



Brussels, **XXX**
[...] (2021) **XXX** draft

COMMISSION IMPLEMENTING REGULATION (EU) .../...

of **XXX**

amending Regulation (EU) 2016/403 as regards new serious infringements of the Union rules which may lead to the loss of good repute by the road transport operator

This draft has not been adopted or endorsed by the European Commission. Any views expressed are the preliminary views of the Commission services and may not in any circumstances be regarded as stating an official position of the Commission.

COMMISSION IMPLEMENTING REGULATION (EU) .../...

of **XXX**

amending Regulation (EU) 2016/403 as regards new serious infringements of the Union rules which may lead to the loss of good repute by the road transport operator

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator and repealing Council Directive 96/26/EC¹, and in particular Article 6(2a) thereof,

Whereas:

- (1) Regulation (EC) No 1071/2009 has been amended by Regulation (EU) 2020/1055 of the European Parliament and of the Council² which added new serious infringements with regard to the law applicable to contractual obligations, cabotage and posting of workers in road transport to the list of infringements that may lead to the loss of good repute set out in Article 3(1), point (b), of Regulation (EC) No 1071/2009.
- (2) Regulation (EU) 2020/1055 also introduced an additional criterion to be taken into account by the Commission when defining the degree of seriousness of serious infringements, by adding the reference to the risk to distort competition in the road transport market.
- (3) Regulation (EU) 2020/1055 also amended Regulation (EC) No 1071/2009 in order to provide that, when establishing the frequency of occurrence beyond which repeated infringements are to be regarded as more serious, the Commission should take into account the number of vehicles, and not the number of drivers, used for the transport activities.
- (4) Regulation (EU) 2020/1054 of the European Parliament and of the Council³ introduced new provisions as regards infringements leading to risks of serious injuries or fatalities or distortion of competition in the road transport market. Those infringements should be added to the list of serious infringements of the Union rules referred to in Article 6(1), third subparagraph, point (b), of Regulation (EC) No

¹ OJ L 300, 14.11.2009, p. 51.

² Regulation (EU) 2020/1055 of the European Parliament and of the Council of 15 July 2020 amending Regulations (EC) No 1071/2009, (EC) No 1072/2009 and (EU) No 1024/2012 with a view to adapting them to developments in the road transport sector (OJ L 249, 31.7.2020, p. 17).

³ Regulation (EU) 2020/1054 of the European Parliament and of the Council of 15 July 2020 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 (OJ L 249, 31.7.2020, p. 1).

1071/2009, which may affect good repute of the road transport undertaking or the transport manager.

- (5) Therefore, Regulation (EU) 2016/403 should be amended to include the new infringements and take into account the new criteria for defining their level of seriousness and frequency of occurrence.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Committee on Road Transport.

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EU) No 2016/403 is amended as follows:

- (1) Annex I is amended in accordance with Annex I to this Regulation;
- (2) Annex II is replaced by the text in Annex II to this Regulation.

Article 2

This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.

It shall apply from 21 February 2022.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the Commission
The President
Ursula VON DER LEYEN