



EUROPEAN COMMISSION

*Brussels, 23.1.2018  
C(2018) 283 final*

*Dear President,*

*The Commission would like to thank the Senat for its opinions on the Proposal for a Directive of the European Parliament and of the Council on the interoperability of electronic road toll systems and facilitating cross-border exchange of information on the failure to pay road fees in the Union (recast) {COM(2017) 280 final} and on the Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1071/2009 and Regulation (EC) No 1072/2009 with a view to adapting them to developments in the sector {COM(2017) 281 final}.*

*This proposal forms part of a broader package of ambitious measures designed to improve the conditions of competition as well as working conditions of drivers in the road transport sector, as well as to make road transport more environmentally sustainable and digitalised (the "Mobility Package").*

*The proposal to recast the Interoperability Directive (COM(2017) 280 final) specifically aims at facilitating the establishment of cross-border interoperability of electronic tolling systems and allowing easier identification by the toll chargers of offenders who are driving vehicles registered in another Member State.*

*The Commission welcomes the Senat's broad support for this proposal and takes note of its comments as regards the deadline for transposition.*

*The proposal to revise the Regulations on access to the profession and access to the market (COM(2017) 281 final) tackles the creation of fake establishments ("letterbox companies"), simplifies and clarifies existing rules, makes enforcement more efficient and cuts down on administrative burden.*

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*The Commission welcomes the Senat's view that this proposal does not violate the principle of subsidiarity, but takes full notice of its observations regarding letterbox companies, light commercial vehicles, cabotage, good repute, financial standing and the European Register of Road Transport Undertakings.*

*In order to fight letterbox companies, the Commission proposes to set additional requirements for an operator to be considered as having a stable and effective establishment in a given Member State. The proposed new criteria were carefully analysed in the context of the impact assessment and gathered general support from Member States and stakeholders during the public consultation.*

*As regards light commercial vehicles, the Commission followed a balanced approach. On the one hand, it recognised that operators using this type of vehicle need to meet minimum standards in terms of professionalization. On the other hand, it found that professional requirements should be less demanding than those applicable to operators using heavy commercial vehicles, given that their activity is generally of limited size. The financial standing and establishment criteria were chosen since they were found to constitute the most basic requirements, guaranteeing a minimum level of professionalisation of the sector, while not generating excessive cost for the hauliers concerned. As regards cabotage, and more specifically the requirements of Article 8 of Regulation (EC) No 1072/2009, the objective of the Commission's proposal is to ease enforcement, without opening or closing the market for cabotage as compared to the current status. By removing the limit on the number of cabotage operations, the proposed rules give operators additional flexibility to organise their operations. At the same time, this is compensated by a small decrease in the maximum number of days for operators to perform cabotage operations. Overall, the new rules are not expected to substantially change the level of cabotage activity. In view of the frequency of illegal cabotage activity taking place in the European Union, enforcement of the cabotage rules needs to be reinforced, which is why the Commission proposes that a minimum level of checks be established in the matter.*

*On good repute, to ensure coherence with its proposals regarding the rules on the posting of workers and cabotage, infringements of the posting rules, of the law applicable to labour contracts and of cabotage rules should lead to a re-examination by the national authorities to determine whether the operators having committed them should maintain their good repute.*

*As regards financial standing, the Commission proposal extends the means by which hauliers may prove compliance with this criterion. Member States had drawn the Commission's attention to the need to come to clearer rules in the matter.*

*In relation to the European Register of Road Transport Undertakings, the Commission proposes to extend the information available to enforcement authorities of Member States other than the one of establishment. This is essential to ensure an effective and targeted enforcement of the rules. The additional information is important notably in the context of the fight against letterbox companies and illegal cabotage.*

*These clarifications are based on the initial proposals presented by the Commission, which are currently in the legislative process involving both the European Parliament and the Council.*

*Discussions have started in the Council Working Group under the Estonian Presidency, and the Commission is working closely with the Presidency to identify the main issues where Member States' opinions are divided and to facilitate discussions.*

*On the side of the European Parliament, the rapporteurs and shadow rapporteurs have been nominated. Discussions have started. The Commission remains hopeful that the co-legislators will adopt the relevant amending rules in the near future.*

*The Commission hopes that the clarifications provided in this reply address the issues raised by the Senat and looks forward to continuing the political dialogue in the future.*

*Yours faithfully,*

*Frans Timmermans  
First Vice-President*

*Violeta Bulc  
Member of the Commission*