amendment

(b) the number of motor vehicles with a permissible laden mass, including that of trailers, between 2.4 and 3.5 tonnes involved in international transport, registered in the Member State in each calendar year;

Amendment 46

Proposal for a regulation
Article 1 – paragraph 1 – point 16
Regulation (EC) No 1071/2009
Article 26 – paragraph 3 – point c
Text proposed by the Commission

(c) the overall number of vehicles with a permissible laden mass **not exceeding 3.5** tonnes registered in the Member State as of 31 December of each year;

Amendment

(c) the overall number of **motor** vehicles with a permissible laden mass, **including that of trailers, between 2.4 and 3.5** tonnes **involved in international transport**, registered in the Member State as of 31 December of each year;

Amendment 47

Proposal for a regulation

**Article 1 – paragraph 1 – point 16**
Regulation (EC) No 1071/2009
Article 26 – paragraph 3 – point d

Text proposed by the Commission

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

Amendment

(d) the estimated share of motor vehicles with a permissible laden mass, **including that of trailers, between 2.4 and 3.5** tonnes, as well as those under 2.4 tonnes, in the overall road transport activity of all vehicles registered in the Member State, broken down by national, international and cabotage operations.

Amendment 48

Proposal for a regulation

**Article 1 – paragraph 1 – point 16**
Regulation (EC) No 1071/2009
Article 26 – paragraph 4

Text proposed by the Commission

4. On the basis of the information gathered by the Commission under paragraph 3 and of further evidence, the Commission shall, by 31 December 2024 at the latest, present a report to the European Parliament and the Council on the evolution of the total number of motor vehicles with a permissible laden mass **not exceeding 3.5** tonnes **or combinations of**

Amendment

4. On the basis of the information gathered by the Commission under paragraph 3 and of further evidence, the Commission shall, by 31 December 2024 at the latest, present a report to the European Parliament and the Council on the evolution of the total number of motor vehicles with a permissible laden mass, **including that of trailers, between 2.4 and**
vehicles with a permissible laden mass not exceeding 3.5 tonnes engaged in national and international road transport operations. On the basis of this report, it shall reassess whether it is necessary to propose additional measures.

Amendment 49

Proposal for a regulation
Article 1 – paragraph 1 – point 16
Regulation (EC) No 1071/2009
Article 26 – paragraph 5

Text proposed by the Commission

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

Amendment

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

Amendment 50

Proposal for a regulation
Article 1 – paragraph 1 – point 16 a (new)
Regulation (EC) No 1071/2009
Article 26 – paragraph 5 a (new)

Text proposed by the Commission

16a. The following paragraph 5a is introduced:

5a. On the basis of the information gathered by the Commission under paragraph 5 and of further evidence, the Commission shall, by 31 December 2020 at the latest, present a detailed report to the European Parliament and the Council on the extent of administrative cooperation between Member States, on any possible shortcomings in this respect and on possible ways to improve the cooperation. On the basis of this report, it
shall assess whether it is necessary to propose additional measures.

Amendment 51

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

Text proposed by the Commission

(1a) in paragraph 1 of Article 1, the following subparagraph is added:
‘This Regulation shall also apply to incoming or outgoing carriage of goods by road as either the initial or final leg, or both the initial and final legs, of a combined transport journey as laid down in Council Directive 92/106/EEC.’

Amendment 52

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

Present text

(1b) Article 1(2) is replaced by the following:
‘2. In the event of carriage from a Member State to a third country and vice versa, this Regulation shall apply to the part of the journey on the territory of any Member State crossed in transit. It shall not apply to that part of the journey on the territory of the Member State of loading or unloading, as long as the necessary agreement between the Community and the third country concerned has not been concluded.

However, this journey in transit shall be excluded from the application of the directive on posted workers. It shall not apply to that part of the journey on the territory of the Member State of loading or unloading, as long as the necessary agreement between the Community and the third country concerned has not been concluded.’
Amendment 53

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

Text proposed by the Commission

(1 b) in paragraph 5, point (c) is replaced by the following:

(c) carriage of goods in motor vehicles the permissible laden mass of which, including that of trailers, is lower than 2.4 tonnes;

Amendment 54

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

Text proposed by the Commission

(aa) 'transit' means laden journey by a vehicle through one or more Member States or third countries where the point of departure and the point of arrival is not in those Member States or third countries.

Justification

Definition is needed for the purpose of setting rules on posting of drivers in COM(2017)0278

Amendment 55

Proposal for a regulation
Article 2 – paragraph 1 – point 3 a (new)
Regulation (EC) No 1072/2009
Article 4 – paragraph 1 – point c

Text proposed by the Commission

(3 a) In paragraph 1, point (c) is added:
‘(c) carries out international transport carriage with vehicles equipped with a smart tachograph as laid down in Article 3 and Chapter II of Regulation (EU) No 165/2014 of the European Parliament and of the Council\(^a\).’


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**Amendment 56**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 5 – point a**

Regulation (EC) No 1072/2009

**Article 8 – paragraph 2**

*Text proposed by the Commission*

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

*Amendment*

2. Once the goods carried in the course of an incoming international carriage from another Member State or from a third country to a host Member State have been delivered, hauliers referred to in paragraph 1 shall be allowed to carry out, with the same vehicle or, in the case of a coupled combination, the motor vehicle of that same vehicle, cabotage operations in the host Member State or in contiguous Member States, on the way back to a haulier’s Member State of establishment. The last unloading in the course of a cabotage operation shall take place within 7 days from the last unloading in the host Member State in the course of the incoming international carriage, subject to the applicable transport contract.
Within the time limit referred to in the first subparagraph, hauliers may carry out cabotage operations in a Member State provided that their stay in that Member State does not exceed 48 hours after their entry into the territory of that Member State.

Amendment 57

Proposal for a regulation
Article 2 – paragraph 1 – point 5 – point a a (new)
Regulation (EC) No 1072/2009
Article 8 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

(aa) the following paragraph is inserted:

‘2a. Following the end of the 7 day period referred to in paragraph 2, hauliers shall not be permitted to carry out with the same vehicle, or, in the case of a coupled combination, with the motor vehicle of that combination, cabotage operations in the same host Member State within 72 hours after the return to the haulier’s Member State of establishment and until they have performed a new international carriage originating from the Member State where the undertaking is established.’

Amendment 58

Proposal for a regulation
Article 2 – paragraph 1 – point 5 – point c
Regulation (EC) No 1072/2009
Article 8 – paragraph 4 a

Text proposed by the Commission

Amendment

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

Member States shall accept that the evidence is presented or transmitted electronically, using a revisable structured format which can be used directly for storage and processing by computers, such as an electronic consignment note under the Convention on the Contract for the International Carriage of Goods by Road (eCMR). During the roadside check, the driver shall be allowed to contact the head office, the transport manager or any other person or entity which may provide the evidence referred to in paragraph 3.

Amendment 59

Proposal for a regulation

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

Regulation (EC) No 1072/2009

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

*Text proposed by the Commission*

**Amendment**

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

**(ea)** the remuneration and paid annual leave, as stipulated in points (b) and (c) of the first subparagraph of Article 3(1) of Directive 96/71/EC of the European Parliament and of the Council.\(^{1a}\)


Amendment 60

Proposal for a regulation

**Article 2 – paragraph 1 – point 7**

Regulation (EC) No 1072/2009

**Article 10 a – title**
Amendment 61

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

Text proposed by the Commission

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

Amendment

1. In order to further enforce the obligations stipulated under this Chapter, Member States shall ensure that a coherent national enforcement strategy is applied on their territory. That strategy shall focus on undertakings with a high risk rating, referred to in Article 9 of Directive 2006/22/EC of the European Parliament and of the Council.1a


Amendment 62

Proposal for a regulation
Article 2 – paragraph 1 – point 7
Regulation (EC) No 1072/2009
Article 10 a – paragraph 1 a (new)
1 a. Each Member State shall ensure that the checks provided for in Article 2 of Directive 2006/22/EC will include, where relevant, a check on cabotage operations.

Amendment 63

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

2 a. For the purpose of paragraph 2, Member States shall have access to relevant information and data recorded, processed or stored by the smart tachograph referred to in Chapter II of Regulation (EU) No 165/2014 and in electronic transport documents, such as electronic consignment notes under the Convention on the Contract for the International Carriage of Goods by Road (eCMR).

Amendment 64

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

2 b. Member States shall give access to those data solely to competent authorities authorised to check infringements of legal acts stipulated in this Regulation. Member States shall notify the Commission of contact details of all competent authorities within their territory that they have designated to have access to those data. By [XXX] the Commission shall draw up
a list of all competent authorities and forward it to the Member States. The Member States shall notify any subsequent changes thereto without delay.

Amendment 65

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

Text proposed by the Commission

Amendment

2 c. The Commission is empowered to adopt delegated acts in accordance with Article 14b to stipulate the characteristics of the data to which Member States shall have access to, the conditions for their use and the technical specifications for their transmission or access, specifying in particular:

(a) a detailed list of information and data to which national competent authorities shall have access to, which shall include at least the time and location of border crossings, loading and unloading operations, the registration plate of the vehicle and the driver details;

(b) the access rights of the competent authorities, differentiated where appropriate according to the type of competent authorities, the type of access and the purpose for which the data is used;

(c) the technical specifications for the transmission or access to the data referred to in point (a), including, where relevant, the maximum duration that the data is retained, differentiated where appropriate according to the type of data.

Amendment 66
Proposal for a regulation
Article 2 – paragraph 1 – point 7
Regulation (EC) No 1072/2009
Article 10 a – paragraph 2 d (new)

Text proposed by the Commission

2 d. Any personal data referred to in this Article shall be accessed or stored for no longer than is strictly necessary for the purposes for which the data were collected or for which they are further processed. Once such data are no longer needed for those purposes, they shall be destroyed.

Amendment 67

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

Text proposed by the Commission

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

Amendment

3. Member States shall, at least three times per year, undertake concerted roadside checks on cabotage operations, which may coincide with checks performed in accordance with Article 5 of Directive 2006/22/EC. Such checks shall be undertaken at the same time by the national authorities in charge of enforcing the rules in the field of road transport of two or more Member States, each operating in its own territory. Member States shall exchange information on the number and type of infringements detected after the concerted roadside checks have taken place.

Amendment 68

Proposal for a regulation
Article 2 – paragraph 1 – point 8
Regulation (EC) No 1072/2009
Article 14 a – paragraph 1

Text proposed by the Commission

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

Amendment

Member States shall provide for effective, proportionate and dissuasive sanctions against consignors, freight forwarders, contractors and subcontractors for non-compliance with Chapters II and III, where they know or ought reasonably to know that the transport services that they commission involve infringements of this Regulation.

Where consignors, freight forwarders, contractors and subcontractors commission transport services from transport undertakings with a low risk rating, as referred to in Article 9 of Directive 2006/22/EC, they shall not be liable for sanctions for infringements, unless it is proved that they had actual knowledge of those infringements.

Amendment 69

Proposal for a regulation
Article 2 – paragraph 1 – point 10
Regulation (EC) No 1072/2009
Article 17 – paragraph 3

Text proposed by the Commission

3. By 31 January of every year, at the latest, Member States shall inform the Commission on the number of cabotage checks performed in the previous calendar year pursuant to Article 10a. This information shall include the number of vehicles checked and the number of tonnes-kilometres checked;

Amendment

3. By ... [two years after the date of entry into force of this Regulation], at the latest, Member States shall forward to the Commission their national enforcement strategy adopted pursuant to Article 10a. By 31 January of every year, at the latest, Member States shall inform the Commission on the enforcement operations performed in the previous calendar year pursuant to Article 10a, including, where appropriate, the number of checks performed. This information shall include the number of vehicles checked and the number of tonnes-
kilometres checked;

Amendment 70

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

Text proposed by the Commission

Amendment

3a. The Commission shall draw up a report on the state of the Union road transport market by the end of 2022. The report shall contain an analysis of the market situation, including an evaluation of the effectiveness of controls and the evolution of employment conditions in the profession.
EXPLANATORY STATEMENT

BACKGROUND

The road transport sector is a very important sector and crucial to make our society function. The sector employs over 11 million people and carries almost half of all the freight volume in the EU.

On 31 May 2017, the Commission adopted a “Mobility Package” with the aim to ensure fair competition, simplify existing rules, preserve the EU internal market and ensure the rights of workers in this sector.

The Mobility Package consists of several legislative proposals. One of them is the current proposal, amending Regulations 1071/2009 and 1072/2009, on the access to the road haulage market and to the occupation of road transport undertaking. These regulations lay down provisions that companies need to comply with if they wish to operate on the international road haulage market or in national markets other than their own (cabotage).

However, differences in the interpretation of the provisions, inconsistencies in enforcement practices and lack of cooperation between Member States, have diminished their effectiveness and created legal uncertainty and unequal competition conditions for transport operators.

The Commission proposals introduces changes in four distinctive areas; letterbox companies, light commercial vehicles (LCVs), cabotage and enforcement.

Certain hauliers open "fake subsidiaries" in low wage Member States in order to exploit wage differentials, while operating exclusively in high wage Member States. This leads to an unfair competitive advantage over hauliers, which are properly established in the Member State where they mainly operate.

To eliminate the use of letterbox companies, the Commission proposes to further strengthen the criteria on establishment in order to ensure that the haulier has real activity in the Member State of establishment. For example to conduct business from these premises, hold assets and employ staff proportionate to the activity.

Furthermore, the Commission is streamlining the cooperation between Member States in this field. Member States would need to cooperate more closely with each other to uncover letterbox companies and perform on-site inspections if needed.

Currently, LCVs (vehicles under 3.5 tonnes) are excluded from the scope of Regulation 1071/2009. However, Member States are allowed to apply some of the provisions of the Regulation to the LCVs established in their territory, which leads to a patchwork of requirements across the EU. Since the use of LCVs is expected to further grow in the coming years, the Commission proposes to subject LCVs to some of the rules regarding access to profession.

Currently the market for cabotage, the transport of goods within a Member State by a transport company established in another Member State is subject to restrictions. Current EU
rules allow for three cabotage operations within seven days of an international delivery. However, the current provisions are very difficult to enforce. Control authorities require paper documents on the number of cabotage operations but this does not seem to be working effectively. The rules have also been implemented in an unharmonised way across the EU, leading to administrative burden, legal uncertainty, unfair competition and mistrust between national and foreign operators.

Since cabotage is mainly concentrated in some but not all Member States, the unclear rules and implementation can seriously affect national operators operating in those Member States where cabotage is a big part of the national transport market. This mainly due to substantial differentiations in terms of wages, tax regimes, social contributions, labour provisions. The Commission concludes that the sector is not yet ready for liberalisation.

The Commission therefore proposes a new rule, namely unlimited cabotage operations within five days of an international carriage. This is combined with a strict application of the minimum wage and annual paid leave rights of the host Member States from the first cabotage operation, the possibility to proof the legality of cabotage by electronic documents (e.g. eCMR) and the obligation on Member States to perform a minimum percentage of cabotage checks.

In order to address the varying levels and effectiveness of controls between Member States, the Commission proposes to set annual mandatory thresholds for cabotage checks and concerted (cross-border) checks. Further, the Commission wants to improve the cooperation between Member States via rules on exchange of information, enable targeted checks by providing risk rating via the European Register for Road Undertakings and further encourage the use of the smart tachograph and e-documents.

**RAPPOREUR’S OPINION**

The rapporteur welcomes the Mobility Package, since there is a strong need to review legislation in order to improve current rules. The package includes several important legislations and the rapporteur stresses the need to keep them interlinked in order to ensure clear rules. It is important to have coherent regulation to avoid loopholes, which creates unfair competition for companies. In regard to this, the rapporteur thus regrets that the revision of the directive on combined transport, Directive 92/106/EEC, was separated from the first part of the mobility package and released later.

The rapporteur supports the Commission’s objective to clarify the rules to improve the level playing field and fair competition in the sector, while at the same time not creating unnecessary administrative burden. Especially for small and medium enterprises (SMEs). The update of legislation is also needed keeping in mind the technological improvement and the digitalisation of transport. Something that is key to ensure effective enforcement of the rules.

However, the rapporteur believes that the proposal can be strengthened on several points in order to ensure balanced conditions for fair competition and rigorous enforcement, so that the benefits of the single market could truly be reaped.

The rapporteur supports the Commission’s proposals to fight letterbox companies. There are currently more than 400 letterbox companies in the EU. They are set-up by hauliers operating
in high-wage Member States and seeking to unduly benefit from lower labour costs or taxes in other Member States. These operators abuse the loopholes in the legislation and the lax enforcement, which leads to unfair competition.

It is important to strengthen and to clarify the requirements regarding the establishment of a real business presence and to complement the data to be inserted in national electronic registers in order to get a fuller picture of the ownership of a company.

Furthermore, the opinion of the rapporteur is that the inclusion of LCVs in this legislation is needed, as there is an increase in these vehicles in the market and therefore shall follow the same rules. However, it is also central to keep in mind that the road transport sector consists of many SMEs who only do national transport operations. Therefore, the rapporteur proposes to restrict the scope of this regulation to only LCVs operating internationally (which is only ca 10 percent of all LCVs).

Nevertheless, for those LCVs, the rapporteur believes that all four criteria should apply, also “good repute” and “professional competence”, as well as the requirement to obtain a community licence. This will ensure that international transport performed by LCVs will meet the same minimum standards of profession as the rest of the road freight sector. In order to further reduce administrative burden, the rapporteur proposes to exclude very light LCVs (under 2.4 tonnes) from the scope.

When it comes to cabotage, the rapporteur emphasises the purpose of these operations, namely to reduce emissions from empty trucks returning from an international transport and to be conducted on a temporary basis. For example, if an international transport operation is being combined with some national operations on the way back, it could increase transport efficiency and reduce empty runs.

However, currently the cabotage rules are being abused to allow foreign hauliers, by systematically using the purpose of cabotage, to perform repeatedly national transport operations. This leads to unfair competition and social dumping. Since cabotage operations is the same as national transport operations, the rapporteur reminds that the Posting of Drivers Directive, Directive 96/71/EC, should be applied. This is also indicated in the Commission proposal of that directive.

The Commission’s proposals unfortunately fail to address the issue of systematic cabotage. The rapporteur believes that tackling systematic cabotage is key. It is also important to ensure that transport companies would not be able to abuse the Combined Transport Directive in order to circumvent the cabotage rules.

The rapporteur therefore proposes improvement for what exactly encompasses an international transport operation giving right to cabotage, in order to stop systematic cabotage, by including the value of the international operation contract for example. In addition, the rapporteur proposes to limit the time for which cabotage operations is allowed to be performed, to underline its temporary character.

Finally, the rapporteur believes that strengthening enforcement is absolutely key in order to achieve any of the objectives of the proposal. Currently, enforcement is rather weak with discrepancies between Member States. Thus, the rapporteur proposes to strengthen the
provisions regarding administrative cooperation and enforcement. In order for competent authorities to conduct checks they need to have easier access to national registers. There is also a need to incentivise the use of the smart tachograph and increase the exchange of best practices and training between Member States on enforcement.
OPINION OF THE COMMITTEE ON EMPLOYMENT AND SOCIAL AFFAIRS

for the Committee on Transport and Tourism


Rapporteur: Verónica Lope Fontagné

SHORT JUSTIFICATION

Introduction

On 31 May 2017, the Commission presented a proposal for a regulation amending Regulation (EC) No 1071/2009 concerning the conditions to be complied with to pursue the occupation of road transport operator, and Regulation (EC) No 1072/2009 on common rules for access to the international road haulage market.

With this proposal, the Commission is aiming to ensure that the single market for road transport functions properly and is efficient and competitive since, according to the ex-post evaluation carried out in 2014-15, this objective has only been partially met. The main difficulties pinpointed by the evaluation were linked to shortcomings in the rules and their enforcement.

The rapporteur’s position

The rapporteur agrees with the basic objectives of the Commission's proposal, yet believes that approving some of the measures proposed would impede its practical implementation in the road transport sector, since it may result in excessive administrative barriers for undertakings, especially for SMEs, which, ultimately, would hinder the smooth functioning of the internal market.

Additionally, it is worth pointing out that the Commission presented this proposal together with the proposal for a directive on posting drivers in the road transport sector, as well as the proposal for a directive on driving times, and hence the understanding is that these proposals must be analysed jointly.
The rapporteur is of the opinion that these proposals should be used to strike a balance between the smooth functioning of the internal market and ensuring that appropriate working conditions and rules are maintained.

In order to achieve this, the first course of action must be to combat illegal work in the transport sector, especially so-called letterbox companies and false self-employment.

It is vital that the freedom of establishment and the freedom to provide services are respected, freedoms that are fundamental principles of Union law and which are enshrined in Articles 49 and 56 respectively of the TFEU. Nevertheless, just as the Commission states, it is necessary to ensure that road haulage operators established in a Member State have a real and continuous presence in that Member State and conduct their business from there.

Controls need to be tighter, and there must be effective, proportionate and dissuasive penalties for those undertakings that deliberately infringe national and Community regulations. Such behaviour, even though it represents a minority and does not reflect the rest of the sector, results in unfair competition, hinders the smooth functioning of the internal market and does not guarantee workers fair working conditions.

The road haulage sector in the EU provides 5 million direct jobs and accounts for around 2% of the Community’s GDP. However, the EU is faced with a lack of professional drivers. In light of this, and given the fact that a transport standstill would paralyse the economy, the EU must adopt measures which can attract young people into the sector and also keep existing professional drivers in the sector.

The rapporteur is in favour of having clear requirements for complying with Regulation (EC) No 1071/2009 and Regulation (EC) No 1072/2009, as well as ensuring that they are fit for the type of activity and the size of the undertaking, and that they do not end up being an excessive administrative barrier.

As such, and, given that the partial implementation of Regulation (EC) No 1071/2009 would mean a rise in operating costs of between 4 and 10% for LCV despite the fact that these vehicles account for barely 0.11% of international traffic in terms of tonnes-kilometres, the proposal to completely get rid of the existing exemption provided for by Article 1(4)(a) is viewed as a disproportionate move, in the absence of data to justify the need.

Given the mobile nature of haulage as well as the real difficulties involved in anticipating the time needed to deliver international services, the rapporteur expresses doubts over the actual administrative implications of including the posting of workers as a criterion for evaluating good repute.

With regard to cabotage operations, the rapporteur agrees that flexibility is crucial, and also agrees on the need for clear and simple rules that are easy to enforce. However, the possibility of incorporating these activities within the scope of the Directive on posting drivers in the road transport sector from the outset will not only make it difficult to apply the rules, but will also increase the cost of exports. This, in turn, will reduce the profitability of international transport and have a negative impact on both the internal market and the labour market.
AMENDMENTS

The Committee on Employment and Social Affairs calls on the Committee on Transport and Tourism, as the committee responsible, to take into account the following amendments:

Amendment 1

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. 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, prevent the use of loopholes and create fairer competition on the internal market without imposing unnecessary administrative and financial burdens on transport undertakings, particularly SMEs, the requirements for engagement in the occupation of road transport operator should apply equally for undertakings using vehicles or combinations of vehicles with a permissible laden mass not exceeding 3.5 tonnes involved in international transport and cabotage operations.
Amendment 2

Proposal for a regulation
Recital 2 a (new)

*Text proposed by the Commission*

(2a) In its impact assessment, the Commission estimates savings for businesses in the range of EUR 2.7 to 5.2 billion in the period 2020-2035.

Amendment 3

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 4

Proposal for a regulation
Recital 3 a (new)

*Text proposed by the Commission*

(3a) Even though road transport activity in the Union provides 5 million direct jobs and contributes almost 2% of the Community’s GDP, the Union is faced with a shortage of professional drivers, particularly among young people and women. In order to make it easier and more attractive for young people and women to access the profession, and, likewise, to retain people currently
working in the sector (especially in the case of SMEs), illegal work and bogus self-employment should be reduced and existing administrative procedures should be made more flexible so as not represent an excessive burden for smaller undertakings or self-employed workers. The evaluation of Regulations (EC) No 1071/2009 and (EC) No 1072/2009 has shown that unnecessary administrative and regulatory requirements are a burden for both government bodies and transport undertakings. Clarification of the rules and further administrative simplification are necessary for a competitive and efficient transport industry and their better enforcement. Further support for and exploitation of technological developments is also necessary.

Amendment 5
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. Freedom of establishment is a cornerstone of the internal market. However, the existence of letterbox companies and bogus self-employment within the transport sector have caused a proliferation of illicit practices, which undermine the sector's image, since they illegally reduce labour costs and fail to ensure that working standards are maintained. Therefore, and in light of experience, it is necessary to clarify, the provisions of Regulation (EC) No 1071/2009 on the conditions relating to the requirement of establishment, regarding the existence of an effective and stable establishment, and to ensure and to monitor their implementation, stepping up
checks and so putting an end to the illegal practice of so-called letterbox companies and bogus self-employment. It is also necessary to foster enhanced cooperation, joint controls, the setting of more ambitious targets and the exchange of best practices between Member States.

Amendment 6
Proposal for a regulation
Recital 6

Text proposed by the Commission

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

Amendment

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

Amendment 7
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.

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

Amendment 9

Proposal for a regulation
Recital 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 involved in international transport should have a sufficient level of financial standing, to ensure that they have the means to carry out operations on a stable and long-lasting basis and should have the means to fulfil their obligations related to their employees’ wages and social contributions. However, since the operations concerned are generally of a limited size, the corresponding requirements should be less demanding than those applicable to operators using vehicles or combinations of vehicles above that limit and they should not represent an unnecessary burden for smaller undertakings or self-employed workers.
Recital 11

Text proposed by the Commission

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

Amendment

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

Amendment 11
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 principal aim of cabotage operations is to avoid empty journeys while returning to the country of establishment, which contribute to reduce fuel consumption and emissions, improve the profitability of undertakings and hence the internal market and the labour market. The rules on national transport performed on a temporary basis by non-resident hauliers in a host Member State (‘cabotage’) should be clear, simple for hauliers to implement and easy to enforce. Those rules should comply with the applicable law while maintaining the level
of liberalisation achieved so far, without undermining the basic principle of the freedom to provide services in the internal market and the protection of the posted workers. In order to ensure the temporary character and to avoid any misused or distortion of the market, as well as the danger of systematic cabotage caused by so-called ‘letter-box’ companies or nomadic drivers, the Union rules established in directive 96/71/EC of the European Parliament and of the Council(1a) in the road transport sector are applied to cabotage operations from day 1.

Amendment 12
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 not be restricted within a 48 hour period.

Amendment 13
Proposal for a regulation
Recital 14 a (new)

Text proposed by the Commission

(14a) Following the end of the cabotage operations, road transport undertakings should not be permitted to carry out further cabotage operations with the same vehicle, or, in the case of a coupled combination, with the motor vehicle of that combination, in the host Member State for seven days.
Amendment 14

Proposal for a regulation
Recital 14 b (new)

Text proposed by the Commission

(14b) The environmental efficiency of road haulage is crucial to reaching the objectives of the 2020 Strategy. In 2012, nearly a quarter of haulage vehicles in the Union involved an empty vehicle, and, in many cases, this was due to restrictions on cabotage operations.

Amendment 15

Proposal for a regulation
Recital 14 c (new)

Text proposed by the Commission

(14c) Recital 17 of Regulation (EC) No 1072/2009 explicitly stipulates that directive 96/71/EC 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.

Amendment 16

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.

Effective and efficient enforcement of the rules is a prerequisite for fair competition in the internal market and to ensure that the rights of workers are protected. Further digitalisation of enforcement is essential in order to free up enforcement capacity, reduce...
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.

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

Amendment 17
Proposal for a regulation
Recital 15 a (new)

\textit{Text proposed by the Commission} \hspace{2cm} \textit{Amendment}

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

Amendment 18
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 coupled combinations of vehicles the permissible laden mass of which does not exceed 3.5 tonnes and that are engaged exclusively in national transport operations;’

Amendment 19

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

(b) the following paragraph 6 is 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.’
Amendment 20
Proposal for a regulation
Article 1 – paragraph 1 – point 2
Regulation (EC) No 1071/2009
Article 3 – paragraph 2

Text proposed by the Commission

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

Amendment

Amendment 21
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 adequate premises, proportionate to the activities of the undertaking, in which it keeps its core business documents, or secures access to them, either in paper or electronic form, in particular its commercial contracts, accounting documents, personnel management documents, labour contracts, documents containing data relating to cabotage, posting of drivers, where needed, 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 22
Proposal for a regulation
Article 1 – paragraph 1 – point 3 – point a a (new)
Regulation (EC) No 1071/2009
Article 5 – point a a (new)
Text proposed by the Commission  

Amendment

(aa) the following point is inserted:

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

Amendment 23

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

Regulation (EC) No 1071/2009
Article 5 – paragraph 1 a (new)

Text proposed by the Commission  

Amendment

(da) the following paragraph is added:

‘1a. The assessment of the effective and stable establishment of an undertaking is always an individual and general assessment, taking into account all relevant factors.’

Amendment 24

Proposal for a regulation
Article 1 – paragraph 1 – point 4 – point a – point iii

Regulation (EC) No 1071/2009
Article 6 – paragraph 1 – subparagraph 3 - point b – point xii a (new)

Text proposed by the Commission  

Amendment

(xii a) cabotage.

Amendment 25

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  

Amendment

(b) define the degree of seriousness of

(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 26

Proposal for a regulation
Article 1 – paragraph 1 – point 5 – point a
Regulation (EC) No 1071/2009
Article 7 – paragraph 1 – subparagraph 1

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

Amendment 27

Proposal for a regulation
Article 1 – paragraph 1 – point 5 – point a

In order to satisfy the requirement laid down in Article 3(1)(c), an undertaking shall at all times be able to meet its financial obligations in the course of the annual accounting year. The undertaking shall demonstrate, on the basis of annual accounts certified by an auditor or a duly accredited person, that, every year, it has at its disposal equity capital totalling at least EUR 9 000 when only one vehicle is used and EUR 5 000 for each additional vehicle used that exceeds 3.5 tonnes. 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 shall demonstrate, on the basis of annual accounts certified by an auditor or a duly accredited person, that, every year, it has at its disposal equity capital totalling at least EUR 1 800 when only one vehicle is used and EUR 900 for each additional vehicle used.
Regulation (EC) No 1071/2009
Article 7 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

In addition, undertakings shall demonstrate that they have financial means proportionate to at least one month’s salary per mobile worker employed.

Amendment 28

Proposal for a regulation
Article 1 – paragraph 1 – point 5 – point b
Regulation (EC) No 1071/2009
Article 7 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Amendment 29

Proposal for a regulation
Article 1 – paragraph 1 – point 5 a (new)
Regulation (EC) No 1071/2009
Article 8 – paragraph 5

Present text

(5a) in Article 8, paragraph 5 is replaced by the following:

Member States may promote periodic

Amendment

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

(http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex%3A3A32009R1071)

**Amendment 30**

Proposal for a regulation
Article 1 – paragraph 1 – point 8
Regulation (EC) No 1071/2009
Article 12 – paragraph 2 – subparagraph 2

**Text proposed by the Commission**

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

**Amendment**

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

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

**Amendment 31**

Proposal for a regulation
Article 1 – paragraph 1 – point 11 – point -a (new)
Regulation (EC) No 1071/2009
Article 16 – paragraph 1 – subparagraph 2

**Text proposed by the Commission**

(-a) in paragraph 1, the second subparagraph is deleted.

**Amendment 32**

Proposal for a regulation
Article 1 – paragraph 1 – point 11 – point a – point -i (new)
Regulation (EC) No 1071/2009
Article 16 – paragraph 2 – point a a (new)
Amendment 33

Proposal for a regulation
Article 1 – paragraph 1 – point 11 – point a – point -i a (new)
Regulation (EC) No 1071/2009
Article 16 – paragraph 2 – point c

Text proposed by the Commission

(-i) the following point is inserted:
‘(aa) For more effective cross-border enforcement, the data contained in the national electronic registers shall be fully accessible in real time to competent authorities from other Member States;’

Present text

Amendment

(-ia) point c is replaced by the following:

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

Amendment 34

Proposal for a regulation
Article 1 – paragraph 1 – point 11 – point a – point -i b (new)
Regulation (EC) No 1071/2009
Article 16 – paragraph 2 – point c a (new)

Text proposed by the Commission

(-ib) the following point is inserted:

(ca) the names of the road transport undertakings previously managed by the transport managers;
Amendment 35

Proposal for a regulation
Article 1 – paragraph 1 – point 11 – point a – point i
Regulation (EC) No 1071/2009
Article 16 – paragraph 2 – point h

Text proposed by the Commission
(h) the number of employees;

Amendment
(h) the number of employees, *their identity, their country of residence, the labour law applicable to their employment contract, the country of payment of social contributions and their social security identifier*;

Amendment 36

Proposal for a regulation
Article 1 – paragraph 1 – point 11 – point a – point ii
Regulation (EC) No 1071/2009
Article 16 – paragraph 2 – subparagraph 2 a (new)

Text proposed by the Commission

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

(h) paragraph 2 a (new)


Amendment 37

Proposal for a regulation
Article 1 – paragraph 1 – point 11 – point b a (new)
Regulation (EC) No 1071/2009
Article 16 – paragraph 5

Present text

Amendment

(ba) paragraph 5 is replaced by the following:

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


Amendment 38

Proposal for a regulation
Article 1 – paragraph 1 – point 12
Regulation (EC) No 1071/2009
Article 18 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

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

Amendment 39

Proposal for a regulation
Article 1 – paragraph 1 – point 12
Regulation (EC) No 1071/2009
Article 18 – paragraph 5

Text proposed by the Commission

Amendment

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

**Amendment 40**

Proposal for a regulation  
Article 1 – paragraph 1 – point 12  
Regulation (EC) No 1071/2009  
Article 18 – paragraph 9 a (new)

**Text proposed by the Commission**

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

**Amendment**

**Amendment 41**

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

**Text proposed by the Commission**

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

**Amendment**

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

**Amendment 42**

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

**Text proposed by the Commission**

(1a) in paragraph 1 of Article 1, the

**Amendment**
following subparagraph is added:

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

Amendment 43
Proposal for a regulation
Article 2 – paragraph 1 – point 1 b (new)
Regulation (EC) No 1072/2009
Article 1 – paragraph 2

Present text

(1b) Article 1(2) is replaced by the following:

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

Amendment 44
Proposal for a regulation
Article 2 – paragraph 1 – point 1 c (new)
Regulation (EC) No 1072/2009
Article 1 – paragraph 5 – point c

Text proposed by the Commission

(1c) In Article 1(5), point (c) is deleted.
Amendment 45

Proposal for a regulation
Article 2 – paragraph 1 – point 2 – point a
Regulation (EC) No 1072/2009
Article 2 – point 6

Text proposed by the Commission

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

Amendment

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

Amendment 46

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

Present text

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

Amendment

(2a) in Article 3, paragraph 1 is replaced by the following:

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

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certain social legislation relating to road transport (OJ L 60, 28.2.2014, p. 1). "


Amendment 47

Proposal for a regulation  
Article 1 – paragraph 1 – point 5 – point a  
Regulation (EC) No 1072/2009  
Article 8 – paragraph 2

Text proposed by the Commission

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

Amendment

2. Once the goods carried in the course of an incoming international carriage from another Member State or from a third country to a host Member State have been delivered, hauliers referred to in paragraph 1 shall be allowed to carry out, with the same vehicle or, in the case of a coupled combination, the motor vehicle of that same vehicle, cabotage operations in the host Member State. The last unloading in the course of a cabotage operation shall take place within 48 hours from the last unloading in the host Member State in the course of the incoming international carriage.

Cabotage operations permitted under the first subparagraph shall have a temporary character and the work of the driver performing those operations shall be organised in such a way which allows the driver to rest at home or at another location chosen by himself/herself in accordance with Regulation (EC) No 561/2006.

Amendment 48

Proposal for a regulation  
Article 1 – paragraph 1 – point 5 – point a a (new)  
Regulation (EC) No 1072/2009  
Article 8 – paragraph 2 a (new)
Text proposed by the Commission

Amendment

(aa) the following paragraph is inserted:

‘2a. Road transport undertakings shall not be permitted to carry out cabotage operations with the same vehicle, or, in the case of a coupled combination, with the motor vehicle of that combination, in the host Member State within seven days following the end of its cabotage operation.’

Amendment 49

Proposal for a regulation
Article 2 – paragraph 1 – point 5 – point a b (new)
Regulation (EC) No 1072/2009
Article 8 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

(ab) the following paragraph is inserted:

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

Amendment 50

Proposal for a regulation
Article 1 – paragraph 1 – point 5 – point b
Regulation (EC) No 1072/2009
Article 8 – paragraph 3

Text proposed by the Commission

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

Amendment

National road haulage services carried out in the host Member State by a non-resident haulier shall only be deemed to comply with this Regulation if the haulier can produce clear evidence of the preceding genuine international carriage and of each consecutive cabotage operation carried out with a consignment note. The
Amendment 51

Proposal for a regulation
Article 1 – paragraph 1 – point 5 – point c
Regulation (EC) No 1072/2009
Article 8 – paragraph 4a

Text proposed by the Commission

4a. **Evidence referred to in paragraph 3 shall be presented or transmitted to the authorised inspecting officer of the host Member State on request and within the duration of the roadside check.** It may be presented or transmitted electronically, using a revisable structured format which can be used directly for storage and processing by computers, such as the eCMR.* During the roadside check, the driver shall be allowed to contact the head office, the transport manager or any other person or entity which may provide the evidence referred to in paragraph 3.


Amendment

4a. **Each consignment note shall contain the registration plates of the motor vehicle and trailer used. The consignment note** may be presented electronically, using a revisable structured format which can be used directly for storage and processing by computers such as eCMR. **The competent authorities of the Member State hosting the cabotage operation may require the verification of data related to the tachograph according to Regulation (EU) No 165/2014. Documents and records shall be kept and made available in accordance with the Directive for posting drivers.**


Amendment 52

Proposal for a regulation
Article 2 – paragraph 1 – point 5 – point c a (new)
Regulation (EC) No 1072/2009
Article 8 – paragraph 4 b (new)

Text proposed by the Commission

4b. **In order to effectively monitor**

Amendment

4b. **the following paragraph shall be inserted:**

"4b. In order to effectively monitor"
compliance with this Regulation, road transport undertakings shall notify in writing by way of a declaration, to the relevant national competent authorities of the Member State hosting the cabotage activity, at the latest at the commencement of the cabotage operation, and in the official language of the host Member State, or if more than one, in at least one of them, or in another language accepted by the host Member State, relevant information necessary in order to allow effective control of cabotage operations, including at least the following:

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

Amendment 53

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

Text proposed by the Commission

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

**Amendment 54**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 7**

Regulation (EC) No 1072/2009

Article 10a – paragraph 1

*Text proposed by the Commission*

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

**Amendment**

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

**Amendment 55**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 7**

Regulation (EC) No 1072/2009

Article 10a – paragraph 3

*Text proposed by the Commission*

3. Member States shall, at least three times per year, undertake concerted roadside checks on cabotage operations. Such checks shall be undertaken at the same time by the national authorities in charge of enforcing the rules in the field of road transport of two or more Member States, each operating in its own territory. The national contact points designated in accordance with Article 18(1) of

**Amendment**

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

Amendment 56

Proposal for a regulation
Article 2 – paragraph 1 – point 7 a (new)

Text proposed by the Commission

Amendment

(7a) the following Article 10b is inserted:

‘Article 10b
In order to further enforce the obligations in this Chapter, Member States shall ensure that a coherent national enforcement strategy is applied on their territory. That strategy shall focus on undertakings with a high risk rating, referred to in Article 9 of Directive 2006/22/EC of the European Parliament and of the Council, and shall make use of the information and data recorded, processed or stored over a 56-day period by the smart tachographs. The smart tachograph shall be introduced on a mandatory basis on all vehicles engaged in international transport and cabotage by the 2nd January 2020, at the latest.

Amendment 57

Proposal for a regulation
Article 2 – paragraph 1 – point 8
Regulation (EC) No 1072/2009
Article 14 a

Text proposed by the Commission

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

Amendment

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

Amendment 58

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

Text proposed by the Commission

3a. The Commission shall draw up a report on the state of the Union road transport market by the end of 2022. The report shall contain an analysis of the market situation, including an evaluation of the effectiveness of controls and the evolution of employment conditions in the profession.

Amendment

Amendment 59

Proposal for a regulation
Article 2 – paragraph 1 – point 10
Regulation 1072/2009/EC
Article 17 – paragraph 3 b (new)
3b. By 31 January of every year, at the latest, Member States shall inform the Commission of the number of transport companies that have subsidiaries in other Member States, the number of transport companies that have been verified for infringements of under-billing and/or disproportionate profit shifting.
## PROCEDURE – COMMITTEE ASKED FOR OPINION

| Title | Amending Regulation (EC) No 1071/2009 and Regulation (EC) No 1072/2009 with a view to adapting them to developments in the sector |
| Committee responsible | TRAN 15.6.2017 |
| Opinion by | EMPL 15.6.2017 |
| Rapporteur | Verónica Lope Fontagné 3.10.2017 |
| Discussed in committee | 23.1.2018 26.2.2018 |
| Date adopted | 25.4.2018 |
| Result of final vote | +: 31 –: 19 0: 3 |
| Members present for the final vote | Laura Agea, Guillaume Balas, Vilija Blinkevičiūtė, Enrique Calvet Chambon, Michael Detjen, Martina Dlabajová, Lampros Fountoulis, Elena Gentile, Marian Harkin, Danuta Jazłowiecka, Agnes Jongerius, Rina Ronja Kari, Jan Keller, Ádám Kósa, Agnieszka Kozłowska-Rajewicz, Jean Lambert, Jérôme Lavrilleux, Patrick Le Hyaric, Jeroen Lenaers, Verónica Lope Fontagné, Javi López, Thomas Mann, Dominique Martin, Anthea McIntyre, João Pimenta Lopes, Georgi Pirinski, Marek Plura, Dennis Radtke, Terry Reintke, Sofia Ribeiro, Robert Rochefort, Claude Rolin, Siôn Simon, Romana Tomc, Yana Toom, Ulrike Trebesius, Marita Ulvskog, Jana Žitňanská |
| Substitutes present for the final vote | Georges Bach, Heinz K. Becker, Karima Delli, Christelle Lechevalier, Paloma López Bermejo, Evelyn Regner, Anne Sander, Jasenko Selimovic, Helga Stevens, Neoklis Sylkiotis, Flavio Zanonato, Kosma Złotowski |
| Substitutes under Rule 200(2) present for the final vote | Dominique Bilde, Maria Grapini, Karoline Graswander-Hainz |
## FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

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Key to symbols:
+ : in favour
- : against
0 : abstention
### PROCEDURE – COMMITTEE RESPONSIBLE

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<tr>
<th><strong>Title</strong></th>
<th>Amending Regulation (EC) No 1071/2009 and Regulation (EC) No 1072/2009 with a view to adapting them to developments in the sector</th>
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<td>COM(2017)0281 – C8-0169/2017 – 2017/0123(COD)</td>
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<td><strong>Date submitted to Parliament</strong></td>
<td>31.5.2017</td>
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<td><strong>Date adopted</strong></td>
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| **Result of final vote** | +: 30  
| | -: 15  
| | 0: 3 |
| **Members present for the final vote** | Daniela Aiuto, Lucy Anderson, Marie-Christine Arnautu, Inés Ayala Sender, Georges Bach, Izaskun Bilbao Barandica, Deirdre Clune, Michael Cramer, Andor Deli, Isabella De Monte, Ismail Ertug, Dieter-Lebrecht Koch, Merja Kyllo nen, Miltiadis Kyrkos, Boguslaw Liberadzki, Marian-Jean Marinescu, Gesine Meissner, Tomasz Piotr Porbe, Gabriele Preu, Christine Revault d’Allonnes Bonnefoy, Dominique Riquet, Massimiliano Salini, David-Maria Sassoli, Claudia Schmidt, Claudia Tapardel, Keith Taylor, Pavel Telička, Marita Ulvskog, Wim van de Camp, Marie-Pierre Vieu, Janusz Zemke, Roberts Žile, Kosma Złotowski, Elżbieta Katarzyna Łukacijewska |
| **Substitutes present for the final vote** | Bas Eickhout, Michael Gahler, Maria Grapini, Ryszard Antoni Legutko, Boleslaw G. Piecha, Marek Plura, Franck Proust, Dario Tamburrano |
| **Substitutes under Rule 200(2) present for the final vote** | Frank Engel, José Manuel Fernandes, Lampros Fountoulis, Barbara Kappel, Andrey Novakov, Marco Valli |
| **Date tabled** | 7.6.2018 |
## FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

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