



## ROAD TRANSPORT: HARMONISATION OF LEGISLATION

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

### LEGAL BASIS AND OBJECTIVES

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

### ACHIEVEMENTS

#### A. Tax and technical harmonisation

##### 1. Excise duty system and infrastructure charging

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

The 'Eurovignette' Directive 1999/62/EC remains the reference point when it comes to charging infrastructure costs to transport undertakings. It was amended by [Directive 2006/38/EC](#) of 17 May 2006 and [Directive 2011/76/EU](#) of 27 September 2011. The 'Eurovignette' Directive is based on the 'polluter-pays' principle and the internalisation of the external costs of road transport. It aims to ensure that the costs of infrastructure use by heavy goods vehicles are reflected in the charges.

As part of the Commission's 'Europe on the Move' legislative agenda, published on 31 May 2017, a revision of the 'Eurovignette' Directive was adopted. The final version of the Eurovignette Directive was adopted in February 2022 ([Directive \(EU\) 2022/362](#)). The new rules will extend the directive's scope to all heavy and light vehicles, not only



lorries weighing over 3.5 tonnes, and makes external cost charging for air pollution mandatory for heavy-duty vehicles.

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

## 2. Emission performance standards

[Regulation \(EC\) No 443/2009](#) and [Regulation \(EU\) No 510/2011](#) set emission performance standards for new passenger cars and light commercial vehicles as part of an integrated approach to reducing CO<sub>2</sub> emissions. Both were amended in 2014 ([Regulation \(EU\) No 333/2014](#) and [Regulation \(EU\) No 253/2014](#)) to define the modalities for reaching the 2020 targets to reduce CO<sub>2</sub> emissions for both type of vehicles.

A [new proposal](#) on emission performance standards for new passenger cars and for new light commercial vehicles amending Regulation (EC) No 715/2007 (recast) repealing [Regulation \(EC\) No 443/2009](#) and repealing [Regulation \(EU\) No 510/2011](#) aims to set emissions reduction targets for 2025 and 2030. The co-decision process has now finished and the act has been approved. The final act was published in the Official Journal in April 2019 ([Regulation \(EU\) 2019/631](#)).

In July 2021, as part of the Fit for 55 package and in order to achieve the Green Deal, the Commission published another [proposed revision](#) of the emissions performance standards for new passenger cars and vans to strengthen the emissions targets by amending Regulation (EU) 2019/631. An agreement was reached by the Council and Parliament in March 2023 and the final act was signed on 19 April 2023 ([Regulation \(EU\) 2023/851](#)). It involves [CO<sub>2</sub> reduction targets](#) of 55% for new passenger cars and 50% for new light commercial vehicles by 2030, and a 100% CO<sub>2</sub> reduction target by 2035 for new passenger cars and vans.

In March 2023, the Commission adopted [Recommendation C\(2023\)1796](#) to improve and harmonise periodic vehicle inspections. To ensure that vehicles adhere to emission standards for the duration of their lives, accurate testing is crucial. To ensure that vehicles with diesel particulate filters that are defective or have been tampered with are detected during inspections, the Commission's recommendation defines guidelines regarding the measurement equipment and procedure, metrological and technical requirements, and a pass or fail limit for particle numbers.

## 3. Maximum authorised dimensions and weights

[Directive 96/53/EC](#) of 25 July 1996 laying down the maximum authorised dimensions and weights of national and international vehicles is the reference text used to set the maximum dimensions of certain road vehicles circulating between the Member States.

This directive was expanded on and amended by [Directive 97/27/EC](#) of 22 July 1997 (which was then repealed by [Directive 2002/7/EC](#) of 18 February 2002 and [Regulation \(EC\) No 661/2009](#) of 13 July 2009), which aimed to harmonise the maximum



dimensions of buses and vehicles with trailers to enable free circulation within the EU and, in particular, to ensure that cabotage operations for passenger transport worked efficiently.

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

Most recently, the Commission presented a [proposal for a decision of the European Parliament and of the Council](#) to amend Directive 96/53/EC as regards the time limit for the implementation of the special rules regarding maximum length in case of cabs delivering improved aerodynamic performance, energy efficiency and safety performance. In March 2019, Parliament adopted its position at first reading. The final act was published in the Official Journal in June 2019 ([Decision \(EU\) 2019/984](#)).

The Commission is currently working on a proposal for revising Directive 96/53/EC again by evaluating its effectiveness, efficiency, coherence, relevance and EU added value. It will determine whether the existing regulation is sufficient for ensuring the free movement of goods, reducing greenhouse gas emissions and enhancing road safety.

## **B. Administrative harmonisation**

### **1. Legal obligations for drivers**

[Directive 91/439/EEC](#) of 29 July 1991 on driving licences harmonised the format of licences and categories of vehicles, introduced the principle of mutual recognition and laid down basic requirements in respect of health and competence. [Directive 96/47/EC](#) of 23 July 1996 provided for an alternative credit-card format for driving licences. The third directive on driving licences ([Directive 2006/126/EC](#) of 20 December 2006, repealing Directive 91/439/EEC) sets obligations, including the issuing of compulsory credit-card format driving licences, with which Member States need to comply by 2033 at the latest.

On 1 February 2017, the Commission published a [proposal](#) amending Directive 2003/59/EC on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers and Directive 2006/126/EC on driving licences. The proposal aimed at ensuring the application of appropriate minimum training requirements and the recognition of training throughout the EU, remedying the problem of mutual recognition. The directive was published in the Official Journal on 2 May 2018 ([Directive \(EU\) 2018/645](#)).

On 1 February 2021, the Commission published a codification of Directive 2003/59/EC on the initial qualification and periodic training of drivers. On 23 December 2022, the final act was published in the [Official Journal](#) of the European Union.

On 1 March 2023, the Commission adopted another revision of Directive 2006/126/EC ([COM\(2023\)0127](#)) on driving licences to improve road safety and remove impediments to EU citizens' rights to free movement by improving driving skills, ensuring adequate fitness of drivers and reducing the administrative burden. The new initiative will further tackle new challenges related to mobility, especially regarding digitalisation and



sustainable mobility (as laid down in the EU's goals in the smart and sustainable mobility strategy of 2020).

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

In June 2022, a proposal for a Commission regulation was adopted on specific and temporary measures concerning the recognition of Ukrainian driver documents in the light of Russia's invasion of Ukraine. The revision includes the provision that the application of national laws governing the limitation, suspension, revocation or cancellation of the right to drive within a Member State is unaffected by the recognition of the documents. The final act was published in the Official Journal of the European Union on 22 July 2022 ([Regulation \(EU\) 2022/1280](#)).

## 2. Enforcement of road transport rules

Offenders from abroad often receive no punishments as they cannot be located or penalties are not executed. The EU has therefore set up some initiatives to support Member States in pursuing those offenders.

In October 2011, [Directive 2011/82/EU](#) facilitating the cross-border exchange of information on road safety related traffic offences was adopted. It establishes procedures to reduce the likelihood of foreign traffic offenders going unpunished for dangerous traffic violations by making it easier for police authorities in the EU Member States to share information to identify offenders.

In March 2015, [Directive \(EU\) 2015/413](#) was adopted by Parliament and the Council on cross-border exchange of information on road traffic offences with relevance for the European Economic Area agreement (the EU agreement with Iceland, Liechtenstein and Norway).

In May 2022, the Commission adopted two implementing regulations ([Commission Implementing Regulations \(EU\) 2022/694](#) and [695](#)) as part of [Mobility Package I](#) in order to ensure more targeted and consistent checks for compliance with EU road transport rules. The first implementing regulation modifies Commission [Regulation \(EU\) 2016/403](#) by updating the list of serious infringements that could damage a road transport operator's reputation (as set out in [Regulation \(EC\) No 1071/2009](#)). The second implementing regulation establishes a common formula for calculating the risk rating of EU road transport. The national risk rating systems are included under [Directive 2006/22/EC](#).

On 1 March 2023, the Commission adopted a revision of Directive 2015/413 on the cross-border enforcement of road traffic rules ([COM\(2023\)126](#)). The revision supports the Member States' authorities in pursuing offenders by allowing the person behind the



vehicle registration to be disclosed and introduces a tailored follow-up of cross-border investigation procedures.

Concomitantly, the Commission adopted a proposal for a directive on the Union-wide effect of certain driving disqualifications ([COM\(2023\)128](#)). It will implement a new mechanism that will allow an EU-wide driving ban when a Member State decides to disqualify a driver due to offences committed on its territory. It is currently in Parliament's preparatory phase.

### 3. Vehicle registration and car rentals

[Directive 1999/37/EC](#) of 29 April 1999 (amended by [Directive 2003/127/EC](#) and again by [Directive 2014/46/EU](#), included in the Roadworthiness Package) harmonises vehicle registration documents and simplifies checks on ownership and transfers between residents of two different Member States. [Regulation \(EC\) No 2411/98](#) of 3 November 1998 (on the recognition in intra-Community traffic of the distinguishing sign of the Member State in which motor vehicles and their trailers are registered) makes it compulsory for registration plates to display the retro-reflecting European flag and for the distinguishing sign of the Member State to be affixed on the far left of the registration plate.

There is currently no EU regulation on car rentals.

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

[Directive 2002/15/EC](#) of 11 March 2002 on the organisation of the working time of persons performing mobile road transport activities seeks to lay down minimum requirements in relation to working time in order to improve the health and safety of drivers. Rules on maximum driving time per day and per week, breaks and minimum daily rest periods are laid down in [Regulation \(EC\) No 561/2006](#) of 15 March 2006 repealing [Regulation \(EEC\) No 3820/85](#) of 20 December 1985. The regulation applies to drivers transporting goods (vehicles exceeding 3.5 tonnes) or passengers (vehicles carrying more than nine people). In April 2022, the Commission implemented a [delegated act \(C\(2022\)2055\)](#) to supplement Regulation (EC) 561/2006 in order to protect lorry drivers and their cargo by establishing new guidelines to aid in the development of safe and secure parking areas across the EU.

[Regulation \(EC\) No 561/2006](#) also amended [Regulation \(EEC\) No 3821/85](#) of 20 December 1985 and introduced the use of the digital tachograph. Given that it cannot be tampered with, the tachograph facilitates the detection of infringements of EU social legislation. [Directive 2006/22/EC](#) of 15 March 2006 lays down minimum requirements for the implementation of the aforementioned regulations and stipulates the minimum number of checks (at least 3% of days worked by drivers in 2010) to be carried out by the Member States in order to monitor compliance with the rules on driving time, breaks and rest periods. [Regulation \(EC\) No 561/2006](#) is also linked to [Regulation \(EU\) No 165/2014](#), which regulates the requirements for tachographs. As part of the 2009 road transport package, [Regulation \(EC\) No 1073/2009](#) of 21 October 2009 amended [Regulation \(EC\) No 561/2006](#), reintroducing the '12-day rule' whereby coach drivers engaged in providing a single occasional passenger service may work for up to 12 consecutive days (instead of a maximum of six) provided that it is an international transport occasional service which includes at least one 24-hour break period. The



derogation is permitted only on the basis of strict conditions, which maintain road safety and require drivers to take weekly rest periods immediately before and after the service. Other conditions were added from 1 January 2014: the vehicle must be equipped with a digital tachograph and in cases where a driver works between 22.00 and 6.00, either the driver's shift will be reduced by three hours or there will be other drivers on board to take over. Road transport legislation such as [Directive 2002/15/EC](#) and [Directive 2006/22/EC](#) complement [Regulation \(EC\) No 561/2006](#), particularly with regard to working time and enforcement.

On 31 May 2017, the Commission put forward its 'Europe on the Move' legislative package, which included a [proposal for a regulation of the European Parliament and of the Council](#) amending [Regulation \(EC\) No 561/2006](#) as regards minimum requirements on maximum daily and weekly driving times, minimum breaks and daily and weekly rest periods and [Regulation \(EU\) No 165/2014](#) as regards positioning by means of tachographs. The final act was published in the Official Journal on 31 July 2020. The Commission adopted an [implementing regulation](#) on 16 July 2021 to further specify the revised regulation on tachographs. From August 2023, buses and lorries must be fitted with a new version of smart tachographs.

As part of its 2017 'Europe on the Move' package, the Commission also put forward a [proposal for a directive of the European Parliament and of the Council](#) amending [Directive 2006/22/EC](#) as regards enforcement requirements and laying down specific rules with respect to [Directive 96/71/EC](#) and [Directive 2014/67/EU](#) for posting drivers in the road transport sector. In July 2020, Parliament concluded the second reading, which led to the adoption of the act and its publication in the Official Journal ([Directive \(EU\) 2020/1057](#)). These revised rules on the posting of drivers, driving times and rest periods and the better enforcement of cabotage rules (i.e. transport of goods carried out by non-resident hauliers on a temporary basis in a host Member State) aim to put an end to distortion of competition in the road transport sector and provide better rest conditions for drivers.

## ROLE OF THE EUROPEAN PARLIAMENT

Parliament has used its legislative powers to support, in principle, most of the Commission's proposals for harmonisation, while at the same time emphasising certain aspects to which it attaches particular importance. In its [resolution of 15 March 2017](#) on the Commission's approval of Germany's revised plan to introduce a road toll, Parliament pointed out that there was an ongoing infringement procedure against Germany to address indirect discrimination based on nationality, which was in breach of EU law and violated the fundamental principles of the Treaties.

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



Parliament called on the Commission, before the end of 2013, to review the regulatory framework governing driving and rest periods in passenger and goods transport and to improve the harmonisation of the application and control of the rules. The [State of the Union Road Transport Market report](#), adopted on 14 April 2014, sets out the development of the road haulage market and describes the social dimension of the road haulage sector.

On 16 October 2017, a joint public hearing was held by the TRAN and EMPL Committees in Parliament on the working conditions of mobile workers in transport. Furthermore, Parliament's Policy Department for Structural and Cohesion Policies published a study entitled '[Research for TRAN Committee – Road Transport Hauliers in the EU: Social and Working Conditions](#)', which updated a study carried out in 2013.

Parliament is currently working on the proposed revision of Directive 2006/126/EC ([COM\(2023\)0127](#)) on driving licences, on the proposal for a directive on the Union-wide effect of certain driving disqualifications ([COM\(2023\)0128](#)) and on the proposed revision of Directive 2015/413 on the cross-border enforcement of road traffic rules ([COM\(2023\)0126](#)). Members of the TRAN Committee examined the three draft parliamentary reports on 27 June and 18 September 2023.

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