



European Commission  
Directorate-General for Energy and  
Transport  
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Your nr  
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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 Ministry of Economic Affairs and Communications of the Republic of Estonia has properly analyzed the subjects of 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 and would like to present following short opinions and answers of our experts.

**PART A  
ACCESS TO THE ROAD TRANSPORT MARKET**

**Question 1:** Concerning the described options we do not have any preferences.

**Question 2:** The Estonian experts are of opinion that local cross-border public transport services should not be subject of the regulation 684/92 in case these services are organized between neighbouring districts/counties/provinces of different EU Member States, or even urban transport services if relevance neighbouring towns locate near to the border (e.g. Valga/Valka towns at the Estonian/Latvian border).

**Question 3:** We consider the qualitative requirements imposed on hauliers/carriers in the Community at present to be sufficient.

**Question 4:** Yes, we agree that Member States should be required to verify that the operator still satisfies the conditions for maintaining the licence at shorter intervals than 5 years. At the same time these verifications should be organized at random bases and should not cause any additional administrative expenses for operators and authorities carrying out the verifications.

**Question 5:** We consider that the validity of the Community licence, which is now 5 years, should be more flexible for the Member States to decide. Therefore we propose that the validity of the Community licence should be up to 5 years. In this case there will be possible for an applicant to request the Community licence for a shorter period than 5 years or the shorter period of validity is essential for other circumstances.

**Question 6:** The Estonian experts agree that by the current regulations there are no detailed specifications for certified copies of the Community licence and that may cause problems during an inspection and/or recognition them. Therefore, we are of opinion that the regulations should provide more detailed specifications for certified copies of the Community licence. For example, the Estonian national authority issuing the certified copies of the Community licence prints also the registration number of the vehicle on the certified copy.

The idea to envisage an on-line registry of the issued Community licences is acceptable and clearly useful but it should not cause any additional administrative expenses for Member States' authorities.

**Question 7:** Yes, the driver attestation should be made more uniform in the Community. The present format (A4 size, colour blue) of driver attestation is acceptable for us.

The idea to make driver attestations electronically readable is considerable but we assume that it will not cause any additional administrative expenses for operators and authorities issuing the driver attestations.

**Question 8:** We consider that the validity of the driver attestation, which is now 5 years, should be more flexible for the Member States to decide. Therefore we propose that the validity of the driver attestation should be up to 5 years. Important is that the driver attestation shall be valid as long (during the 5 years) as the conditions under which it was issued are still satisfied.

**Question 9:** No, our position is that there is no need to extend the obligation to hold a driver attestation to all drivers who are EU nationals. We prefer to avoid plurality of documents for drivers.

**Question 10:** Yes, on the purpose of simplification we agree that the control documents for occasional passenger services should be harmonised. Plurality of the control documents should be avoided.

**Question 11:** By our opinion there is no need for Community-wide journey form in goods transport.

**Question 12:** Yes, the authorisation regime for international regular passenger services should be maintained.

**Question 13:** The authorisation processing periods may be shorter in case the proceeding of application documents will be more specified by the regulation. If the documents presented by applicant are insufficient, it should be possible by the regulation to prolong also the authorisation-processing period.

**Question 14:** In Estonia, we have not many cases that in the event of the refusal of an authorisation the applicant makes re-presentations. The proceeding of application documents should be more specified and clarified by the regulation.

**Question 15:** We have no specific proposals.

**Question 16:** The urban and suburban cabotage operations in the course of international services may be authorized only in case when these operations will not disturb local services. Our position is that there should be possible for a Member State on the basis of regulation to refuse of an authorisation or grant it.

**Question 17:** Yes, we agree that the varying rules concerning the cabotage definition may raise a lot of problems both for hauliers (e.g. counting of days during of which it is allowed to carry out cabotage operations in different Member States) and enforcement authorities (what means “on a temporary basis”). We support that the definition of road cabotage in the Cabotage Regulation should be clearer and more precise.

**Question 18:** We prefer rather example 2 – cabotage is allowed for a limited number of consecutive transport operations following an international transport operation to the host Member State, all journeys would have to be clearly documented (CMR, proof of delivery of cargo) and the vehicle would have to leave the host Member State within certain number of days. We also propose that by the Cabotage Regulation it should be possible to apply a cabotage permit from the host Member State in case the number of cabotage operations is bigger then the limited number of operations and/or there is lack of special transport means in the host Member State.

**Question 19:** We have no specific proposals.

**Question 20:** Yes, we agree with the proposal to exempt cabotage operations from the scope of Directive 96/71.

**Question 21:** On the purpose of further liberalization of road transport services between the Member States of the EU we propose that also “third country transport operations” should be a subject of the Regulation 881/92. It means that the EU haulier should have a right to perform transport of goods to or from Member State where the haulier is not established to or from the Non-EU Member State on the basis of the Community licence.

## **PART B**

### **ADMISSION TO THE OCCUPATION OF ROAD HAULAGE OPERATOR**

**Question 1:** Taking into consideration that the minimum standards for admission to the occupation of road transport operator have been established in Estonia from the year 2000/2001 and on the purpose of preservation of stability in transport sector we are of the opinion that there is no need for higher minimum standards for admission to the occupation of road transport operator.

**Question 2:** We consider the three criteria for admission to the occupation to be sufficient.

**Question 3:** We expect that the criteria (good repute, financial standing, professional competence) laid down in the Directive have to be fulfilled by all road transport operators of the EU. It means that the undertakings, which were authorised to engage in their profession before the year 1978 or before their country acceded to the EU and are still exempt from the requirement to provide proof that they satisfy the criteria for admission to the occupation, should also meet the abovementioned criteria.

**Question 4:** By the opinion of Estonian experts the periodic and systematic checks concerning the implementation of the requirements for admission to the occupation must be carried out every five years. In this case all undertakings should be checked. We support that in case of need or any suspicion the authority responsible for authorising admission to the occupation has a right to check an undertaking or some of them also during the period of five years.

**Question 5:** Yes, we agree that it should be prevented by the Community legislation that disqualified undertakings and persons would be able to establish itself in another Member State. As a solution we propose the exchange of relevant information between the Commission and the Member States and to establish also an on-line list of undertakings and persons, which have been

disqualified.

**Question 6:** We have no proposals.

**Question 7:** Yes, we agree that to be deemed to be of good repute an applicant must not have committed any repeat offences.

**Question 8:** No, the Member States should state it.

**Question 9:** The idea that European legislation includes a list of persons to whom the requirement of good repute applies is considerable for the Estonian side.

**Question 10:** Yes, we agree that the licensing authorities should be given easier access to information about judgments and penalties.

**Question 11:** Our opinion is that the current information exchange on infringements and sanctions is not sufficient. As an improvement we support that the European network of licensing authorities and an on-line registry of licences may be the solution.

**Question 12:** Our position is that there is no need for further harmonisation. The methods for assessing financial standing should be decided by the Member States.

**Question 13:** From the Estonian side we are open-minded to consider this question in future.

**Question 14:** Yes, the further harmonisation of examinations should be positive (e.g. common tests).

**Question 15:** Yes, we agree that the holder of the certificate of competence is an employee of the company concerned and permanent resident of the Member State in which the company is established.

**Question 16:** No specific suggestions.

**Question 17:** No proposals.

Yours sincerely



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