



2017/0113(COD)

07.01.2022

*****II**

DRAFT RECOMMENDATION FOR SECOND READING

on the Council position at first reading with a view to the adoption of a Directive of the European Parliament and of the Council amending Directive 2006/1/EC on the use of vehicles hired without drivers for the carriage of goods by road

(xxxx/2021 – C8-0172/2017 – 2017/0113(COD))

Committee on Transport and Tourism

Rapporteur: Cláudia Monteiro de Aguiar

Symbols for procedures

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

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

Amendments to a draft act

Amendments by Parliament set out in two columns

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

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

Amendments by Parliament in the form of a consolidated text

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

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

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the Council position at first reading with a view to the adoption of a Directive of the European Parliament and of the Council amending Directive 2006/1/EC on the use of vehicles hired without drivers for the carriage of goods by road (XXXX/2021 – C8-0172/2017 – 2017/0113(COD))

(Ordinary legislative procedure: second reading)

The European Parliament,

- having regard to the Council position at first reading (XXXX/1/2021 – C8-0172/2017),
 - having regard to the opinion of the European Economic and Social Committee of 6 December 2017¹,
 - having regard to the opinion of the Committee of the Regions of 18 February 2018²,
 - having regard to the opinion of the Commission (COM(2022)0014),
 - having regard to its position at first reading³ on the Commission proposal to Parliament and the Council (COM(2017)0282),
 - having regard to Article 294(7) of the Treaty on the Functioning of the European Union,
 - having regard to the provisional agreement approved by the committee responsible under Rule 74(4) of its Rules of Procedure,
 - having regard to Rule 67 of its Rules of Procedure,
 - having regard to the recommendation for second reading of the Committee on Transport and Tourism (A9-0000/2021),
1. Approves the Council position at first reading;
 2. Notes that the act is adopted in accordance with the Council position;
 3. Instructs its President to sign the act with the President of the Council, in accordance with Article 297(1) of the Treaty on the Functioning of the European Union;
 4. Instructs its Secretary-General to sign the act, once it has been verified that all the procedures have been duly completed, and, in agreement with the Secretary-General of the Council, to arrange for its publication in the *Official Journal of the European Union*;
 5. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

¹ OJ C 129, 11.4.2018, p. 71.

² OJ C 176, 23.5.2018, p. 57.

³ Texts adopted on 15.1.2019, P8_TA(2019)0006.

SHORT JUSTIFICATION

1. The Need for Updating Current Rules

Current EU rules on the use of goods vehicles hired without drivers have been of application for 30 years without change, and now need to be reviewed to meet current and future needs in the road transport sector. Under the current Directive, the use of goods vehicles hired outside the particular Member State where the undertaking hiring it is established can be restricted. Furthermore, rules differ from one Member State to another, thus creating a patchwork of restrictions and uncertainty. Own account operators in certain Member States cannot use hired goods vehicles and take advantage of the benefits associated with their use. Consequently, the vehicle-hiring markets in Member States with restrictions remain underdeveloped.

2. The Commission Proposal

The Commission proposed amending Directive 2006/1/EC on the use of vehicles hired without drivers for the carriage of goods by road in 2017, aiming at softening existing restrictions on using hired vehicles in international transport, and establishing a uniform regulatory framework. Such framework would give transport operators across the EU more equal access to the market for hired goods vehicles.

The Commission proposes to remove the restriction against using a vehicle hired in a Member State different from the one where the undertaking hiring the vehicle is established, as well as against using hired goods vehicles with a gross vehicle weight over six tons for own account operations (currently in force only in three Member States).

3. Interinstitutional Negotiations

Further to the adoption of the Parliament's first reading position on 15 January 2019, interinstitutional negotiations (aimed at an early second reading agreement) took place from July to October 2021, under the Slovenian Presidency of the Council. The negotiating teams reached a provisional agreement during the second round of trilogues on 26 October 2021.

The text of the provisional agreement was presented to the Committee on Transport and Tourism (TRAN) and confirmed on 15 November 2021. On the basis of the Committee's approval, the Chair of the TRAN Committee, in her letter to the Chair of the Committee of Permanent Representatives (COREPER I), indicated that she would recommend the approval of the Council's position without amendments to the Plenary, *provided* that it is in conformity with the provisional agreement reached between the two institutions. Following legal-linguistic verification, the Council formally adopted its position in accordance with the provisional agreement on 20 December 2021.

4. Key Elements of the Agreement

The overall agreement that the European Parliament reached with the Council and the Commission intends to clarify the current rules and harmonise the legal framework for the market for hired goods vehicles. In particular, the following was achieved:

- Increased flexibility to transport undertakings to hire and lease goods vehicles, typically in order to meet temporary or seasonal demand peaks, and to replace defective vehicles, making

transport operations more efficient and contributing to the smooth functioning of the single market. New rules give companies more options, freedom of entrepreneurship and the chance to allocate resources in the best way possible, leading also to environmental gains and increased road safety.

– Gradual opening of the market: as a general rule, Member states will not be allowed to restrict using on their territory a vehicle hired by a haulage company established in another member state, *provided* that the relevant rules in the member state of establishment are followed.

- Introducing safeguards: as the level of road transport tax varies considerably within the EU, the Member States will be still able to restrict, within certain limits, the use of vehicles hired in another member state by their own companies. These restrictions concern the proportion of hired vehicles registered in another Member State in the fleet of a haulage company, the length of lease periods for a vehicle hired from abroad, and introduce the specific case of own account companies. The minimum guaranteed lease period for an individual vehicle registered in another Member State is set at 2 months. There will be a maximum backstop possibility of 30 days, if required by national vehicle registration rules.

- Improved enforcement: competent authorities will have to record the registration numbers of vehicles hired from another member state in their national electronic registers of road transport undertakings.

5. Recommendation

As the Council's first reading position is in conformity with the provisional agreement reached during the interinstitutional negotiations, the Rapporteur recommends endorsing it without amendments.