PART A ACCESS TO THE ROAD TRANSPORT MARKET

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

There are three major differences between goods and passenger transport. Goods transport is massive while passenger transport is probably 10%. Goods transport is never subsidized while passenger transport can be. Thirdly transporting passenger seems to be regulated more intense as there are more demands on an national scale for drivers transporting people. It seems logic to keep two sets of rules even on cabotage as speaking to cargo does not harm transport while against passengers it is. So cabotage is not likely to flourish in passenger transport.

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?

It seems logic to cover local services by regulation 684/92. Was not the aim to create one single common market with no boundaries.

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

The liability for carriers towards clients and passengers is probably in most member states regulated by other rules and /or by the market. These insurances are common and the principle of subsidiarity will **held** against extra rules in this field.

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 5 year period is the bare minimum. Because of checking on the road and on the premises of the company, more often than once every 5 year the requirements are checked. Also at changes in management, transfers to other companies, the licence authority can check the actual situation.

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?

If Member States' authorities cannot invalidate licences because they are not returned by the holder, a shorter period of validity will not help. It is up to a vivid and active enforcement that this problem will be solved. Cost will rise when a shorter period is introduced.

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 licences be envisaged?

With specialized transport enforcement authorities there could be hardly any problems with the EU rules. It is advisable to get rid of the word 'copy' as for instance Dutch police on more than one occasion have written in their report that the 'original' should be in the cabin. Next thing is that there should be a rule that the document should be kept in a plastic cover, but should never be sealed. There have been sealed falsified documents. It is a serious step back when it is prescribed that there must be a link with the vehicles registration number. That hampers the flexibility of modern logistics operations. Of course on-line registry is a good tool to check and filter out the withdrawn and or the false ones.

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?

The best approach of course is to implement the drivers attestation in the drivers card for digital tachograph.

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

It is up to Member states whether or not they issue for the maximum.

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 original aim was to regulate cross-border (outside EU) labour relations in the framework of labour conditions and level paying field. Within the EU there is no need as most EU law has consulting procedures between member-states. So no need for more administrative burdens.

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?

No observations

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 checking of cabotage cannot be the trigger of a new simple document. Cabotage is being exercised on a very tiny scale, while the problems lie in the field of 'temporary". No operator is

waiting for a new document. There is just one fine solution. Every driver should use CMR's in international and national transport. A bundle of CMR's with the (digital) tachograph is enough to check. What else is there to check?

Question 12, 13, 14 , 15

No observations

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

Indeed it is not logic when urban and suburban cabotage operations in the course of international services are kept out. Indeed the market is quite minor and the language barrier will have a negative effect on the cabotage.

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?

The initial idea of authorising cabotage was the use in domestic transport following the international journey. Cabotage was viewed as an auxiliary activity of an international transport haulier until 1992. Than the restrictions were removed apart from the 'temporarily'. The interpretation of 'temporarily' has become a buoy for member-states to restrict non-domestic hauliers that operate for lower prices or offer better quality. This is against the initial idea of the single common market. The Commission should not interpret the Councils law-making. It is clear now that the interpretative communication has not brought the light. As soon as possible a case must be brought to the Court of the European Communities in Luxembourg. It cannot be that every member state proclaims it's own interpretation of 'temporary' to protect national transport. A clearer definition of cabotage in the spirit of the single common market should be included in a new regulation. If it is stricter it might incite an individual haulier to go to the court in Luxemburg, as the preamble of 3118/93 clearly defines:

> *Whereas this provision implies the removal of all restrictions against the person providing the services in question on the grounds of his nationality or the fact that he is established in a different Member State from the one in which the service is to be provided;*
> *Whereas, in order for this provision to be implemented smoothly and flexibly, provision should be made for a transitional cabotage system prior to the implementation of the definitive system;*

We believe that this preamble refers to the single market concept and that is at the heart of the European Community to ' remove all restrictions ', while the said Regulation is 'prior to the implementation of the definitive system'. The Commission therefore cannot define a stricter rule of 'temporary' as it will be in violation of this principle of free market.

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?

Referring to what is said under question 17, it is of course a question of whether a country has much to gain or lose by restricting rules of cabotage. Missing in this questionnaire is of course the goal of the single common market. The questions are made with a view to restrict what was supposed to be completely free. So the starting-point in this questionnaire is not neutral. Already in it's interpretative communication it was clear that the jurisprudence oft the Court (three cases) was that wide in scope that 'temporarily 'could be a 'week' or 'a year'. The Commission has chosen, a very limited option, which is in the light of the facts of the Andreas Hoves case remarkable. In this judgment the court does not give any direction about 'temporarily' in cabotage in road transport.

The facts in this case give a much wider interpretation to the temporary character of cabotage. The Spanish Advocate-General points out that it is in line with Community law that as an operator has no establishment nor an agency in the member-state, he carries out cabotage by definition on a temporary basis. And he adds to that: 'Cabotage is by nature an act restricted by time as it concerns a service that has not a structural element as is the case in a settlement. It would have been contra-productive and not very profitable when a company had to pay road-tax of the host-state on any trip in that country. However the facts show that the cabotage in Germany was going on for years. Nevertheless the opinion of the Advocate General is interesting. He cites the Gebhard-case, a court decision from 1995 about the rights of lawyers to practise in other member-states, when interpreting 'temporarily'. The Court has decided in that case on the temporary nature of the activities, that it has to be determined in the light of it's duration, regularity, periodicity and continuity. This link with the services rendered by lawyers comes some what unexpectedly. Especially as this is the word 'temporary' to be found in the third paragraph of article 50 (was 60) in the general chapter on services of the EC Treaty. The wording of what is to be considered as being temporary remains unclear. In the Gebhard-case it appeared that the lawyer did not render temporary services, but was in fact established in Italy. The interesting point is however the view of the Advocate-General, that 'temporary' does not exclude the possibility that vehicles have their regular base in the country where they carry out cabotage.

Having considered that the Commissions interpretative communication on the explanation of 'temporary' is probably too limited is it defines terms of weeks and 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 list in Regulation 3118/93 is not practical. On one hand to much involved in national law, while missing one important aspect 'labour conditions'.

First of all there is no need to go much deeper in national law as EU law has laid down 'maxima' and 'minima' as is for instance the case in drivers' hours. EU legislation should refrain from national stricter rules, whenever possible. The possibility of adding labour conditions should be considered. (see answer next question).

Question 20 and 21 - What is the stakeholders' experience with the application of Directive 96/71 to cabotage transport operations? What is their opinion on exempting cabotage

Indeed could certain social rules in force in the host Member State on minimum pay and minimum holidays be applied to posted workers. However the Convention on the Law applicable to Contractual Obligations,(Rome on 19 June 1980) provides already certain rules. It is not always a fact that the host Member state rules prevail.

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.

The answer is simple. Avoid unnecessary rules in this overregulated area. Enforcement power is limited.

PART B
ADMISSION TO THE OCCUPATION OF ROAD TRANSPORT 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?**

Indeed the profession is calling for higher requirements for admission to the occupation. It might improve the general level of professionalism. It will certainly affect overcapacity. The call of the profession, is the call of the board of directors of the transport associations, being the established companies, that have an interest in keeping tight restrictions. That is suffocating the competition and closing the door too much for new entrants. It is needless to say that the tool of an EC directive with minimum standards, gives all parties that cry for stricter rules and higher barriers, the possibility to call on their national governments to make new rules. Holland has in its plans for the new Goods Transport Act for 2007 stripped the extra's of the last decennia in for instance financial standing, while being stricter on good repute.

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?

If Member States draw up criteria intended to stop companies from establishing themselves in a Member State with the sole aim of benefiting from more favourable tax and social rules or offering lower rates of pay, they are in violation of the EC Treaty. Freedom of providing services in the whole of the single market lies at the very heart of the original goal of establishing the EEC. Benefiting from more favourable tax and social rules or offering lower rates of pay is allowed and even encouraged as one can clearly read in the judgement of the European Court of Justice dated March 9th 1999 Centros Ltd (C-212/97). Indeed 'transport' has a different chapter in the EC Treaty. It is therefore that a transport-company has to establish itself in a host Member state if it likes to trade continually. Other services do not even have to establish themselves in another country to provide services. Moreover in fact it is not true that 'letter-box-firms' can be established and operate transport operations. A case from December 2002 of Dutch highest administrative court CBB has explained 'establishment' in Regulation 881/92 (article 3, second paragraph and article 5, first paragraph) is to be understood as 'real' establishment. [1] So on this point a clarification that 'establishment' is more than being registered in the Chamber of Commerce, is enough.

Question 3: **What exemptions and dispensations could be abolished?**

The exemption of certain products over short distances, or certain products international could be extended. There should be one exemption according to weight, where 3.5 tonnes seems to be the

[1] unofficial translation of the verdict on http://www.vallenduuk.nl/en/Verdict.html

most common. Vehicles under 3.5 tonnes is up to national law. Dutch new law project brings the exemption from 500 kg to 3.5 tonnes. Heritable rights as to professional competence should fade away in time.

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?**

If the general idea is that the frequency of inspection seems too long to be sure that an operator continues to meet the requirements of good repute or financial standing, it is a matter of effectiveness of the national enforcement authorities. Must rules benefit the purposes of the law-abiding operator, or the fraudulent one? An operator has qualified at day one and he should be given the benefit of the doubt for five years. Practice is that vehicle inspectors can enter on numerous occasions the office of the operator and are able to check other aspects than one licence and/ or one tachodisc. So the 5 year rule is to be maintained and gives peace for all parties.

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).

As a general rule an undertaking which has lost its good repute in one Member State should not be able to establish itself in another. Fact is that usually a new undertaking applies for a licence in another member State. This might lead to quite difficult communication between authorities in both member states. Besides, good repute is attached to a person and not to a limited company. In the numerous cases we had with flagging-out hauliers in the UK, it was obvious that UK authorities had problems with possibilities European legislation offered. As a result applications for forms that were needed to complete formalities on good repute were not met by authorities. The exchange information between the competent authorities was very efficient. Whether this must be done electronically is just a way of doing business. The problems lie elsewhere.

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?**

Speaking for the Dutch situation, it looks efficient. The requirement of financial standing could be loosened. A declaration of a commercial bank could be enough to proof someone's financial standing. Right now a chartered accountant has to draw up an opening balance sheet.

The quite extensive proof of professional competence benefits the transport industry more, as they get a quite substantial income out of selling study-books, giving courses and taking examinations. Keeping the threshold high even means more income as more people try, but never enter the profession.

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?**

Operators in the Netherlands were already held responsible for offences committed by drivers with regard to driving and rest periods since 1937. The requirement of good repute related to serious offences of transport law has not led to many withdrawals of licences. In fact the European legislators should realize that those offences (especially drivers' hours rules) are so massive that all licence-holders European wide are wiped away, when authorities apply these standards seriously. A brief look at the 22nd report from the Commission on the implementation of the social legislation relating to road transport[2] shows 1.1 million offences being probably the summit of the iceberg. As in all rules prescribed by European law, there is a great deal of disturbance of competition because of applying rules. In the 22nd report it is to be read in between the lines. As long as even the new regulation 561/06 allows enforcement by civil law, which means that it is not likely that in those countries offences will harm operators in a way that they loose their licence.

Legislation should particularly avoid 'repeated offences' as one driver could violate on any given day the driving and rest prescriptions 10 times. If the company has more than 100 drivers, transport operators of big transport companies can lose their good repute in a very simple way.

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

Indeed there are very different concepts of what constitutes a serious offence. Next to that there are very different views on sanctions. This is a field that lies beyond the powers of the EU and touches national law, so to say the sovereignty of the Member State. It is not likely that an artificial list of 'serious offences' will have influence on a national transport society and/or national authorities. Harmonizing if possible will not have effect as the consciousness of 'serious' might not be an aspect of transport society. In the UK drivers and operators are banned from the industry and even jailed for serious drivers hours' offences, which is unthinkable in the Netherlands were high fines brings the industry to abide the law.

Another aspect is the complexity of serious offences. If certain fraudulent handling with the tachygraph is being announced 'serious', it means that public authorities such as prosecutors and judges need to have knowledge of these aspects, and if they have not, any type-casting of being 'serious' will be lost in endless procedures where experienced lawyers gain at the end.

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?**

[2] {COM(2006) 321 final}/* SEC/2006/0791 */

The requirement that the person who is effectively and permanently in charge of an undertaking's transport activity must be of good repute, as such is questionable. Why is a plumber not required of being of good repute, while a transport operator is? That being the case it is logic that all directors will meet the same requirement. If a transport manager not being the director has to meet the standards of good repute, that does not seem logic. Companies themselves have an interest in staff to be trusted because of valuables to be transported. Binding persons with interests in the undertaking is interesting, but it looks a bridge to far, as they can hide. The Netherlands have introduced a controversial law called Bibob, where exaggerating said, when an operators brother commits a crime, the transport operator licence is at stake. So far it has not given problems in road haulage.

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?

It is true that other authorities are involved in obtaining information, while laws regarding the protection of privacy make it even more difficult to get information on penalties and judgements. A 14 year practice in the Netherlands has failed to provide the licensing authority with the necessary data to use in the revocation of licences. Since than the application for good repute is centralized and of a better standard than before.

Giving easier access to relevant data and private aspects such as judgments and penalties seems to be more an illusion than it was 10 years ago because of privacy aspects. It is not very obvious that road transport will get a privileged position - automatic and systematic notification - in obtaining information because of good repute and access to the market. Besides Regulation 881/92 gives access to independent judges when a revocation is proclaimed. There are at least procedures in two instances. Judges normally do not send their verdicts around to industries.

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

The current information system can be sufficient. There are cases of French and British e-mail information that triggered Dutch vehicle inspectors instantly. Those liaisons seem however been built on personal ties. Apart from that there is very few official cross border information. France sends direct summons for breaches to operators abroad. It is true that licensing authorities in Member States generally do not have information about convictions handed down in other Member States. However the infrastructure is there and the European regulations contain provisions that competent authorities of member states consult each other on breaches of the law being exercised by operators in host countries. As most counties have not given extraterritorial power to their transport law, those breaches are without effect and thus reporting from host-states slows down and disappears.

Apart from that it is very theoretical that undertakings established in one Member State that commit serious or repeat offences in other Member States are in danger of losing their licence. If a good system of reporting was working the intended revocation of a licence could be contested

on fair grounds. There are countries where authorities exercise unfair practices against foreign drivers. A serious offence in a host country could be judged quite different in the country of origin. As said before a catalogue of serious offences is not very realistic. Also repeated infringements committed anywhere in Europe will be looked at very thorough by judges who check the revocation being exercised by the licensing authority. In practice repeated infringements in the domain of driving time and rest periods will take place at any operator at any time throughout Europe and the rest of the world. So if repeated infringements were to revoke licenses, it will be a shooting match which can lead to arbitrariness, as the enforcement power is not enough to tackle all companies. The companies that are disliked, or cause the most disruption of competition will be picked out for withdrawal.

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?**

Harmonization should be considered when the financial barriers are merely erected to rationalize the market or even scare new entrants off, which can be the case when the transport industry is having a stake in the licensing authority. On the other hand if countries maintain high thresholds, 'flagging out' is an option. Laying down a minimum is enough, while evaluation by a bank could be enough, as those institutions are likely to invest to get a profit. The five year interval is fine.

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?**

It seems that there is no need for extra insurance. Companies with passengers transport and dangerous goods companies have their professional liability insurance. As far as there is a lack new provisions should only be a supplement.

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

It is recommended that at least an examination is obliged.

As commented above, the requirements should be made more simple and exempt persons with proven managerial skills. The certificate is a relic and it is a bit strange that a ceo has to learn the principles of a diesel motor to run a company like DHL, while there was no problem in his former job for a brewery. So if the transport manager is in possession of the certificate it is a risk for the legal continuation of the company as the transport manager leaves.

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 current legislation enables use to be made of certificates issued to a person who is not part of a company. According to the profession, this option is abused, which makes the requirement of professional competence somewhat ineffective.

We doubt that current legislation allows the cpc-holder to run the transport operations 'effectively and permanently' while not being part of the company. We interpret 'part of the company' as being employed or by management contract. So we do not agree that the requirement is ineffective.

'In some Member States, a certificate holder may also officially represent several companies. This reduces costs for all small undertakings, but the risk is that the holder of the certificate used by an undertaking to gain admission to the occupation is only very indirectly involved in the actual management of the company. One simple solution would be that the person concerned would have to be employed by the company.'

In the Netherlands a cpc-holder can bring his certificate in, in two companies, one being not bigger than 6 trucks. At least 20 hours of work must be worked in each of the companies. According to recent jurisprudence 8 hours is the minimum for very small companies. Of course the cpc holder can have two part-time contracts in both companies.

' Furthermore, under the current system, a large company (e.g. 1 000 persons) which is established in several different Member States only needs one certificate holder. In some Member States, however, that same person might not be allowed to represent two different companies of just two people each. One option might be for these persons to have their normal residence in the Member State concerned. This would mean that groups with subsidiaries in different countries would have to have a competent manager working in each subsidiary.'

We doubt that it is according to European legislation that a company with several subsidiaries in different Member States only needs one cpc- holder. A transport subsidiary is established in a member state and registered in that country. When applying for a licence one should present a cpc-holder and fulfil requirements such as financial standard, good repute and professional competence. Next to that the operator needs an operating centre form where he is managing the company. Dutch law requires at least some office space to store records of the company to check whether the legal provisions are met. In fact the issuing of national Euro licences requires that major companies with centralized computers for international planning need to have operating centres in every member state, with full application for licence in that member state. Full swing operating centres with local cpc holders are however not needed in such cases, which is very inefficient and which unnecessary raises the cost of freight. The issuing of euro-licences by an institution operating on European scale could issue euro-licences with the stamp 'EU' instead of NL, GB, etc.

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?

1. euro-licence EU

See under question B 15

2. 'effectively and permanently' managing and new means of communication

The aspect of 'effectively and permanently' managing the company can lead to questions with a diverse reaction in de different member States. Modern logistics concepts and the development of communication have brought a major change in managing international transport activities. While only 15 year ago the operator was waiting for his driver to find a phone in a truckers café to tell what progress he made, now technique is so far that with a lap-top on your knees fleet owners can trace trucks, know their speed, contact and instruct drivers and check status of loads. International borders do not interfere, which means that checking whether a cpc holder is a specific amount of hours in his operating centre is no longer needed to know for legal operation. In the abovementioned case from the Dutch highest administrative court CBB the court has taken the position that it is perfectly well possible that 'effectively and permanently' managing the transport operations could be done from abroad. In the decision the Court literally stated that ´the mere presence of the CPC holder in the company is not a condition that needs to be fulfilled in order to satisfy the requirements of professional competence.' As Dutch Licence Authority NIWO did not apply this rule, the CBB rules in a later decision in 3 march 2005[3] that the refusal to grant a licence to a Scottish operator because he as not a minimum of 20 hours in his Dutch operating centre, was unlawful. The court referred to its previous decision of December 2002.

It is recommendable that the possibility of 'managing' is widened because of new means of communication and instruction. In that aspect the position of small companies up to 5 vehicles must be reconsidered as the operator is perfectly well able to run such a small fleet from his laptop while driving himself.

3. less strict rules for permanent sole traders

There is a tendency that the inflow of new drivers is staggering. Thus it seems very important to keep those with love for the transport industry. On the other hand there is a structural transfer of work from Western to Eastern Europe. Older drivers lose their jobs because of higher wages. They do not find jobs in other areas because of poor qualifications. The threshold for these veterans to apply for certificates of professional competences is (too) high. European requirements for these drivers could be less strict. Those owner- drivers that have no intention to start as an employer and can be allowed with less requirements than the actual operators.

4. Franchise

European Regulation 881/92 does not seem to allow 'franchising'. The requirement that operations are for own risk and the management that should be done 'effectively and

[3] www.rechtspraak.nl LJN: AT1732, College van Beroep voor het bedrijfsleven, AWB 04/409

permanently' seems to disclose quality formula's for owner operators and small firms. The effect is that owner operators are delivered to 'freight offices' , not bona fide forwarders and so on. On many occasions they do not have assets to seize when they stop paying the freight cost to the haulier. Regulated franchise- companies should be allowed to take part of the administrative burden of the owner operator. He is good in driving vehicles. Let franchise companies do the marketing and the administration.

5. Cross border settling

The provisions in Regulation 881/92 concerning proof of good repute must be harmonized. Flagging out from the UK to the continent in 2000 has shown that proof of good repute like letters from notaries, MP's etcetera was not enough for Dutch licensing authority. Frequent contact with UK Transport Commissioner showed that the 'flagging-out' was not favoured by UK authorities, This has resulted in obstruction by Traffic Commissioners as they did not hand out papers to potential candidates for a Dutch licence, even while they were of good repute in the UK.

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

In general: the principle of subsidiarity should be well looked after. Especially new documents like drivers attestation are not needed when member states call on the other members within the legal framework for information.