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Revision of the Community legislation on the access to the road transport market and on the admission to the occupation of road transport operator

The following answers to the Commissions questions are based on inputs from Danish private transport-organisation and the Danish Road Safety and Transport Agency. The answers are without prejudice to the Danish Governments position on any future Commission proposals concerning the legislation on the access to the road transport market and on the admission to the occupation of road transport operator.

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First of all it is welcomed, that the Commission has sent out this questionnaire which offers great opportunities to place some of the problems in the field of access to the road transport market and on the admission to the occupation of road transport operator.

However, the time limit has been short and has unfortunately interrupted with the summer break. The Commission should have this in mind for the future planning of consultations.

Part A – Access to the road transport market:

Generally, the importance of harmonisation of technical standards and safety systems should be underlined. Harmonisation is necessary to enhance the cross border traffic in the field of goods.

Furthermore, it is important to stress that a possible revision of the EU legislation should not be a hard burden to the business community.

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



Regarding the merging of goods transport and passenger transport, option 2 is broadly supported, so that the rules on transport of goods and passengers are kept separate, whereas international transport operations and cabotage operations will be regulated together in one act.

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 exempted from Council 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?

As there are no special regulations for international transports in Denmark, it is broadly speaking - not considered necessary to impose higher qualitative requirements on hauliers/ carriers engaged in this type of transport.

Question 4-5: Should Member States be required to verify whether the haulier/operator still satisfies the conditions for maintaining the license at shorter intervals on a regular basis?

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

The validity of the Community licence should not be reduced to a shorter period than 5 years and Member States should not be required to verify whether the haulier/carrier still satisfies the conditions for maintaining the licence at shorter intervals.

Question 6: Should the Regulation provide more detailed specifications for certified copies, i.e. standardize 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 licenses be envisaged?

An online registry is already available in Denmark as to the information about the hauliers/carriers number of licences etc. Therefore there is broad support support for the set-up of an online registry on Community level as well.

Question 7-8: 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?

- Should the current maximum period of validity of 5 years be shortened?

No changes should be made to the current system of driver attestations as it is already an administrative burden compared to the actual scope of use as a consequence of the disappearing amount of this particular workforce used by hauliers/carriers in EEC.

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

The obligation to hold a driver attestation should not be extended to drivers who are EU-nationals. Drivers are already required to hold numerous documents e.g. drivers licence, tachograf card etc. and in the future also a card proving their education skills.

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?

In general harmonisation of the control documents for occasional services is supported. However, a uniform and simplifying system should be made to contain only the most necessary information.

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

The advantages of using a uniform Community-wide journey form in goods transport by road does not correspond to the administrative burden that this form will place on the national authorities. Thus there is no support of a set-up of this system.

Question 12-15: Should the authorisation regime for international regular passenger services be maintained, simplified or abolished?

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

- Provided that stakeholders are in favor of maintaining the current authorization regime, are these appeals processes clear and effective?

- Provided that stakeholders are in favor of maintaining the current authorization 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?

A simplification of the authorisation regime for international regular passenger services as to abolishing the hearing of transit countries would be seen as positive. There is support of establishment of a uniform system related to on-line applications. This is due to the current application process which is an obstacle for the implementation of an electronic process in general. In case such a system could not be agreed upon, it would be preferred to maintain the current authorisation processing period.

Question 16-20: Should urban and suburban cabotage operations in the course of international services be authorized? Under which conditions?

- **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?**
- **What are the stakeholders' views on these approaches? What alternatives could be proposed for a clear and easily enforceable definition of road cabotage?**
- **Which areas should be added to the list or deleted from the list contained in Art. 6 (1) of Regulation 3118/93?**
- **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?**

The position on the subject of cabotage is mainly a wish to keep the current flexibility of the Regulation on cabotage because of environmental interests e.g. the need to avoid unnecessary empty transports. The current wording of the Regulation has given rise to interpretation problems and therefore a more detailed definition of cabotage should be found, including an extended number of criteria. It is not supported to introduce logbooks for cabotage transports.

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



Regarding other issues it should be pointed out that problems may arise regarding Council Regulation 881/92 as vehicles with a maximum weight of 6 tonnes performing international transport are exempted from a Community authorization within the EEC. The implementation of Council Directive 98/76/EC changed the maximum weight of vehicles to 3,5 tonnes and the difference between national and international transport weight limits can create problems for the control- and administrative authorities in a country where the vehicle is not registered. It is therefore suggested to change Council Regulation 881/92 as to enhance vehicles of more than 3,5 tonnes to obtain conformity between national and international transport.

Part B – Admission to the occupation of road transport operator:

Question 1-2: 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?

- 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?

There is no need for introducing higher minimum standards for admission to the occupation. Moreover no other criteria than good repute, financial standing and professional competence should be included in the assessment of admission to the occupation.

Question 3: What exemptions and dispensations could be abolished?

Exemptions and/or dispensations have never been used in Denmark. There are no further remarks.

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?

For years targeted, random inspections has been carried out as to the requirements for admission to the occupation. The result of these inspections is published. Option B is broadly supported.

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).



The set-up of a system that can monitor whether an applicant has been disqualified in another Member State is strongly supported. However a set up of such a system may encounter legal question as to e.g. exchange of personal data.

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?

There are no remarks or comments to this question.

**Question 7-8: 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?
- Should the definitions of serious offences which constitute a barrier to admission to the profession be harmonised at European level?**

Generally speaking the definition of what constitutes serious offences is considered a matter of national competence. Danish Regulations and practices already contain the definitions of what is considered to be a serious offence as to good repute.

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?

Danish rules already contain a list of persons to whom the requirement of good repute applies.

**Question 10-11: 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?
- Is the current information exchange system on infringements and sanctions sufficient? If not, what improvements do you suggest?**

A system of access to information about judgements and penalties which hinder an operator from being granted admission to the occupation already exists in Denmark and this system seems sufficient in its current set-up.

Question 12: Should the methods for assessing financial standing be further harmonized? 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?

The methods for assessing financial standing should not be harmonised further, however if this should prove to be necessary it should not constitute greater administrative burdens. In Denmark the requirement of financial standing for an operator is checked every fifth year and furthermore by targeted, random inspections.

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?

The idea of compulsory professional liability insurance is interesting and the examination of the possibility of creating such a system is supported.

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

Broadly speaking there is no support for further harmonisation of examinations.

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?

In Denmark it is not necessary that the holder of the certificate of competence is a permanent resident of Denmark (the Member State in which the company is established). However the holder of the certificate should either owe the company or be employed in the company in question. There are no limitations as to how many companies a holder can represent in Danish Regulations.

**Question 16-17: 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?
- Would you like to propose other measures to avoid administrative burdens associated with measures considered useful in this questionnaire?**

There are no remarks, but it is the general opinion that the questionnaire lacks questions regarding general considerations for traffic safety.

