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UEAPME Transport Forum

Position on Review of Directive on the use of hired vehicles for the carriage of goods by road

UEAPME Transport Forum is a co-operation platform set up by UEAPME (The European Association of Craft, Small and Medium-sized Enterprises) and bringing together representatives of European branch confederations, SMEs from road transport, manufacturing and repair of road vehicles. It aims to gather different stakeholders and develop joint positions on all road transport-related issues such as sustainable transport, organisation of the supply chain, road safety, and infrastructure efficiency.

Background:

In August 2016, the European Commission launched a public consultation on Review of Directive 2006/1/EC on the use of hired vehicles for the carriage of goods by road.

Directive 2006/1/EC is the result of the codification of the previous Directive 84/647/EEC and its amendment (Directive 90/398/EEC). It establishes a legal framework for the use of commercial vehicles hired without drivers with the objective of cross-border transport operations between Member States under certain conditions. In general, Directive 2006/1/EC provides for a minimum level of liberalisation on the issue, however still gives to the Member States the possibility of restricting the use of hired vehicles to some extent.

Our position:

UEAPME Transport Forum welcomes the discussion on the revision of the Directive on the use of hired vehicles for road transport operations. It stresses the importance of EU intervention to effectively ensuring a coherent and consistent legal framework concerning the use of hired vehicles across EU.

It strongly supports that the review of the current Directive will contribute positively to increasing flexibility and productivity of transport operators as well as promoting the use of hired vehicles in domestic and international transport operations.

UEAPME Transport Forum calls for amending the existing legislation through stipulating more accurate and objective provisions. It also suggests a further harmonisation of the legislation at EU level, a clear and uniform implementation of the rules as well as the transfer of less legislative power to the Member States on the issue of hired vehicles usage.

- **Restrictions on the use of hired vehicles:** Directive 2006/1/EC stipulates the use of hired vehicles for freight transport operations under certain conditions. However, it gives the competence to the Member States to impose certain restrictions on the use of hired goods vehicles:
 - 1) Member States may ban own account operators from hiring vehicles above 6 tonnes gross vehicle weight (GVW).
 - 2) Member States may ban firms from renting or leasing trucks if these trucks are not registered in the same Member State as the firm.

The fact that the current Directive allows Member States to ban the use of hired goods vehicles leads to a range of different national rules governing their use within the EU. As a result, this complicated legal framework causes uncertainty for firms and transport operators, which may not be aware of the restrictions applied in each Member State.

UEAPME Transport Forum strongly disagrees with the second restriction because it may reduce the flexibility of transport operations and limit the capacity to meet seasonal demand peaks as well as lead to a negative impact on the competitiveness of operators in some EU countries.

- **Effective policy options concerning the restrictions:** UEAPME Transport Forum strongly agrees that the policy objectives for allowing the use of hired vehicles for transport operations across EU should be better pursued through EU action.

Option “Guidelines and Recommendations”: UEAPME Transport Forum does not consider as an effective tool the introduction of guidelines and recommendations promoting a common approach for applying the restrictions at national level. Developing such non-binding legislative instruments would not eventually lead to clarifying the application of the Directive and harmonising the restrictions in terms of the use of hired vehicles at EU level.

Option “Targeted legislative amendments”: UEAPME Transport Forum strongly encourages the European Commission to promote legislative amendments as a targeted policy action in order to enhance the functioning of the current Directive concerning the second restriction. In other words, UEAPME Transport Forum agrees with allowing the use of hired vehicles for EU transport operations registered in another Member State for a temporary period.

Option “Same rules for hired vehicles as for owned vehicles”: UEAPME Transport Forum positively considers the application of the same rules for hired vehicles as for the owned vehicles. Hired vehicles should be bound by the existing Member State’s legislation in the same way as for the registration of vehicles purchased by a firm abroad.

Our proposal:

In order to better face these important issues in the European transport scheme, we propose the following policy actions:

- 1. More harmonisation of EU rules, clear implementation of the existing legal framework and less legislative power to the Member States on the use of hired vehicles.**
- 2. Improving the functioning of the Directive through direct legislative amendments, such as allowing the cross-border use of hired vehicles registered in another Member State.**
- 3. Treating hired vehicles identically to vehicles owned by operators and applying the existing Member States legislation regarding the vehicle’s registration.**