

Malta's Replies to Questionnaire on the Community Legislation on the access to the road transport market and on the admission to the occupation of road transport operator

Part A - Access to road transport market

Question 1 – Is the merging of goods transport and passenger transport a real simplification?
Which option is the preferred one?

Malta prefers keeping the current set-up.

Question 2 – Should local services be covered by Regulation 684/92 or should they be
excluded, either from the regulation or from the authorisation regime?

Local services should be covered by Regulation 684/92.

Question 3 – Should higher qualitative requirements be imposed on hauliers / carriers engaged
in certain types of road transport? If so, which ones?

*Operators should have a professional liability insurance to at least protect them from financial
losses and from lawsuits filed against them by clients.*

Question 4 – Should Member States be required to verify whether the haulier / operator still
satisfies the conditions for maintaining the licence at shorter intervals on a regular basis?

*The five-year period should remain the maximum with Member States having the option of
verifying at shorter periods.*

Question 5 – Should the validity of the Community licence be reduced to a shorter period of
validity than 5 years? If so, to how many years should it be reduced?

The licence should continue to cover a five-year period.

Question 6 – Should the Regulation provide more detailed specifications for certified copies, i.e.
standardise them in order to avoid confusion during an inspection? If so, what specifications or
new (security) features should be introduced? Could a gradual shift to an on-line registry of the
issued Community licences be envisaged?

*Yes, the Regulation should provide for standard specifications for certified copies, including the
colour.*

Question 7 – Should the driver attestation be made more uniform across the Community? Should the format of the current paper based document be changed? Should it gradually be made electronically readable?

It should remain unchanged.

Question 8 – Should the current maximum period of validity of 5 years be shortened?

It should cover the period for which the driver is covered by a work permit.

Question 9 – Are stakeholders of the opinion that the obligation to hold a driver attestation should be extended to drivers who are EU nationals?

It should be extended to drivers who are EU nationals employed by undertakings established in another Member State.

Question 10 - Should the control documents for occasional services be harmonised and the specifications be made as detailed as possible to avoid confusion during an inspection?

They should be harmonised.

Question 11 - What is the stakeholders' opinion on the use of a uniform, Community-wide journey form in goods transport by road replacing the variety of national documents?

A uniform Community-wide journey form would make more sense.

Question 12 - Should the authorisation regime for international regular passenger services be maintained, simplified or abolished?

It should be maintained.

Question 13 - Provided that stakeholders are in favour of maintaining the current authorisation regime, is it feasible for national administrations to apply a shorter authorisation processing periods?

Yes, Malta considers three months as a feasible period for national administrations to process authorisation.

Question 14 - Provided that stakeholders are in favour of maintaining the current authorisation regime, are these appeals processes clear and effective?

Malta believes that they may be defined more clearly.

Question 15 - Provided that stakeholders are in favour of maintaining the current authorisation regime, are there other aspects of the regulatory regime which could be changed to simplify the administrative procedures or to otherwise improve the functioning of the authorisation regime by focusing it e.g. on safety and social requirements compliance?

Malta has no comments in this regard.

Question 16 - Should urban and suburban cabotage operations in the course of international services be authorised? Under which conditions?

No such operations should be authorised.

Question 17 - Do stakeholders perceive the varying rules as a problem? Do stakeholders consider that a clearer and more precise definition of road cabotage would be useful?

There should be a clearer definition of cabotage and not just an opinion.

Question 18 - What are the stakeholders' views on these approaches? What alternatives could be proposed for a clear and easily enforceable definition of road cabotage?

It may be limited for a month in every six months.

Question 19 - Which areas should be added to the list or deleted from the list contained in Art 6(1) of Regulation 3118/93?

The requirements relating to the carriage of certain types of goods may be removed.

Question 20 - What is the stakeholders' experience with the application of Directive 96/71 to cabotage transport operations? What is their opinion on exempting cabotage operations from the scope of that Directive provided that cabotage is limited to a period shorter than one month?

Malta has no comments on exempting cabotage operations from the scope of Directive 96/71.

Question 21 - Are there any other issues regarding the market access in road transport that stakeholders would like to raise? The Commission services are particularly interested in any proposal for augmenting the quality standards and optimisation of road transport operations while avoiding any additional administrative cost.

No other issues to raise with regard to market access in road transport.

Part B - Admission to the occupation of road haulage operator

Question 1: Is there a need, and for what reasons, for higher minimum standards for admission to the occupation? If so, should they apply to all road transport professions or only to certain categories? Which ones?

Financial standing should provide for actual available amounts of working capital.

Question 2: Should criteria other than good repute, financial standing and professional competence be included? If so, what should they be? For example, should criteria which prevent 'letter-box' companies from engaging in the occupation be included? If yes, how?

No need for additional criteria.

Question 3: What exemptions and dispensations could be abolished?

No undertakings should be exempted from the requirement to provide proof that they satisfy the requirements for admission to the occupation.

Question 4: Do the requirements for admission to the occupation need to be checked more frequently? If so, should all or only some of them be checked? Which option do you prefer? If you prefer option A, what frequency do you propose?

Malta prefers Option B.

Question 5: Is it called for that Community legislation prevents that an undertaking which has been disqualified establishes in another Member State? If yes, what should the solution be? (See also question 10).

Undertakings disqualified in one Member State should not be allowed to establish itself in another Member State. Control may be exercised through the setting up of a network similar to the motor vehicle insurance office.

Question 6: Are there any administrative burdens associated with measures considered useful in this questionnaire that could be alleviated or abandoned? If so, by what means could that be achieved?

Malta has no comments in this regard.

Question 7: Should it be required that, to be deemed to be of good repute and granted admission to the occupation, an applicant must not have committed any repeat offences?

Yes, this should be a requirement for admission to the occupation.

Question 8: Should the definitions of serious offences which constitute a barrier to admission to the profession be harmonised at European level?

Yes, these should be harmonised at a European level.

Question 9: Should European legislation include a list of persons to whom the requirement of good repute applies? If your answer is yes, should the list include categories other than managers, directors and persons who have interests in the undertaking?

Yes, but the list may be limited to Directors and the person effectively and permanently in charge.

Question 10: Should the licensing authorities be given easier access to information about judgments and penalties which bar an operator from being granted admission to the occupation?

Yes, licensing authorities should be given easier access to the information about judgements and penalties.

Question 11: Is the current information exchange system on infringements and sanctions sufficient? If not, what improvements do you suggest?

No, the current system is not sufficient and mostly inexistent. The setting up of a network similar to the motor vehicle insurance office may provide a solution.

Question 12: Should the methods for assessing financial standing be further harmonised? If your answer is yes, on the basis of what financial ratios should the assessment be made? What should the thresholds be? Who should evaluate them? At what intervals should this be done?

Malta has no comments in this regard.

Question 13: Should the option of compulsory professional liability insurance be considered in greater depth? If your answer is yes, should the system supplement or completely replace the current system? What risks should such insurance cover and what minimum guarantees should it provide?

Malta agrees that the option of compulsory professional liability insurance should be considered in greater depth and that it should supplement the current system.

Question 14: Is further harmonisation of examinations necessary? What dispensations could be abolished?

System shall remain in its present form.

Question 15: Should the holder of the certificate of competence be an employee of the company concerned and a permanent resident of the Member State in which the company is established?

The holder should be a permanent resident, but may be in charge for more than one but less than four small undertakings operating less than three vehicles.

Question 16: Do you have any other comments or suggestions which you consider should be taken into account during the revision of the European legislation on admission to the occupation of road haulage operator?

No other comments or suggestions to make.

Question 17: Would you like to propose other measures to avoid administrative burdens associated with measures considered useful in this questionnaire?

No other measures to propose.