


Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Directive	1995/0012(COD) Procedure lapsed or withdrawn
Use of vehicles hired without drivers for the carriage of goods by road	
Subject 3.20.05 Road transport: passengers and freight	

Key players			
European Parliament	Former committee responsible		
	TRAN Transport and Tourism		23/03/1995
		PPE CORNELISSEN Petrus A.M.	
Council of the European Union	Former committee for opinion		
	ECON Economic and Monetary Affairs, Industrial Policy		18/04/1995
	JURI Legal Affairs, Citizens' Rights	The committee decided not to give an opinion.	
	Council configuration	Meeting	Date
	Transport, Telecommunications and Energy	1857	19/06/1995

Key events			
13/02/1995	Legislative proposal published	COM(1995)0002	Summary
03/04/1995	Committee referral announced in Parliament, 1st reading		
19/06/1995	Debate in Council	1857	
22/06/1995	Vote in committee, 1st reading		Summary
22/06/1995	Committee report tabled for plenary, 1st reading	A4-0154/1995	
12/07/1995	Debate in Parliament		Summary
13/07/1995	Decision by Parliament, 1st reading	T4-0350/1995	Summary
25/03/1996	Modified legislative proposal published	COM(1996)0115	Summary
28/07/1999	Vote in committee, 1st reading		
28/07/1999	Committee report tabled for plenary	A5-0021/1999	

	confirming Parliament's position		
27/10/1999	Decision by Parliament, 1st reading	T5-0061/1999	Summary
09/06/2000	End of procedure in Parliament		
09/06/2000	End of procedure in Parliament		
09/06/2000	End of procedure in Parliament		
09/01/2004	Additional information		Summary

Technical information

Procedure reference	1995/0012(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
Legal basis	EC Treaty (after Amsterdam) EC 071
Stage reached in procedure	Procedure lapsed or withdrawn

Documentation gateway

Legislative proposal	COM(1995)0002 OJ C 080 01.04.1995, p. 0009	13/02/1995	EC	Summary
Economic and Social Committee: opinion, report	CES0583/1995 OJ C 236 11.09.1995, p. 0040	31/05/1995	ESC	Summary
Committee report tabled for plenary, 1st reading/single reading	A4-0154/1995 OJ C 249 25.09.1995, p. 0004	22/06/1995	EP	
Text adopted by Parliament, 1st reading/single reading	T4-0350/1995 OJ C 249 25.09.1995, p. 0119-0139	13/07/1995	EP	Summary
Modified legislative proposal	COM(1996)0115 OJ C 162 06.06.1996, p. 0009	25/03/1996	EC	Summary
Reconsultation	SEC(1999)0581	28/04/1999	EC	
Committee final report tabled for plenary, 1st reading/single reading	A5-0021/1999 OJ C 154 05.06.2000, p. 0005	28/07/1999	EP	
Text adopted by Parliament confirming position adopted at 1st reading	T5-0061/1999 OJ C 154 05.06.2000, p. 0022-0045	27/10/1999	EP	Summary

Additional information

European Commission	EUR-Lex
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Use of vehicles hired without drivers for the carriage of goods by road

1) OBJECTIVE: to harmonise and liberalise at Community level the use of vehicles hired without drivers for the carriage of goods by road. 2) CONTENT: 1. Definition of certain terms used in the directive: "vehicles", "hired vehicles" and "taxes on vehicles". 2. Obligation for each Member State to authorise the use on its territory of vehicles hired without drivers in a Member State other than that in which the haulier is established, for the purpose of traffic between Member States. 3. Possibility for the Member States to limit the validity of the hire contract for vehicles hired in a Member State other than that in which the hirer is established for the purpose of international carriage operations. 4. Possibility for the Member States to make provision for less restrictive conditions for the use of hired vehicles. 5. Principle whereby hired vehicles remain subject to taxation rules in the Member State of registration. 6. Obligation for the Commission to report to the Council by July

1998 on the application of the present directive, so that proposals to push ahead with liberalisation can be presented once cabotage has been completely liberalised. Source: European Commission - Info92 - 10/95?

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

The ESC considered that the proposal should be assessed in the context of overall transport policy, its impact and implications, especially on the social level, and in the light of the conclusions of the Group of Experts on the carriage of goods by road. From this standpoint, the ESC supported the objective pursued by the Commission, but felt that the proposal for a directive made only a partial contribution to the aim of harmonising and liberalising the market in vehicles hired for the carriage of goods by road. Moreover, it was unsure how the Member States could enforce compliance with Article 2(5)(b), which stipulated that proof had to be provided that the vehicle hired was driven by the lessee or by a driver employed by the lessee. It stressed the importance of this provision and, in particular, the need to ensure that hiring vehicles without a driver did not lead to an increase in casual employment. Further, the ESC recommended harmonisation of monitoring arrangements in this area, as otherwise unfair forms of competition would flourish. Finally, the ESC appreciated the fact that this proposal involved a recasting of existing legislation, which should ensure greater clarity of texts.

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

The Committee adopted the report of Mr CORNELISSEN on the proposal for a Council Directive on the use of vehicles without drivers for the carriage of goods by road.

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

Mr KINNOCK had some reservations about the amendments tabled although he could support Amendments Nos 2, 3, 5 and 7. With regard to Amendment No 5, he could not accept the principle of a deadline for the presentation of a new proposal; with regard to the penalties provided for in Amendment No 7, he felt that these were covered adequately by the Commission communication on the role of penalties in implementing Community internal market legislation, especially with regard to the obligations of the Member States. Amendment No 4 on taxation was unnecessary as the Directive on the harmonisation of vehicle taxes provided for a subsequent stage of the process in 1997; Amendments Nos 6 and 10 on cabotage would require an amendment to Regulation (EC) 3118/93, which was based on a delicate and important balance; moreover, cabotage would be completely liberalised by 1 July 1998. Amendments Nos 8 and 9 were not essential because Article 2 only referred to trade between Member States; the same applied to Amendment No 1 as the reference to Article 189c of the Treaty was redundant from a legal point of view.

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

In adopting the report by Mr CORNELISSEN (PPE, NL), the European Parliament approved the proposal, although it pointed out that within the European Union the carriage of goods in particular should be liberalised in parallel with a gradual harmonisation of transport conditions. It called on the Commission to submit, before 30 June 1996, a proposal to allow the use of vehicles hired without drivers for the transport of passengers between Member States. Parliament also drew attention to the need to ensure that hiring vehicles without drivers did not lead to an increase in casual undeclared employment. An amendment set out appropriate penalties for violation of the rules in force in this sector. ?

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

The amended proposal for a Directive on the use of vehicles hired without drivers for the carriage of goods by road incorporates Parliament's amendment requesting the Commission to submit a similar proposal to allow the use of vehicles hired without drivers for the transport of passengers between Member States, but without fixing a delay for the submission of such a proposal. The Commission also accepts the EP amendment seeking to: - draw attention to the need to ensure that hiring vehicles without drivers does not lead to an increase in casual undeclared employment; - introduce effective, proportionate and dissuasive penalties for violation of the rules in force in the sector. ?

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

As announced in Official Journal C 5 of 9 January 2004, the Commission decided to withdraw this proposal, which had become obsolete.