

Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Directive 2017/0113(COD)	Procedure completed
Use of vehicles hired without drivers for the carriage of goods by road Amending Directive 2006/1/EC 2003/0221(COD)	
Subject 3.20.05 Road transport: passengers and freight	
Legislative priorities Joint Declaration 2018-19	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	 Transport and Tourism	 MONTEIRO DE AGUIAR Cláudia	30/06/2017
		Shadow rapporteur	
		 AMERIKS Andris	
		 BILBAO BARANDICA Izaskun	
		 CUFFE Ciarán	
	 HAIDER Roman		
	 ŻŁOTOWSKI Kosma		
	Former committee responsible		
	 Transport and Tourism	 MONTEIRO DE AGUIAR Cláudia	30/06/2017
Council of the European Union	Council configuration	Meeting	Date
	Transport, Telecommunications and Energy	3623	07/06/2018
	Transport, Telecommunications and Energy	3581	05/12/2017
European Commission	Commission DG Mobility and Transport	Commissioner BULC Violeta	

Key events			
31/05/2017	Legislative proposal published	COM(2017)0282	Summary
15/06/2017	Committee referral announced in Parliament, 1st reading		
05/12/2017	Debate in Council	3581	
24/05/2018	Vote in committee, 1st reading		
24/05/2018	Rejection by committee to open interinstitutional negotiations with report adopted in committee		
29/05/2018	Committee report tabled for plenary, 1st reading	A8-0193/2018	Summary
07/06/2018	Debate in Council	3623	
14/06/2018	Results of vote in Parliament		
14/06/2018	Decision by Parliament, 1st reading	T8-0264/2018	Summary
14/06/2018	Matter referred back to the committee responsible		
14/01/2019	Debate in Parliament		
15/01/2019	Decision by Parliament, 1st reading	T8-0006/2019	Summary
24/09/2019	Committee decision to open interinstitutional negotiations after 1st reading in Parliament		
09/10/2019	Committee decision to enter into interinstitutional negotiations announced in plenary (Rule 72)		
15/11/2021	Approval in committee of the text agreed at early 2nd reading interinstitutional negotiations	PE730.179 PE730.180	
15/11/2021	Approval in committee of the text agreed at early 2nd reading interinstitutional negotiations	PE730.179 GEDA/A/(2022)000275	
14/01/2022	Council position published	13531/1/2021	Summary
20/01/2022	Committee referral announced in Parliament, 2nd reading		
03/03/2022	Vote in committee, 2nd reading		
04/03/2022	Committee recommendation tabled for plenary, 2nd reading	A9-0041/2022	
04/04/2022	Debate in Parliament		
05/04/2022	Decision by Parliament, 2nd reading	T9-0102/2022	Summary
06/04/2022	Final act signed		

Technical information	
Procedure reference	2017/0113(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
	Amending Directive 2006/1/EC 2003/0221(COD)
Legal basis	Treaty on the Functioning of the EU TFEU 091-p1; Rules of Procedure EP 59-p4
Mandatory consultation of other institutions	European Economic and Social Committee European Committee of the Regions
Stage reached in procedure	Procedure completed
Committee dossier	TRAN/9/01268

Documentation gateway					
Legislative proposal		COM(2017)0282	31/05/2017	EC	Summary
Document attached to the procedure		SWD(2017)0196	31/05/2017	EC	
Document attached to the procedure		SWD(2017)0197	31/05/2017	EC	
Document attached to the procedure		SWD(2017)0198	31/05/2017	EC	
Document attached to the procedure		SWD(2017)0199	31/05/2017	EC	
Economic and Social Committee: opinion, report		CES2882/2017	06/12/2017	ESC	
Committee draft report		PE615.479	20/12/2017	EP	
Amendments tabled in committee		PE615.518	23/02/2018	EP	
Committee report tabled for plenary, 1st reading/single reading		A8-0193/2018	29/05/2018	EP	Summary
Text adopted by Parliament, partial vote at 1st reading/single reading		T8-0264/2018	14/06/2018	EP	Summary
Text adopted by Parliament, 1st reading/single reading		T8-0006/2019	15/01/2019	EP	Summary
Commission response to text adopted in plenary		SP(2019)150	27/02/2019	EC	
Committee draft report		PE703.054	07/01/2022	EP	
Commission communication on Council's position		COM(2022)0014	12/01/2022	EC	
Coreper letter confirming interinstitutional agreement		GEDA/A/(2022)000275	14/01/2022	CSL	
Council position		13531/1/2021	14/01/2022	CSL	Summary
Committee recommendation tabled for plenary, 2nd reading		A9-0041/2022	04/03/2022	EP	
Text adopted by Parliament, 2nd reading		T9-0102/2022	05/04/2022	EP	Summary
Draft final act		00013/2022/LEX	06/04/2022	CSL	

Additional information

Research document

[Briefing](#)

Final act

[Directive 2022/738](#)
[OJ L 137 16.05.2022, p. 0001](#)

Use of vehicles hired without drivers for the carriage of goods by road

PURPOSE: to enable undertakings to benefit to a greater extent from the advantages of using vehicles hired without drivers for the carriage of goods by road.

PROPOSED ACT: Directive of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament shall decide in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: the use of hired vehicles can reduce the costs of undertakings carrying goods on their own account or for hire and reward and at the same time increase their operational flexibility.

Directive 2006/1/EC of the European Parliament and of the Council provides for a minimum level of the market opening for the use of vehicles hired without drivers for the carriage of goods by road. However, this Directive:

- allows Member States to restrict the use of hired goods vehicles with a gross vehicle weight above six tonnes for own account operations;
- restricts the use of a vehicle which has been hired in a Member State different from the one where the undertaking hiring the vehicle is established.

The Commission therefore proposes to remove these restrictions and establish a uniform regulatory framework across the EU to ensure equal access for transport operators across the EU to the market for hired vehicles.

The proposal is part of a series of proposals in the field of road transport which the Commission intends to adopt in 2017.

IMPACT ASSESSMENT: the preferred option aims to: (i) allow the use of hired goods vehicles for own account operations throughout the EU; (ii) allow the use of goods vehicles which an operator established in one Member State has hired in another Member State for a certain period of time.

Expected benefits include:

- a reduction in operating costs of EU hauliers by a total of EUR 158 million in 2030;
- a total annual economic benefit of around EUR 240 million in 2030 for the vehicle rental/leasing sector;
- the creation of almost 5 000 additional jobs (2 900 in the vehicle rental/leasing sector and 1 700 in the road haulage business).

CONTENT: the proposal amending Directive 2006/1/EC seeks to:

- allow the use within its territory of vehicles hired by undertakings established on the territory of another Member State provided that the vehicle is registered or put into circulation in compliance with the laws of a Member State;
- allow the use of a vehicle hired in another Member State is to be allowed for at least four months in any given calendar year to enable undertakings to meet temporary or seasonal demand peaks and/or to replace defective or damaged vehicles.

By 5 years after the deadline for transposition of the Directive, the Commission shall submit a report on the implementation and effects of this Directive. The report shall include information on the use of vehicles hired in a Member State other than the Member State of establishment of the undertaking hiring the vehicle. On the basis of this report, the Commission shall assess whether it is necessary to propose additional measures.

Use of vehicles hired without drivers for the carriage of goods by road

The Committee on Transport and Tourism adopted the report by Cláudia MONTEIRO DE AGUIAR (EPP, PT) on the proposal for 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.

As a reminder, the proposal aims at enabling companies to take greater advantage of the use of vehicles rented without a driver for the carriage of goods by road. It is part of the Europe on the move package of clean, competitive and connected mobility proposed by the European Commission. The competent committee has recommended that the position of the European Parliament adopted at first reading in the framework of the ordinary legislative procedure amend the Commission proposal.

Use of hired vehicles: Members considered that Member States should not be allowed to restrict the use on their respective territories of a vehicle hired by an undertaking duly established on the territory of another Member State, provided that the vehicle is registered and complies with operating standards and safety requirements.

However, Member States should have the option of limiting, within their respective territories, the length of time an established undertaking can use a hired vehicle registered or put into circulation in another Member State.

Furthermore, the Member State of establishment of the undertaking may limit the number of hired vehicles that can be used by any undertaking, provided that they allow the use of at least a number of vehicles corresponding to 25% of the overall goods vehicle fleet owned by the undertaking; or, in the case an undertaking that has an overall fleet of less than four vehicles, the use at least one such hired vehicle.

National electronic register: the information on a hired vehicle's registration number shall be entered in the national electronic register as defined in Regulation (EC) 1071/2009.

Report: the implementation and effects of the directive should be monitored by the Commission and reported no later than 3 years after the date of transposition.

Use of vehicles hired without drivers for the carriage of goods by road

The European Parliament adopted by 353 votes to 257 with 26 abstentions certain amendments on the proposal for 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.

The matter was referred back to the competent committee for interinstitutional negotiations.

As a reminder, the proposal aims at enabling companies to take greater advantage of the use of vehicles rented without a driver for the carriage of goods by road. It is part of the Europe on the move package of clean, competitive and connected mobility proposed by the European Commission.

The main amendments adopted in plenary concern the following:

Use of hired vehicles: Members considered that Member States should not be allowed to restrict the use on their respective territories of a vehicle hired by an undertaking duly established on the territory of another Member State, provided that the vehicle is registered and complies with operating standards and safety requirements, or put into circulation in compliance with the laws of any Member State and authorised to be operated by the Member State of establishment of the undertaking responsible .

Limitations: given the different levels of taxation of road transport within the Union, Member States should be able to:

- limit the time of use of the hired vehicle within their respective territory provided that they allows the use of the hired vehicle for at least four consecutive months any given calendar year;
- limit the number of hired vehicles that can be used by any undertaking, provided that they allow the use of at least a number of vehicles corresponding to 25% of the overall goods vehicle fleet owned by the undertaking; in which case an undertaking that has an overall fleet of less than four vehicles, shall be allowed to use at least one such hired vehicle.

National electronic register: the information on a hired vehicle's registration number shall be entered in the national electronic register as defined in [Regulation \(EC\) 1071/2009](#). Competent authorities of the Member State of establishment of an operator that are informed of the use of a vehicle which that operator has hired and which is registered or put into circulation in compliance with the laws of another Member State shall inform the competent authorities of that other Member State thereof.

Report: the implementation and effects of the directive should be monitored by the Commission and reported no later than 3 years after the date of transposition. The report shall pay particular attention to the impact on road safety, and on tax revenues, including fiscal distortions, and on the enforcement of cabotage rules.

Use of vehicles hired without drivers for the carriage of goods by road

The European Parliament adopted by 340 votes to 316, with 38 abstentions, a legislative resolution on the proposal for 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.

As a reminder, the proposal aims at enabling companies to take greater advantage of the use of vehicles rented without a driver for the carriage of goods by road. It is part of the Europe on the move package of clean, competitive and connected mobility proposed by the European Commission.

The European Parliaments position adopted at first reading in the framework of the ordinary legislative procedure amended the Commission proposal.

Use of hired vehicles

Members considered that Member States should not be allowed to restrict the use on their respective territories of a vehicle hired by an undertaking duly established on the territory of another Member State, provided that the vehicle is registered and complies with operating standards and safety requirements.

Limits

Given the different levels of taxation of road transport within the Union, Member States should be given the option:

- limit the time of use of the hired vehicle within its respective territory provided that it allows the use of the hired vehicle for at least four consecutive months any given calendar year; in which case the contract of hire may be required not to last longer than the time limit set by the Member State;
- limit the number of hired vehicles that can be used by any undertaking, provided that they allow the use of at least a number of vehicles corresponding to 25% of the overall goods vehicle fleet owned by the undertaking on 31 December of the year preceding the request for

authorisation; in which case an undertaking that has an overall fleet of more than one and less than four vehicles, shall be allowed to use at least one such hired vehicle.

Member States may exclude from the provisions of the Directive own account transport operations carried out by vehicles with a total permissible laden weight of more than 6 tonnes.

National electronic register

The information on a hired vehicle's registration number shall be entered in the national electronic register as defined in Regulation (EC) 1071/2009.

Competent authorities of the Member State of establishment that are being informed of the use of a vehicle which the operator has hired and which is registered or put into circulation in compliance with the laws in another Member State should inform the competent authorities of that other Member State thereof. Member States should use the Internal Market Information System (IMI) to that end.

Report

The implementation and effects of the directive should be monitored by the Commission and reported no later than 3 years after the date of transposition (instead of 5 years).

The Commission report shall pay particular attention to the impact on road safety, and on tax revenues, including fiscal distortions, and on the enforcement of cabotage rules.

Use of vehicles hired without drivers for the carriage of goods by road

The Council adopted its 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.

The proposal aims to promote the use of hired vehicles by removing some or all of the possibilities for Member States to restrict their use under Directive 2006/1/EC.

Member States may currently restrict the use of hired vehicles above 6 tonnes used for own account operations and they may restrict, on their respective territories, the use of vehicles, which an undertaking has hired outside its country of establishment. The proposal amends Directive 2006/1/EC on the use of vehicles hired without drivers for the carriage of goods by road with the aim of widening access to the market for hired goods vehicles and reducing the complexity of the rules.

Minimum rental period

The Council's position is based on a two-track solution, linking the minimum hire period to national rules for registration of hired vehicles.

Member States would be free either to allow only 30 consecutive days for the use of hired vehicles with foreign number plates (for Member States with a registration requirement after 30 days or less) or to grant two months of use of such vehicles (for Member States with more generous registration rules).

Member States would now only be able to introduce restrictions for their own companies, whereas the current Directive allows them to introduce restrictions on the hiring of vehicles for foreign companies. According to the Council's position, there will now be a minimum period of use (30 days) which all Member States have to grant, and during which they cannot ask for national registration of such vehicles.

Limitation of hiring possibility to 25% of vehicles at the disposal of the undertaking

With regard to the possibility of limiting the percentage of vehicles registered in another Member State in relation to the national road transport fleet, the Council's position stipulates that the Member State of establishment of the road transport undertaking may limit the number of hired vehicles that an undertaking may use provided that the minimum number of authorised vehicles corresponds to at least 25% of the goods vehicle fleet at the disposal of the undertaking either on 31 December of the year preceding the use of the hired vehicle or on the day when the undertaking begins to use the hired vehicle, as determined by the Member State.

Own account operations

The Council's position allows Member States to restrict the use of hired vehicles for own account transport only in the case of vehicles registered in another Member State, irrespective of their weight.

Monitoring and control

The Council also adopted rules obliging hauliers to register hired vehicles, including those hired in a Member State other than the Member State of establishment, in the national electronic registers of road transport undertakings.

In order to avoid a disproportionate administrative burden, information on hired vehicles should not be notified each time a vehicle is hired, provided that this information is available and accessible in the Member State carrying out the roadside checks.

Transposition and reporting

The deadline for transposition is 14 months after the date of entry into force of the Directive. At the latest four years after this date, the Commission will present a report on the implementation and effects of the Directive.

This report will contain information on the use of vehicles hired in a Member State other than the Member State of establishment of the undertaking hiring the vehicle. In particular, it will examine the impact on road safety, on the environment, on tax revenues and on the enforcement of the cabotage rules. On the basis of this report, the Commission will determine whether it is necessary to propose additional measures.

Use of vehicles hired without drivers for the carriage of goods by road

The European Parliament adopted a legislative resolution approving the Council's 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.

The proposed directive amends directive 2006/1/EC with the aim of removing existing restrictions and establishing a clear and uniform regulatory framework ensuring equal access to the market for hired vehicles for hauliers throughout the EU.

The use of hired vehicles can reduce the costs of own-account and hire-purchase freight transport companies and, at the same time, can increase their operational flexibility. It can therefore contribute to increasing the productivity and competitiveness of the companies concerned. Moreover, as leased vehicles tend to be newer than average, they are on average also safer and less polluting.

Under the proposed directive:

- Member States will be free to either (i) allow the use of hired vehicles with foreign number plates for a period of 30 consecutive days only (for those Member States where there is an obligation to register after 30 days or less), or (ii) allow the use of such vehicles for a period of 2 consecutive months in a given calendar year;
- the Member State of establishment of the road transport undertaking may limit the number of hired vehicles that an undertaking may use provided that the minimum number of authorised vehicles corresponds to at least 25% of the goods vehicle fleet at the disposal of the undertaking either on 31 December of the year preceding the use of the hired vehicle or on the day when the undertaking begins to use the hired vehicle, as determined by the Member State;
- Member States will be allowed to restrict the use of hired vehicles for own account transport only in the case of vehicles registered in another Member State, irrespective of their weight;
- hauliers will be obliged to register hired vehicles, including those hired in a Member State other than the Member State of establishment, in the national electronic registers of road transport undertakings. Information on hired vehicles will not have to be notified each time a vehicle is hired, provided that this information is available and accessible in the Member State carrying out the roadside checks.

Member States will have to incorporate the new provisions into their national legislation 14 months after the entry into force of the Directive. No later than four years after this date, the Commission will present a report on the implementation and effects of the Directive.