

Wednesday 17 December 2014

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(Resolutions, recommendations and opinions)

RESOLUTIONS

EUROPEAN PARLIAMENT

P8\_TA(2014)0101

**Classification of serious infringements in road transport**

**European Parliament resolution of 17 December 2014 on the draft Commission regulation supplementing Regulation (EC) No 1071/2009 of the European Parliament and of the Council with regard to the classification of serious infringements of the Union rules, which may lead to the loss of good repute by the road transport operator and amending Annex III to Directive 2006/22/EC of the European Parliament (D034120/02 — 2014/2859(RPS))**

(2016/C 294/01)

*The European Parliament,*

- having regard to the draft Commission regulation (D034120/02),
  - 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/EC<sup>(1)</sup>, and in particular Article 6(2) thereof,
  - having regard to Directive 2006/22/EC of the European Parliament and of the Council of 15 March 2006 on minimum conditions for the implementation of Council Regulation (EEC) No 3820/85 and (EEC) No 3821/85 concerning social legislation relating to road transport activities and repealing Council Directive 88/599/EEC<sup>(2)</sup>, and in particular Article 9(3) thereof,
  - having regard to the opinion delivered on 30 June 2014 by the committee referred to in Article 18(1) of Council Regulation (EEC) No 3821/85<sup>(3)</sup>,
  - having regard to Article 5a(3)(b) of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission<sup>(4)</sup>,
  - having regard to Rule 106(2), (3) and (4)(c) of its Rules of Procedure,
- A. whereas the aim of Regulation (EC) No 1071/2009 is the completion of an internal market in road transport with fair conditions of competition, which requires the uniform application of common rules on admission to the occupation of road haulage operator or road passenger transport operator;
- B. whereas such common rules will contribute to the achievement of a higher level of professional qualification for road transport operators, the rationalisation of the market, and an improved quality of service, in the interests of road transport operators, their customers and the economy as a whole, together with improvements in road safety;

<sup>(1)</sup> OJ L 300, 14.11.2009, p. 51.

<sup>(2)</sup> OJ L 102, 15.3.2006, p. 35.

<sup>(3)</sup> OJ L 370, 31.12.1985, p. 8.

<sup>(4)</sup> OJ L 184, 17.7.1999, p. 23.

Wednesday 17 December 2014

- C. whereas Article 6 provides a non-exhaustive list of EU rules relevant to assessing good repute, which includes: rules on driving and working time of drivers; use of tachographs; maximum weights and dimensions of commercial vehicles used in international traffic; qualification and training of drivers; the roadworthiness of commercial vehicles; access to the market in international road haulage or, as appropriate, access to the market in road passenger transport; safety in the carriage of dangerous goods by road; the installation and use of speed-limiting devices; driving licences; admission to the occupation; and animal transport;
- D. whereas under Article 6(2) of Regulation (EC) No 1071/2009 the Commission is required to draw up a list of categories, types and degrees of seriousness of serious infringements of these Community rules, which, in addition to those set out in Annex IV, may lead to the loss of good repute;
- E. whereas Member States are required to take into account information on those infringements, including information received from other Member States, when setting the priorities for checks pursuant to Article 12(1);
- F. whereas under Article 6 of Regulation (EC) No 1071/2009 the Commission, when preparing these measures, is required to lay down the categories and types of infringement which are most frequently encountered;
- G. whereas, taking into consideration the basic legal act, the measure to be adopted by the Commission was expected to include a full list of both harmonised infringements and harmonised degree of seriousness which may lead to the loss of the good repute by the road transport operator;
- H. whereas the Commission, when preparing these measures, must define the degree of seriousness of infringements according to their potential to create a risk of fatalities or serious injuries;
- I. whereas the list to be prepared by the Commission could only consider those infringements which could create a risk of fatalities or serious injuries, while serious infringements of Regulation (EC) No 1072/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market <sup>(1)</sup> have an important impact on working and living conditions which certainly may have a high potential to create a risk of fatalities or serious injuries;
- J. whereas the list has failed to include a complete list of serious infringements of Regulation (EC) No 1072/2009, since point 10 of Annex 1 to the draft Commission regulation does not include illegal cabotage, which, given its negative impact on drivers, should clearly be regarded as a serious infringement;
- K. whereas other rules related to illegal cabotage, e.g. relating to the performance of cabotage in a form not in line with national requirements relating to social legislation applicable to the contract, should be included in the list as serious infringements, in view of their potential to create a risk of fatalities or serious injuries;
- L. whereas the list of categories, types and degrees of seriousness of serious infringements that has been added uses very ordinary words such as 'in accordance' or 'valid', and this further complicates the interpretation by the competent authorities of the types and degrees of serious infringements;
- M. whereas the existing regulations already include clear provisions regarding the responsibility of carriers, drivers and the company in charge with respect to the transport of dangerous goods;
- N. whereas the liability and responsibilities of the different actors regarding the transport of dangerous goods can be undermined, in regard to the groups of infringements against Directive 2008/68/EC as in point 9 of Annex 1 to the proposed measure;

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<sup>(1)</sup> OJ L 300, 14.11.2009, p. 72.

**Wednesday 17 December 2014**

- O. whereas, therefore, the draft measure submitted by the Commission should not be considered compatible with the aim or content of the basic legislative act;
1. Opposes adoption of the draft Commission regulation;
  2. Considers that the draft Commission regulation is not compatible with the aim and content of Regulation (EC) No 1071/2009;
  3. Calls on the Commission to withdraw the draft regulation and submit to the committee a new list of serious infringements of the Union rules which may lead to the loss of good repute by the road transport operator;
  4. Instructs its President to forward this resolution to the Council, the Commission and the governments and parliaments of the Member States.
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