



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 25.03.1996  
COM(96) 115 final

95/0012 (SYN)

Amended proposal for a

**COUNCIL DIRECTIVE**

**on the use of vehicles hired without drivers for the carriage of goods by road**

(presented by the Commission pursuant to Article 189 a (2)  
of the EC-Treaty)



Amendment to the proposal for a

COUNCIL DIRECTIVE

on the use of vehicles hired without drivers for the carriage of goods by road

EXPLANATORY MEMORANDUM

1. On 13 February 1995 the Commission presented to the Council a proposal for a Council Directive on the use of vehicles hired without drivers for the carriage of goods by road<sup>1</sup>. As the proposal presents further amendments to Council Directive 84/647/EEC of 19 December 1984 on the use of vehicles hired without drivers for the carriage of goods by road<sup>2</sup>, it has been recast for reasons of clarity and rationality.
2. The Economic and Social Committee gave its positive opinion on 31 May 1995.
3. During its plenary session on 13 July 1995, the European Parliament approved, subject to five amendments, the proposal for a Council Directive presented by the Commission.
4. The Commission has not accepted amendment 1 (citation 3) which refers to Article 189c of the Treaty, as it is legally superfluous. However, it has accepted amendment 5 (recital 11 a) requesting the Commission to submit a similar proposal to allow the use of vehicles hired without drivers for the transport of passengers between Member States, but without fixing a delay for the submission of such a proposal. Amendments 2 (recital 5) and 3 (recital 8a) have been accepted as proposed by the European Parliament. The text of amendment 7 (new), which the Commission has accepted, has been substituted to become a new Article 7 in line with Commission Communication (95) 162 def.

The Commission has therefore amended its position as follows :

Initial proposal

Amended proposal

(Amendment 2)

Recital 5

Whereas the carriage of goods in the single market should be facilitated;

Whereas the European Union's single market is an area in which

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<sup>1</sup> Doc. COM(95) 2 final

<sup>2</sup> O.J. n° L 335, 22.12.1984, p. 72. Directive amended by Directive 90/398/EEC (O.J. n° L 202, 31.7.1990, p. 46).

goods, persons, services and capital may move freely; whereas, therefore, the carriage of goods in particular should also be liberalized in conjunction with a gradual harmonization of transport conditions;

(Amendment 3)

**Recital 8a (new)**

Whereas it is necessary to ensure that hiring vehicles without drivers does not lead to an increase in casual undeclared employment;

(Amendment 5)

**Recital 11a (new)**

Whereas, in line with the priorities laid down in the White Paper on the common transport policy, the Commission envisages submitting a proposal for liberalizing the use of vehicles hired without drivers for the transport of passengers in other Member States;

**Article 7 (new)**

Member States shall lay down the system of penalties for breaching the national provisions adopted pursuant to this Directive and shall take all the measures necessary to ensure that those penalties are applied. The penalties thus provided for shall be effective, proportionate and dissuasive. Member States shall notify the relevant positions to the Commission not later than the date specified in Article 10 and shall notify any subsequent changes as soon as possible.

Article 7 becomes Article 8

Article 8 becomes Article 9

Article 9 becomes Article 10

Article 10 becomes Article 11

Article 11 becomes Article 12.



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