



2017/0123(COD)

13.5.2020

AMENDMENTS

1 - 29

Draft recommendation for second reading

Ismail Ertug

(PE650.436v01-00)

on the Council position at first reading with a view to the adoption of a regulation of the European Parliament and of the Council 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

Council position at first reading

(05115/2020 – C9-0105/2020 – 2017/0123(COD))

Amendment 1
Clotilde Armand

Council position

—

Proposal for a rejection

— ***The European Parliament rejects the Council position at first reading.***

Or. en

Amendment 2
Josianne Cutajar, Miriam Dalli, Alfred Sant, Alex Agius Saliba, Roberta Metsola, David Casa, Costas Mavrides

Council position
Recital 8

Council position

(8) Regulation (EC) No 1071/2009 requires undertakings to conduct effectively and continuously their operations with the appropriate technical equipment and facilities at an operating centre situated in the Member State of establishment, and it allows for additional requirements at national level, the most common of which being a requirement to have parking spaces available in the Member State of establishment. ***However, those, unevenly applied, requirements have not been sufficient to ensure a genuine link with that Member State in order to efficiently fight letter-box companies and to reduce the risk of systematic cabotage and nomadic drivers organised from an undertaking to which the vehicles do not return. Considering that, in order to ensure the proper functioning of the internal market in the area of transport, specific rules on the right of establishment and the provision of services may be necessary, it is appropriate to further harmonise the***

Amendment

(8) Regulation (EC) No 1071/2009 requires undertakings to conduct effectively and continuously their operations with the appropriate technical equipment and facilities at an operating centre situated in the Member State of establishment, and it allows for additional requirements at national level, the most common of which being a requirement to have parking spaces available in the Member State of establishment.

establishment requirements and to strengthen the requirements linked to the presence of the vehicles used by the transport operator in the Member State of establishment. Defining a clear minimum interval within which the vehicle has to return also contributes to ensuring that those vehicles can be correctly maintained with the technical equipment situated in the Member State of establishment and facilitates controls. The cycle for such returns should be synchronised with the obligation on the transport undertaking in Regulation (EC) No 561/2006 of the European Parliament and of the Council⁶ to organise its operations in a manner that enables the driver to return home at least every four weeks, so that both obligations can be fulfilled through the return of the driver together with the vehicle at least every second four week cycle. This synchronisation strengthens the right of the driver to return and reduces the risk that the vehicle has to return only to fulfil this new establishment requirement. However, the requirement to return to the Member State of establishment should not require a specific number of operations to be conducted in the Member State of establishment or otherwise limit the operators possibility to provide services throughout the internal market..

⁶ *Regulation (EC) No 561/2006 of the European Parliament and of the Council of 15 March 2006 on the harmonisation of certain social legislation relating to road transport and amending Council Regulations (EEC) No 3821/85 and (EC) No 2135/98 and repealing Council Regulation (EEC) No 3820/85 (OJ L 102, 11.4.2006, p. 1).*

Or. en

Amendment 3

Elżbieta Katarzyna Łukacijewska, Roberta Metsola, Gheorghe Falcă, Andris Ameriks, Petras Auštrevičius, Andor Deli, Rovana Plumb, Maria Grapini, Marian-Jean Marinescu, Roberts Zile, Bogusław Liberadzki, Tomasz Piotr Poreba, Kosma Złotowski, Magdalena Adamowicz, Tomasz Frankowski, Andrey Novakov, Petar Vitanov, Ilhan Kyuchyuk, Angel Dzhambazki

Council position

Recital 8

Council position

(8) Regulation (EC) No 1071/2009 requires undertakings to conduct effectively and continuously their operations with the appropriate technical equipment and facilities at an operating centre situated in the Member State of establishment, and it allows for additional requirements at national level, the most common of which being a requirement to have parking spaces available in the Member State of establishment. ***However, those, unevenly applied, requirements have not been sufficient to ensure a genuine link with that Member State in order to efficiently fight letter-box companies and to reduce the risk of systematic cabotage and nomadic drivers organised from an undertaking to which the vehicles do not return. Considering that, in order to ensure the proper functioning of the internal market in the area of transport, specific rules on the right of establishment and the provision of services may be necessary, it is appropriate to further harmonise the establishment requirements and to strengthen the requirements linked to the presence of the vehicles used by the transport operator in the Member State of establishment. Defining a clear minimum interval within which the vehicle has to return also contributes to ensuring that those vehicles can be correctly maintained with the technical equipment situated in the Member State of establishment and facilitates controls. The cycle for such returns should be synchronised with the***

Amendment

(8) Regulation (EC) No 1071/2009 requires undertakings to conduct effectively and continuously their operations with the appropriate technical equipment and facilities at an operating centre situated in the Member State of establishment, and it allows for additional requirements at national level, the most common of which being a requirement to have parking spaces available in the Member State of establishment.

obligation on the transport undertaking in Regulation (EC) No 561/2006 of the European Parliament and of the Council⁶ to organise its operations in a manner that enables the driver to return home at least every four weeks, so that both obligations can be fulfilled through the return of the driver together with the vehicle at least every second four week cycle. This synchronisation strengthens the right of the driver to return and reduces the risk that the vehicle has to return only to fulfil this new establishment requirement. However, the requirement to return to the Member State of establishment should not require a specific number of operations to be conducted in the Member State of establishment or otherwise limit the operators possibility to provide services throughout the internal market.

⁶ ***Regulation (EC) No 561/2006 of the European Parliament and of the Council of 15 March 2006 on the harmonisation of certain social legislation relating to road transport and amending Council Regulations (EEC) No 3821/85 and (EC) No 2135/98 and repealing Council Regulation (EEC) No 3820/85 (OJ L 102, 11.4.2006, p. 1).***

Or. en

Justification

This measure is excessively restrictive and discriminatory. The mandatory return of a vehicle will put in a disadvantaged position Member States which due to their geographical location will have substantial difficulties in providing truck transport services on the Single Market, as their vehicles will have to cover far greater distances and to overcome significant natural barriers, especially in the case of islands or States located at the periphery of EU. Moreover, the proposed provision concerning the obligation of return of a vehicle to the state of establishment contradicts European Green Deal, EU's climate policy objectives and the Paris Agreement goals. It increases the number of empty runs and causes additional CO₂ emissions. Furthermore, this measure will increase the volume of road traffic and will have a negative impact on road safety.

Amendment 4
Maria Grapini

Council position
Recital 11

Council position

Amendment

(11) *In view of their potential to considerably affect the road transport market and the social protection of workers, serious infringements of Union rules on the posting of workers in road transport, cabotage and the law applicable to contractual obligations should be added to the items relevant to the assessment of good repute.* **deleted**

Or. ro

Justification

This measure affects the fundamental freedom to provide services in the EU, as the proposed clause on the place where or from where work is habitually carried out will create confusion as to the choice of applicable law. The European Parliament must not allow the single market to be undermined at a time in which its correct functioning is crucial to the economic recovery of the whole continent following the COVID-19 crisis.

Amendment 5

Elżbieta Katarzyna Łukacijewska, Angel Dzhambazki, Ilhan Kyuchyuk, Petar Vitanov, Andrey Novakov, Bogusław Liberadzki, Tomasz Frankowski, Magdalena Adamowicz, Roberts Zile, Marian-Jean Marinescu, Kosma Złotowski, Tomasz Piotr Poręba, Rovana Plumb, Andor Deli, Petras Auštrevičius, Andris Ameriks, Gheorghe Falcă, Roberta Metsola, Maria Grapini

Council position
Recital 21

Council position

Amendment

(21) *Cabotage operations should help to increase the load factor of heavy duty vehicles and reduce empty runs, and should be allowed as long as they are not carried out in a way that creates a permanent or continuous activity within the Member State concerned. To ensure* **deleted**

that cabotage operations are not carried out in a way that creates a permanent or continuous activity, hauliers should not be allowed to carry out cabotage operations in the same Member State within a certain time after the end of a period of cabotage operations.

Or. en

Justification

Imposing additional restrictions on cabotage in the form of a 4-day “cooling-off” period is a restrictive, disproportionate and protectionist measure that constitutes a new and unfair administrative barrier to market access. It should also be viewed in the context of inclusion of cabotage operations in the posting regime from day one, which will negatively impact these operations, which are aimed at reducing empty runs of the trucks. As a consequence of introducing a 4-day “cooling-off” period, the number of empty runs will increase significantly. This will have a negative impact on the volume of CO2 emitted by road transport and will reduce the efficiency of transport performance, thus increasing the cost of the exchange of goods within the Union.

Amendment 6

Josianne Cutajar, Miriam Dalli, Alfred Sant, Alex Agius Saliba, Roberta Metsola, David Casa

Council position

Recital 21

Council position

(21) Cabotage operations should help to increase the load factor of heavy duty vehicles and reduce empty runs, and should be allowed as long as they are not carried out in a way that creates a permanent or continuous activity within the Member State concerned. ***To ensure that cabotage operations are not carried out in a way that creates a permanent or continuous activity, hauliers should not be allowed to carry out cabotage operations in the same Member State within a certain time after the end of a period of cabotage operations.***

Amendment

(21) Cabotage operations should help to increase the load factor of heavy duty vehicles and reduce empty runs, and should be allowed as long as they are not carried out in a way that creates a permanent or continuous activity within the Member State concerned.

Or. en

Amendment 7

Josianne Cutajar, Miriam Dalli, Alfred Sant, Alex Agius Saliba, Roberta Metsola, David Casa, Costas Mavrides

Council position

Recital 22

Council position

Amendment

(22) While the further liberalisation established by Article 4 of Council Directive 92/106/EEC⁹, compared to cabotage under Regulation (EC) No 1072/2009, has been beneficial in promoting combined transport and should, in principle, be retained, it is necessary to ensure that it is not misused. Experience shows that, in certain parts of the Union, that provision has been used in a systematic manner to circumvent the temporary nature of cabotage and as the basis for the continuous presence of vehicles in a Member State other than that of the establishment of the undertaking. Such unfair practices risk leading to social dumping and jeopardise respect of the legal framework relating to cabotage. It should therefore be possible for Member States to derogate from Article 4 of Directive 92/106/EEC and to apply the provisions relating to cabotage in Regulation (EC) No 1072/2009 in order to address such problems by introducing a proportionate limit to the continuous presence of vehicles within their territory.

deleted

⁹ Council Directive 92/106/EEC of 7 December 1992 on the establishment of common rules for certain types of combined transport of goods between Member States (OJ L 368, 17.12.1992, p. 38).

Or. en

Amendment 8

Elżbieta Katarzyna Łukacijewska, Magdalena Adamowicz, Tomasz Frankowski, Bogusław Liberadzki, Roberts Zīle, Marian-Jean Marinescu, Kosma Zlotowski, Tomasz Piotr Poręba, Maria Grapini, Rovana Plumb, Andor Deli, Petras Auštrevičius, Andris Ameriks, Gheorghe Falcă, Roberta Metsola, Andrey Novakov, Petar Vitanov, Ilhan Kyuchyuk, Angel Dzhambazki

Council position

Recital 22

<i>Council position</i>	<i>Amendment</i>
<p>(22) While the further liberalisation established by Article 4 of Council Directive 92/106/EEC⁹, compared to cabotage under Regulation (EC) No 1072/2009, has been beneficial in promoting combined transport and should, in principle, be retained, it is necessary to ensure that it is not misused. Experience shows that, in certain parts of the Union, that provision has been used in a systematic manner to circumvent the temporary nature of cabotage and as the basis for the continuous presence of vehicles in a Member State other than that of the establishment of the undertaking. Such unfair practices risk leading to social dumping and jeopardise respect of the legal framework relating to cabotage. It should therefore be possible for Member States to derogate from Article 4 of Directive 92/106/EEC and to apply the provisions relating to cabotage in Regulation (EC) No 1072/2009 in order to address such problems by introducing a proportionate limit to the continuous presence of vehicles within their territory.</p>	<p><i>deleted</i></p>

⁹ Council Directive 92/106/EEC of 7 December 1992 on the establishment of common rules for certain types of combined transport of goods between Member States (OJ L 368, 17.12.1992, p. 38).

Or. en

Justification

The reference to Directive 92/106/EEC is not appropriate, as this issue should be dealt with in the Combined Transport Directive itself. The inclusion of an initial or final road section in combined transport in the provisions of the Regulation No 1072/2007 is not beneficial as it reduces the attractiveness of combined transport for hauliers and freight forwarders. Such a measure will not contribute to the further promotion of this type of operation and will not contribute to reaching the objectives of European Green Deal. This measure was not part of the Commission's proposals adopted on 31 May 2017 and has not been the subject of an impact assessment. As the Commission noticed, the restrictions on combined transport diminish its effectiveness to support multimodal freight operations.

Amendment 9 **Barbara Thaler**

Council position **Recital 22**

Council position

(22) While the further liberalisation established by Article 4 of Council Directive 92/106/EEC⁹, compared to cabotage under Regulation (EC) No 1072/2009, has been beneficial in promoting combined transport and should, in principle, be retained, it is necessary to ensure that it is not misused. Experience shows that, in certain parts of the Union, that provision has been used in a systematic manner to circumvent the temporary nature of cabotage and as the basis for the continuous presence of vehicles in a Member State other than that of the establishment of the undertaking. Such unfair practices risk leading to social dumping **and jeopardise respect of the legal framework relating to cabotage**. It should **therefore** be possible for Member States to derogate from Article 4 of Directive 92/106/EEC and to apply the provisions relating to cabotage in Regulation (EC) No 1072/2009 in order to address such problems by introducing a proportionate limit to the continuous presence of vehicles within their territory.

Amendment

(22) While the further liberalisation established by Article 4 of Council Directive 92/106/EEC⁹, compared to cabotage under Regulation (EC) No 1072/2009, has been beneficial in promoting combined transport and should, in principle, be retained, it is necessary to ensure that it is not misused. Experience shows that, in certain parts of the Union, that provision has been used in a systematic manner to circumvent the temporary nature of cabotage and as the basis for the continuous presence of vehicles in a Member State other than that of the establishment of the undertaking. **While** such unfair practices risk leading to social dumping, **they are to a large extent neutralised by the new posting of transport workers rules. Nevertheless, where misuse of Article 4 of 92/106/EEC can be proved by the Member State concerned**, it should be possible for Member States to derogate from Article 4 of Directive 92/106/EEC and to apply the provisions relating to cabotage in Regulation (EC) No 1072/2009 in order to address such problems by introducing a

proportionate limit to the continuous presence of vehicles within their territory.

⁹ Council Directive 92/106/EEC of 7 December 1992 on the establishment of common rules for certain types of combined transport of goods between Member States (OJ L 368, 17.12.1992, p. 38).

⁹ Council Directive 92/106/EEC of 7 December 1992 on the establishment of common rules for certain types of combined transport of goods between Member States (OJ L 368, 17.12.1992, p. 38).

Or. en

Amendment 10 **Clotilde Armand**

Council position **Recital 26 a (new)**

Council position

Amendment

(26a) Considering the fundamental role that the heavy vehicle transportation plays in emergency situations, as clearly demonstrated in the context of the COVID-19 emergency, the unrestricted movement of vehicles within the EU single market should be guaranteed to satisfy the needs of consumers and businesses, as well as to ensure the continuity of basic services. To this end, specific rules on the right of establishment and the provision of services laid down in this Regulation should be suspended at the Union level for the duration of the crisis and the recovery period. Those rules should include the provisions on regular return of vehicles to the Member State of establishment, obligation for the driver to return home at least every four weeks, as well as restrictions on cabotage that provide for a four-day “cooling-off” period.

Or. en

Justification

Administrative burden and movement restrictions for truck drivers severely compromise EU's crisis-resilience and the capacity to deliver production materials, equipment and goods to the places where they are most needed. The Regulation entails additional and excessive administrative burdens, as well as restricted market access for non-resident carriers, which cannot be justified, especially in the light of the novel Covid-19 crisis. This is even more valid for the areas that are not easily accessible, like islands and poorly connected zones. Delay in cross-border road transport services may lead to dramatic consequences, like for example a hospital not receiving the medicines. All the restrictions to the provision of such services should therefore be removed in the situation of emergency.

Amendment 11

Elżbieta Katarzyna Łukacijewska, Bogusław Liberadzki, Magdalena Adamowicz, Tomasz Frankowski, Roberts Zīle, Marian-Jean Marinescu, Kosma Złotowski, Tomasz Piotr Poręba, Maria Grapini, Rovana Plumb, Andor Deli, Petras Auštrevičius, Andris Ameriks, Gheorghe Falcă, Roberta Metsola, Andrey Novakov, Ilhan Kyuchyuk, Petar Vitinov, Angel Dzhambazki, Juozas Olekas, Loucas Furlas, Lefteris Christoforou

Council position

Article 1 – paragraph 1 – point 3

Regulation (EC) No 1071/2009

Article 5 – paragraph 1 – point b

Council position

Amendment

(b) organise its vehicle fleet's activity in such a way as to ensure that vehicles that are at the disposal of the undertaking and are used in international carriage return to one of the operational centres in that Member State at least within eight weeks after leaving it; ***deleted***

Or. en

Justification

This measure is excessively restrictive and discriminatory. The mandatory return of a vehicle will put in a disadvantaged position Member States that, due to their geographical location will have substantial difficulties in providing truck transport services on the Single Market, as their vehicles will have to cover far greater distances and to overcome significant natural barriers, especially in the case of islands. Moreover, the proposed provision concerning the obligation of return of a vehicle to the state of establishment contradicts the EU's climate policy objectives and the Paris Agreement goals. It increases the number of empty runs and causes additional CO2 emissions from road transport sector. Furthermore, this measure will increase the volume of road traffic and will have a negative impact on road safety.

Amendment 12

Josianne Cutajar, Miriam Dalli, Alfred Sant, Alex Agius Saliba, Roberta Metsola, David Casa, Costas Mavrides

Council position

Article 1 – paragraph 1 – point 3

Regulation (EC) No 1071/2009

Article 5 – paragraph 1 – point b

Council position

(b) organise its vehicle fleet's activity in such a way as to ensure that vehicles that are at the disposal of the undertaking and are used in international carriage return to one of the operational centres in that Member State at least within eight weeks after leaving it;

Amendment

deleted

Or. en

Amendment 13

Josianne Cutajar, Miriam Dalli, Alfred Sant, Alex Agius Saliba, Roberta Metsola, David Casa, Costas Mavrides

Council position

Article 1 – paragraph 1 – point 3

Regulation (EC) No 1071/2009

Article 5 – paragraph 1 – point g

Council position

(g) on an ongoing basis, have at its regular disposal a number of vehicles that comply with the conditions laid down in point (e) and drivers *who are normally* based *at an* operational centre *in that Member State, in both cases* proportionate to the volume of transport operations carried out by the undertaking.

Amendment

(g) on an ongoing basis, have at its regular disposal a number of vehicles that comply with the conditions laid down in point (e) and *employ* drivers based *on the law applicable to* operational centre *of the undertaking*, proportionate to the volume of transport operations carried out by the undertaking.

Or. en

Amendment 14

Elżbieta Katarzyna Łukacijewska, Rovana Plumb, Andor Deli, Petras Auštrevičius, Andris Ameriks, Gheorghe Falcă, Roberta Metsola, Andrey Novakov, Ilhan Kyuchyuk, Petar Vitanov, Bogusław Liberadzki, Tomasz Frankowski, Magdalena Adamowicz, Roberts Zile, Marian-Jean Marinescu, Kosma Złotowski, Tomasz Piotr Poręba, Maria Grapini, Angel Dzhambazki

Council position

Article 1 – paragraph 1 – point 3

Regulation (EC) No 1071/2009

Article 5 – paragraph 1 – point g

Council position

(g) on an ongoing basis, have at its regular disposal a number of vehicles **that comply** with the conditions laid down in point (e) and drivers **who are normally** based **at an** operational centre **in that Member State, in both cases** proportionate to the volume of transport operations carried out by the undertaking.

Amendment

(g) on an ongoing basis have at its regular disposal a number of vehicles **complying** with the conditions laid down in point (e) and **employ** drivers based **on the law applicable to** operational centre **of the undertaking**, proportionate to the volume of transport operations carried out by the undertaking.

Or. en

Justification

The amendment restores EP position at 1st reading. Proposed requirement concerning 'drivers normally based at an operational centre' means that drivers should normally work at or from such a centre. This could exclude the possibility to provide so-called exports of services within the single market consisting, inter alia, of cross-trade. The proposed provision is protectionist in nature, very much limiting the current single market freedoms. Moreover, there is a need to point out the climatic consequences of the limitation of cross-trade capacity. Provisions do not allow the load to be taken up where it is closest to the vehicle but they do cause the vehicle to travel several hundred kilometres where taking up the load will not result in negative consequences in terms of not being able to fulfil one of the conditions to pursue the occupation of a road transport haulier. The provision is imprecise and allows for different interpretations. This gives rise to legal uncertainty on the part of the hauliers and therefore considerable risk. Contrary to some opinions stating that the interpretation of this provision will fall exclusively within the competence of the national control authorities of the haulier's state of establishment, the provision may also give rise to proceedings against the haulier in another Member State from whose territory the transport operations will be carried out or where the driver will be commuting to take up work with a vehicle left in the local parking.

Amendment 15

Maria Grapini

Council position

Article 1 – paragraph 1 – point 4 – point a – point iv

Regulation (EC) No 1071/2009

Article 6 – paragraph 1 – subparagraph 3 – point b – point xi

Council position

Amendment

(xi) the posting of workers in road transport; **deleted**

Or. ro

Justification

This measure affects the fundamental freedom to provide services in the EU, as the proposed clause on the place where or from where work is habitually carried out will create confusion as to the choice of applicable law. The European Parliament must not allow the single market to be undermined at a time in which its correct functioning is crucial to the economic recovery of the whole continent following the COVID-19 crisis.

Amendment 16

Maria Grapini

Council position

Article 1 – paragraph 1 – point 4 – point a – point iv

Regulation (EC) No 1071/2009

Article 6 – paragraph 1 – subparagraph 3 – point b – point xii

Council position

Amendment

(xii) the law applicable to contractual obligations; **deleted**

Or. ro

Justification

This measure affects the fundamental freedom to provide services in the EU, as the proposed clause on the place where or from where work is habitually carried out will create confusion as to the choice of applicable law. The European Parliament must not allow the single market to be undermined at a time in which its correct functioning is crucial to the economic recovery of the whole continent following the COVID-19 crisis.

Amendment 17

Elżbieta Katarzyna Łukacijewska, Bogusław Liberadzki, Tomasz Frankowski,

Magdalena Adamowicz, Roberts Zile, Marian-Jean Marinescu, Kosma Zlotowski, Tomasz Piotr Poręba, Maria Grapini, Rovana Plumb, Andor Deli, Petras Auštrevičius, Andris Ameriks, Gheorghe Falcă, Roberta Metsola, Andrey Novakov, Petar Vitanov, Ilhan Kyuchyuk, Angel Dzhambazki

Council position

Article 2 – paragraph 1 – point 4 – point a
Regulation (EC) No 1072/2009
Article 8 – paragraph 2 a

Council position

Amendment

(a) the following paragraph is inserted:

deleted

'2a. Hauliers are not allowed to carry out cabotage operations, with the same vehicle, or, in the case of a coupled combination, the motor vehicle of that same vehicle, in the same Member State within four days following the end of its cabotage operation in that Member State.'

Or. en

Justification

Imposing additional restrictions on cabotage in the form of a “cooling-off” period is a restrictive, disproportionate and protectionist measure that constitutes a new and unfair administrative barrier to market access. It should also be viewed in the context of inclusion of cabotage operations in the posting regime from day one, which will negatively impact these operations, which are aimed at reducing empty runs of the trucks. As a consequence of introducing a “cooling-off” period, the number of empty runs will increase significantly. This will have a negative impact on the volume of CO2 emitted by road transport and will reduce the efficiency of transport performance, thus increasing the cost of the exchange of goods within the Union.

Amendment 18

Johan Van Overtveldt

Council position

Article 2 – paragraph 1 – point 4 – point a
Regulation (EC) No 1072/2009
Article 8 – paragraph 2 a

Council position

Amendment

(a) the following paragraph is inserted: *deleted*

'2a. Hauliers are not allowed to carry out cabotage operations, with the same vehicle, or, in the case of a coupled combination, the motor vehicle of that same vehicle, in the same Member State within four days following the end of its cabotage operation in that Member State.'

Or. en

Justification

While we share the objective of tackling the systematic abuse of cabotage, we question whether a cooling-off period is the right solution for this problem. This cooling-off period could negatively impact the specific business model of undertakings (often SME's) based in regions with daily cross-border trade. We believe that there are other solutions for better enforcement, including the deployment of the smart tachograph.

Amendment 19

Josianne Cutajar, Miriam Dalli, Alfred Sant, Alex Agius Saliba, Roberta Metsola, David Casa

Council position

Article 2 – paragraph 1 – point 4 – point a

Regulation (EC) No 1072/2009

Article 8 – paragraph 2 a

Council position

Amendment

(a) the following paragraph is inserted: *deleted*

'2a. Hauliers are not allowed to carry out cabotage operations, with the same vehicle, or, in the case of a coupled combination, the motor vehicle of that same vehicle, in the same Member State within four days following the end of its cabotage operation in that Member State.'

Or. en

Amendment 20

Elżbieta Katarzyna Łukacijewska, Bogusław Liberadzki, Magdalena Adamowicz, Tomasz Frankowski, Roberts Zīle, Marian-Jean Marinescu, Kosma Złotowski, Tomasz Piotr Poręba, Maria Grapini, Rovana Plumb, Andor Deli, Petras Auštrevičius, Andris Ameriks, Gheorghe Falcă

Council position

Article 2 – paragraph 1 – point 4 – point a a (new)

Regulation (EC) No 1072/2009

Article 8 – paragraph 2 b (new)

Council position

Amendment

(aa) the following paragraph is inserted:

'2b. Hauliers are not allowed to carry out cabotage operations with the same vehicle or, in the case of a coupled combination, the motor vehicle of that same vehicle, in the same Member State within 48 hours following the end of its cabotage operation in that Member State.';

Or. en

Justification

This amendment restores the position of Parliament at 1st reading. Introduction of a short and natural cooling-off period of 48 hours will not entirely disrupt the planning and carrying out of transport operation within the European Single Market, and may as such be acceptable to all parties by means of a compromise.

Amendment 21

Johan Van Overtveldt

Council position

Article 2 – paragraph 1 – point 4 – point a a (new)

Regulation (EC) No 1072/2009

Article 8 – paragraph 2 b (new)

Council position

Amendment

(aa) the following paragraph is inserted:

'2b. During the period referred to in

paragraph 2a, hauliers are allowed to carry out no more than 1 cabotage operation with the same vehicle or, in the case of a coupled combination, the motor vehicle of that same vehicle, in the same Member State once the goods carried in the course of a new incoming international carriage have been delivered.';

Or. en

Justification

This amendment limits the systematic abuse of cabotage to the maximum, while preserving the specific business model of undertakings (often SME's) based in regions with daily cross-border trade. The cooling-off measure could deeply put into question the logistic chains of those companies. It is therefore crucial to keep at least the possibility to perform one cabotage operation during the cooling-off period, in order to avoid empty returns to the operational centre and to avoid a negative impact on the energy efficiency of the supply chain.

Amendment 22 Benoît Lutgen

Council position

Article 2 – paragraph 1 – point 4 – point a a (new)

Regulation (EC) No 1072/2009

Article 8 – paragraph 2 b (new)

Council position

Amendment

(aa) the following paragraph is inserted:

'2b. During the period referred to in paragraph 2a, hauliers are allowed to carry out no more than 1 cabotage operation with the same vehicle or, in the case of a coupled combination, the motor vehicle of that same vehicle, in the same Member State once the goods carried in the course of a new incoming international carriage have been delivered.';

Or. en

Justification

The co-legislators should take into consideration the specific business model of undertakings based in regions where cross-border trade between Member States is daily, given the interconnection of economies. This paragraph makes it possible to perform, during the cooling-off period, one cabotage operation when it follows a new international transport operation to the same Member State. The systematic abuse on cabotage is limited, while preserving the business model of these undertakings.

Amendment 23

Josianne Cutajar, Miriam Dalli, Alfred Sant, Alex Agius Saliba, Roberta Metsola, David Casa

Council position

Article 2 – paragraph 1 – point 4 – point b

Regulation (EC) No 1072/2009

Article 8 – paragraph 3 – subparagraph 1

Council position

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 international carriage and of each consecutive cabotage operation carried out. In the event that the vehicle has been in the territory of the host Member State *within the period of four days preceding the international carriage*, the haulier shall also produce clear evidence of all operations that were carried out during that period.;

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 international carriage and of each consecutive cabotage operation carried out. In the event that the vehicle has been in the territory of the host Member State, the haulier shall also produce clear evidence of all operations that were carried out during that period.;

Or. en

Amendment 24

Elżbieta Katarzyna Łukacijewska, Bogusław Liberadzki, Magdalena Adamowicz, Tomasz Frankowski, Roberts Zīle, Marian-Jean Marinescu, Kosma Złotowski, Tomasz Piotr Poręba, Maria Grapini, Rovana Plumb, Andor Deli, Petras Auštrevičius, Andris Ameriks, Gheorghe Falcă, Andrey Novakov, Petar Vitanov, Ilhan Kyuchyuk, Angel Dzhambazki

Council position

Article 2 – paragraph 1 – point 4 – point b

Regulation (EC) No 1072/2009

Article 8 – paragraph 3 – subparagraph 1

Council position

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 international carriage and of each consecutive cabotage operation carried out. In the event that the vehicle has been in the territory of the host Member State ***within the period of four days*** preceding the international carriage, the haulier shall also produce clear evidence of all operations that were carried out during that period.;

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 international carriage and of each consecutive cabotage operation carried out. In the event that the vehicle has been in the territory of the host Member State preceding the international carriage, the haulier shall also produce clear evidence of all operations that were carried out during that period.;

Or. en

Justification

Amendment restores Parliament's first reading position. Imposing additional restrictions on cabotage in the form of a 4-day “cooling-off” period is a restrictive, disproportionate and protectionist measure that constitutes a new and unfair administrative barrier to market access. It should also be viewed in the context of inclusion of cabotage operations in the posting regime from day one, which will negatively impact these operations, which are aimed at reducing empty runs of the trucks. As a consequence of introducing a 4-day “cooling-off” period, the number of empty runs will increase significantly. This will have a negative impact on the volume of CO2 emitted by road transport and will reduce the efficiency of transport performance, increasing the cost of the exchange of goods within the Union.

Amendment 25

Josianne Cutajar, Miriam Dalli, Alfred Sant, Alex Agius Saliba, Roberta Metsola, David Casa, Costas Mavrides

Council position

Article 2 – paragraph 1 – point 5 – point b

Regulation (EC) No 1072/2009

Article 10 – paragraph 7

Council position

(b) the following paragraph is added:

Amendment

deleted

'7. In addition to paragraphs 1 to 6 of this Article and by way of derogation from Article 4 of Directive 92/106/EEC, Member States may, where necessary to avoid misuse of the latter provision through the provision of unlimited and continuous services consisting in initial or final road legs within a host Member State that form part of combined transport operations between Member States, provide that Article 8 of this Regulation apply to hauliers when they carry out such initial and/or final road haulage legs within that Member State. With regard to such road haulage legs, Member States may provide for a longer period than the seven-day period provided for in Article 8(2) of this Regulation and may provide for a shorter period than the four-day period provided for in Article 8(2a) of this Regulation. The application of Article 8(4) of this Regulation to such transport operations shall be without prejudice to requirements following from Directive 92/106/EEC. Member States making use of the derogation provided for in this paragraph shall notify the Commission thereof before applying their relevant national measures. They shall review those measures at least every five years and shall notify the results of that review to the Commission. They shall make the rules, including the length of the respective periods, publically available in a transparent manner.';

Or. en

Amendment 26

Elżbieta Katarzyna Łukacijewska, Bogusław Liberadzki, Magdalena Adamowicz, Tomasz Frankowski, Roberts Zīle, Marian-Jean Marinescu, Kosma Złotowski, Tomasz Piotr Poręba, Maria Grapini, Rovana Plumb, Andor Deli, Petras Auštrevičius, Andris Ameriks, Gheorghe Falcă, Roberta Metsola, Andrey Novakov, Ilhan Kyuchyuk, Petar Vitanov, Angel Dzhambazki

Council position

Article 2 – paragraph 1 – point 5 – point b

Council position

Amendment

(b) the following paragraph is added:

deleted

'7. In addition to paragraphs 1 to 6 of this Article and by way of derogation from Article 4 of Directive 92/106/EEC, Member States may, where necessary to avoid misuse of the latter provision through the provision of unlimited and continuous services consisting in initial or final road legs within a host Member State that form part of combined transport operations between Member States, provide that Article 8 of this Regulation apply to hauliers when they carry out such initial and/or final road haulage legs within that Member State. With regard to such road haulage legs, Member States may provide for a longer period than the seven-day period provided for in Article 8(2) of this Regulation and may provide for a shorter period than the four-day period provided for in Article 8(2a) of this Regulation. The application of Article 8(4) of this Regulation to such transport operations shall be without prejudice to requirements following from Directive 92/106/EEC. Member States making use of the derogation provided for in this paragraph shall notify the Commission thereof before applying their relevant national measures. They shall review those measures at least every five years and shall notify the results of that review to the Commission. They shall make the rules, including the length of the respective periods, publically available in a transparent manner.'

Or. en

Justification

The reference to Directive 92/106/EEC is not appropriate, as this issue should be dealt with in the Combined Transport Directive itself. The inclusion of an initial or final road section in

combined transport in the provisions of the Regulation No 1072/2007 is not beneficial as it reduces the attractiveness of combined transport for hauliers and freight forwarders. Such a measure will not contribute to the further promotion of this type of operation and will not contribute to reaching the objectives of European Green Deal. This measure was not part of the Commission's proposals adopted on 31 May 2017 and have not been the subject of an impact assessment. As the Commission noticed, the restrictions on combined transport diminish its effectiveness to support multimodal freight operations.

Amendment 27
Barbara Thaler

Council position
Article 2 – paragraph 1 – point 5 – point b
Regulation (EC) No 1072/2009
Article 10 – paragraph 7

Council position

7. In addition to paragraphs 1 to 6 of this Article and by way of derogation from Article 4 of Directive 92/106/EEC, Member States may, where necessary to avoid misuse of the latter provision through the provision of unlimited and continuous services consisting in initial or final road legs within a host Member State that form part of combined transport operations between Member States, provide that Article 8 of this Regulation apply to hauliers when they carry out such initial and/or final road haulage legs within that Member State. With regard to such road haulage legs, Member States may provide for a longer period than the seven-day period provided for in Article 8(2) of this Regulation and may provide for a shorter period than the four-day period provided for in Article 8(2a) of this Regulation. The application of Article 8(4) of this Regulation to such transport operations shall be without prejudice to requirements following from Directive 92/106/EEC. Member States making use of the derogation provided for in this paragraph shall notify the Commission thereof before applying their relevant national measures. They shall review those

Amendment

7. In addition to paragraphs 1 to 6 of this Article and by way of derogation from Article 4 of Directive 92/106/EEC, Member States may, where necessary to avoid misuse of the latter provision through the provision of unlimited and continuous services consisting in initial or final road legs within a host Member State that form part of combined transport operations between Member States, provide that Article 8 of this Regulation apply to hauliers when they carry out such initial and/or final road haulage legs within that Member State. With regard to such road haulage legs, Member States may provide for a longer period than the seven-day period provided for in Article 8(2) of this Regulation and may provide for a shorter period than the four-day period provided for in Article 8(2a) of this Regulation. The application of Article 8(4) of this Regulation to such transport operations shall be without prejudice to requirements following from Directive 92/106/EEC. Member States making use of the derogation provided for in this paragraph shall notify the Commission thereof before applying their relevant national measures **and provide written**

measures at least every *five* years and shall notify the results of that review to the Commission. They shall make the rules, including the length of the respective periods, publically available in a transparent manner.;

justification that includes evidence of abuse committed based on Article 4 of 92/106/EEC, as well as contains quantified objectives wishing to be achieved. The justification shall be opened up to a public consultation with stakeholders for a period of 30 days prior to putting it into effect and continuously monitor the effects of the derogation.

They shall review those measures at least every *two* years and shall notify the results of that review to the Commission. *The derogation shall be suspended where the quantified objectives of the derogation have been met during two consecutive three-month periods.* They shall make the rules, including the length of the respective periods, publically available in a transparent manner.;

Or. en

Amendment 28
Clotilde Armand

Council position
Article 3 a (new)

Council position

Amendment

Article 3a

Force majeure

In the event of exceptional and unforeseeable circumstances, amounting to force majeure, such as a public health crisis, environmental emergency or an emergency of a socio-political or military character, and where the effective continuation of cross-border transportation is of high socio-economic importance, the Commission shall suspend the following provisions of this Regulation for the duration of the emergency and recovery period, to facilitate the circulation of trucks

carrying passengers and goods:

(a) Article 1, paragraph 1, point 3 amending Article 5, point (b), of Regulation (EC) No 1071/2009 and introducing the obligation for the vehicle to return to the operational centre in the Member State of establishment at least once within eight weeks after leaving it;

(b) Article 2, paragraph 1, point 4, point (a), amending Article 8, point 2a, of Regulation (EC) No 1072/2009, as well as Article 2, paragraph 1, point 4, point (b), amending Article 8(3), first subparagraph, introducing a 4-day “cooling-off” period for cabotage operations;

(c) Recital 8 providing for the drivers the obligation to return home at least every four weeks, as well as the obligation to synchronise that return operation through the return of the driver together with the vehicle at least every second four week cycle;

Such suspension shall have immediate effect after its notification to the European Parliament and the Council. Registered transport undertakings shall be informed of such suspension by national competent authorities without delay.

Or. en

Justification

Acting in the best interests of the EU citizens, the European Commission must ensure that the EU legislation is applied in an adequate way and does not produce distortions for the free circulation of vehicles in exceptional circumstances amounting to force majeure. Since the restrictions introduced with this Regulation would severely jeopardize the delivery of transport services and put at risk social and economic priorities, the introduction of a suspension clause in case of force majeure allows to re-establish free circulation of vehicles, notwithstanding their place of registration. In addition, cited provisions of this negotiated version of Regulation must be reviewed in the light of the upcoming Commission’s impact assessment of the negative environmental and socio-economic effects.

Amendment 29

Roberts Zile, Kosma Złotowski, Tomasz Piotr Poręba, Marian-Jean Marinescu, Andor Deli, Bogusław Liberadzki, Elżbieta Katarzyna Łukacijewska, Angel Dzhambazki, Petras Auštrevičius, Gheorghe Falcă, Petar Vitanov, Andris Ameriks, Rovana Plumb, Andrey Novakov, Maria Grapini, Ilhan Kyuchyuk

Council position

Article 4 – paragraph 1

Council position

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

Amendment

This Regulation shall enter into force on [insert date 18 month after that of its publication in the Official Journal of the European Union].

By [OJ: 4 months after that of its publication in the Official Journal of the European Union] the Commission shall present a proper impact assessment regarding the impact of this Regulation on actual economic situation of the EU road haulage market and drivers' health safety situation, and, where appropriate, propose amendments to this Regulation taking into account the new market situation of the sector.

Or. en

Justification

Due to current COVID-19 pandemic crisis and unprecedented uncertainty of economic and health safety situation in the road haulage market, application of this regulation shall be delayed, while the European Commission prepares a proper impact assessment with an analysis of new market situation after the crisis and evaluation of impact of the new regulation on the EU road haulage sector. In order to adjust the rules, the Commission should come up with respective amendments to this legal act before it enters into force.