

CLTM/BR5669/MBI

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IRU Position on the EU Mobility Package – technical analysis and recommendations relating to the revision of the EU rules on the use of vehicles hired without drivers for the carriage of goods by road

Additional technical analysis and IRU recommendations to European legislators on the Commission proposal to modify the EU rules on the use of hired vehicles without drivers for the carriage of goods by road.

I. BACKGROUND

IRU makes concrete proposals in order to clarify the rules on hired vehicles

IRU welcomes the new, long-overdue [Commission proposal](#) on the use of hired vehicles without drivers, whose preparation was the subject of a very intense and constructive consultation process which lasted four years and in which IRU was deeply involved. The key IRU priorities for this revision are the creation of a fairer competitive framework in the EU road freight transport and logistics market, the simplification and clarification of the existing rules, a more aligned implementation and application of the existing rules, and more efficient, intelligence-led enforcement. IRU has not been in favour of a further opening of the road haulage market, nor has it supported the creation of further restrictions in that market.

From this perspective, IRU welcomes the Commission's proposals to create more opportunities for road freight transport operators to use vehicles hired outside the Member State of establishment, but is concerned about the impact of some of the proposed provisions on the competitive pressure on the road haulage market. IRU also considers that a number of unclear provisions could lead to challenges with the enforcement of operations carried out with such vehicles, especially cabotage.

IRU therefore considers that the European Parliament and Council could certainly further improve the Commission's current proposal and has formulated below a number of observations and suggestions which could help guide both institutions in this task.

II. DIRECTIVE 2006/1/EC ON THE USE OF VEHICLES HIRED WITHOUT DRIVERS FOR THE CARRIAGE OF GOODS BY ROAD

1. Article 2 – General

IRU recognises that an extension of the possibilities to hire vehicles and use them for various road freight transport operations could accelerate the market uptake of vehicles with the latest and greenest technologies and supports the Commission proposal. However, it should be noted that allowing the hiring of additional vehicles outside the Member State of establishment could increase the already strong competitive pressure on the EU road freight transport market.

IRU suggests that the impact of the possibility to hire additional vehicles on the competitive pressure on the market should be one of the topics addressed in the report which the Commission will produce under Article 5a.

2. Article 2.1a – Time limit

IRU cannot support this proposal as it provides Member States with too much flexibility regarding the voluntary four month time limit which could lead to legal uncertainty for transport operators. It should also be noted that Member States will have to further align their rules on type approval, vehicle registration and roadworthiness testing if a wide variety of differing restrictions are to be avoided. IRU also questions if the “four month” reference should be understood as consecutive or non-consecutive.

IRU suggests that Article 2.1a in the proposal be modified to restrict the use of hired vehicles outside the Member State of establishment of the hiring company to a maximum (rather than minimum) period of four months during the calendar year. A potential widening of this use could be decided following the Commission’s implementation report mentioned in Article 5a.

3. Article 3 – Rules on the use of hired vehicles without driver

IRU cannot support the new Article 3 in the way it is currently worded because it lacks clarity and it does not specify the essential measures which Member States should take, especially in relation to vehicles hired outside the country of establishment of the hiring company. IRU recommends that all information relating to the use of hired vehicles should be introduced in the national electronic register, including the vehicle registration number and country of registration. This should be done in a way which minimises any additional administrative burden for the transport operators. It should also be clarified how the rules on financial standing will apply to hired vehicles (particularly in the case of hiring an additional vehicle). Clarity should also be provided relating to which True Certified Copy of the Community Licence should be on board the hired vehicles. The True Certified Copies of hired vehicles should also be registered in the national register of the Member State of establishment of the hiring company.

IRU suggests to modify the proposed wording for Article 3 to indicate that Member States should take the necessary measures so that the same rules apply to owned and hired vehicles in relation to inputting information in the national registers, financial standing and the Community Licence.\

III. ARTICLE 3.2 – REMOVAL OF LIMITS FOR OWN ACCOUNT TRANSPORT

IRU welcomes the removal of the restrictions for own account transport operators. Own account transport operators should be able to hire vehicles without driver as operators for hire and reward.

IV. ARTICLE 5A – REPORTING

IRU supports the approach to follow up any amendments with thorough research and reporting on their impacts.

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