



17 July 2006

**Ministry of Industry, Employment and
Communications**

Division for Transport Policy

Comments on the consultation paper on the “Revision of the community legislation on the access to the road transport market and on the admission to the occupation of road transport operator” presented by the European Commission on the 9 June 2006.

Overall comment: It is pleasing that the Commission has launched a public consultation on the revision of the community legislation on the access to the road transport market and on the admission to the occupation of road transport operator in order to improve the existing regime by enhancing the clarity and enforceability of these rules. Hopefully, the feedback on this initial consultation will enable DG TREN to proceed and be able to present a proposal on such an improved community legislation, including a common definition of road cabotage, within short.

PART A - ACCESS TO THE ROAD TRANSPORT MARKET

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

Comment: Option 2 is the preferred alternative. One legal act for international road transport of goods and one legal act for international road transport of passengers will make the rules easier to comply with for the industry and for the administrations to enforce. Although, it would be two legal acts, a harmonisation of the two in respect of structure and definitions would of course be advisable

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

Comment: There is very little or none cross-bordering public services in Sweden and therefore no special opinion on this issue.

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

Comment: Higher standards should not be imposed on hauliers/carriers engaged in certain types of road transport of goods. Different standards for

different types of road transport could distort the internal market and complicate enforcement. It is, however, important that the control and enforcement of existing requirements is improved and that the application of the legislation is harmonised.

For road transport of passengers there could though be grounds to argue for higher qualitative requirements, e.g. to ensure high levels of professionalism. Higher qualitative requirements could for example entail consumer interests (published time-tables), environmental performance and safety performance (alco-locks).

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?

Comment: The control of whether the haulier/operator still satisfies the conditions for maintaining the licence should be improved. Hauliers/carriers that do not fulfil their requirements in a satisfactory manner should be checked more frequently. It is, however, satisfactory to as a minimum have one obligatory regular inspection at least every five years.

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

Comment: The validity of the Community licence should not be shortened as this will result in more administration without payback in effectiveness. However, information exchange concerning invalid or withdrawn licences between Member States should be improved.

A possible future database containing information on hauliers/carriers holding valid community licences could enhance the control of and the public confidence in the road transport market.

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 licences be envisaged?

Comment: Too many versions of the Community licence are in circulation today, which vouches for a standardization of certified copies. On-line registry is desirable and could in the future solve the problem all together.

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?

Comment: The driver attestation documents should be further harmonised, electronically readable and if possible, combined with the driver card for the digital tachograph. The end solution should be on-line registry of driver attestations.

8. Should the current maximum period of validity be shortened?

Comment: The current maximum period of validity need not to be shortened. The control of the driver attestations should though be stressed/enhanced to verify that the conditions under which it was issued are still fulfilled.

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

Comment: There is for the moment no need to extend the obligation to EU nationals engaged in international road transport of goods.

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?

Comment: Yes, but to realize this it is necessary to co-operate with other international organisations such as the UNECE, and IRU and ASOR.

The Nordic countries have discounted the waybill. This could perhaps be extended throughout the Community.

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

Comment: It should be considered, as an interim solution, to reintroduce a Community-wide journey form. See also comment on question 3. The aim for the future digital tachograph must though be to contain all necessary parameters, thus making such a journey form unnecessary.

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

Comment: It should, at least, be examined whether or not the authorisation regime could be simplified. If higher qualitative standards were to be imposed on road transport of passengers, it could be enough to hold a valid Community licence and hence abolish the authorisation regime.

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?

Comment: The authorisation processing period should be possible to shorten, especially if consultations with transit member states could be minimised or even abolished.

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

Comment: Sweden has no experience of appeal processes.

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?

Comment: The authorisation regime ought to be simplified e.g. by limiting the number of reasons for refusal. The system for prolongation of authorizations is unnecessarily complicated when there are no special circumstances indicated and could also be simplified.

16. Should urban and suburban cabotage operations in the course of international services be authorized? Under which conditions?

Comment: From a Swedish perspective there is no need to widen the scope of passenger road cabotage.

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?

Comment: The varying rules are considered as a problem. In fact, Sweden, Finland, Austria and Germany in March this year jointly handed over a request to the Vice President of the Commission to consider a redraft of the regulation concerning cabotage in order to reach simpler, more pronounced and verifiable rules.

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

Comment: Option 2, with certain amendments, constitutes the best alternative of the two options given by the Commission since it gives little room for interpretation, is administratively reasonable uncomplicated and guarantees shorter stays in another member state. However it does not guarantee that the shorter stays are not regular. The proposal also resembles the CEMT system. Option 2 must, however, be supplemented with the requirement of a logbook in awaiting a new digital tacograph including all needed parameters, in order to make it enforceable.

Hopefully the feedback on this initial consultation can encourage the Commission to launch a proposal on the definition of cabotage within short.

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

Comment: -

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

Comment: -

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 augmenting the quality standards and optimisation of road transport operations while avoiding an additional administrative cost.

Comment: It could be reasons to look into the possibility to amend regulation (EC) No 1172/98 of 25 May 1998 on statistical returns in respect of the carriage of goods by road to also include information on when and where reloading and unloading of goods occur – which then could constitute grounds for impartial Eurostat-statistics on cabotage.

PART B - ADMISSION TO THE OCCUPATION OF ROAD HAULAGE OPERATOR

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?

Comment: There is no need for a higher minimum standard for admission to the occupation. However, there could be grounds to look into the possibility to impose high requirements for educators/examiners of professional competence.

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?

Comment: 'Letter-box' companies should be prevented from engaging in the occupation.

3. What exemptions and dispensations could be abolished?

Comment: Competition on equal grounds is important. All exemptions and dispensations should therefore be abolished.

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?

Comment: It is important to ensure that requirements for those engaged in the profession are satisfied at all times. To obtain this, option B is the preferred alternative.

5. Is it called for that the 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)

Comment: Information exchange between member states must be enhanced to prevent an undertaking which has been disqualified in another Member State. Networking and in the future, a community database should solve this issue.

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 they be achieved?

Comment: -

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?

Comment: Yes, also repeated offences indicate negligence. To ensure equal treatment in different Member States a list recommending what offences that should be considered should be added to the legal act to ensure equal treatment.

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

Comment: Yes for reasons of equal treatment a list recommending what offences that constitute a barrier to admission to the profession should be added to the legal act.

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

Comment: A minimum but not a comprehensive list over persons to whom the requirement of good repute applies could be added to the legal act.

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

Comment: Yes, it is important that licencing authorities are given easy access to this type of information from other authorities.

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

Comment: No, the system could be enhanced. A European network and possibly a future database should be considered further.

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?

Comment: Yes, for the reason that it is important with competition on equal grounds.

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?

Comment: The proposal must be studied more carefully before answering if it can supplement or completely replace the current system. There might be advantages as well as disadvantages with an insurance system.

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

Comment: Yes, to ensure equal treatment as the quality of the examinations differs today.

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?

Comment: The holder of the certificate of competence should be an employee of the company concerned. However, it is not required that he or she is a permanent resident of the Member State in which the company is established.

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?

Comment: -

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

Comment: -