

▼B**DIRECTIVE 2006/1/EC OF THE EUROPEAN PARLIAMENT
AND OF THE COUNCIL****of 18 January 2006****on the use of vehicles hired without drivers for the carriage of goods
by road****(codified version)****(Text with EEA relevance)***Article 1*

For the purposes of this Directive:

- (a) ‘vehicle’ means a motor vehicle, a trailer, a semi-trailer, or a combination of vehicles intended exclusively for the carriage of goods;
- (b) ‘hired vehicle’ means any vehicle which, for remuneration and for a determined period, is put at the disposal of an undertaking which engages in the carriage of goods by road for hire or reward or for its own account on the basis of a contract with the undertaking which makes the vehicles available.

*Article 2***▼M1**

1. Each Member State shall allow the use within its territory of vehicles hired by undertakings established on the territory of another Member State provided that:

- (a) the vehicle is registered or put into circulation in compliance with the laws of any Member State and, if applicable, used in compliance with Regulations (EC) No 1071/2009 ⁽¹⁾ and (EC) No 1072/2009 ⁽²⁾ of the European Parliament and of the Council;

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- (b) the contract relates solely to the hiring of a vehicle without a driver and is not accompanied by a service contract concluded with the same undertaking covering driving or accompanying personnel;
- (c) the hired vehicle is at the sole disposal of the undertaking using it during the period of the hire contract;
- (d) the hired vehicle is driven by personnel of the undertaking using it.

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2. Proof of compliance with the conditions referred to in paragraph 1, points (a) to (d), shall be provided by presentation of the following documents in paper or in electronic form, which shall be on board the vehicle:

⁽¹⁾ Regulation (EC) No 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator and repealing Council Directive 96/26/EC (OJ L 300, 14.11.2009, p. 51).

⁽²⁾ Regulation (EC) No 1072/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market (OJ L 300, 14.11.2009, p. 72).

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- (a) the contract of hire, or a certified extract from that contract giving in particular the name of the lessor, the name of the lessee, the date and duration of the contract and the identification of the vehicle;
- (b) where the driver is not the person hiring the vehicle, the driver's employment contract or a certified extract from that contract giving in particular the name of the employer, the name of the employee and the date and duration of the employment contract or a recent pay slip.

If need be, the documents referred to in (a) and (b) may be replaced by an equivalent document issued by the competent authorities of the Member State.

▼ M1*Article 3*

1. Member States shall take the necessary measures to ensure that undertakings established on their respective territories may use hired vehicles for the carriage of goods by road under the same conditions as vehicles owned by them, provided that the conditions laid down in Article 2 are satisfied.
2. Where a hired vehicle is registered or put into circulation in compliance with the laws of another Member State, the Member State of establishment of the road transport undertaking may:
 - (a) limit the time of use of the hired vehicle on its territory provided that the use of the hired vehicle by the same road transport undertaking is allowed for a period of at least two consecutive months in any given calendar year; in that case the Member State may require that the contract of hire last no longer than the time limit set by that Member State;
 - (b) require that the hired vehicle be registered in accordance with its national registration rules after a period of no less than 30 days; in that case the Member State may require that the contract of hire last no longer than the period of circulation prior to the registration requirement;
 - (c) limit the number of hired vehicles that may be used by an undertaking provided that the minimum number of vehicles allowed shall be at least 25 % of the goods vehicle fleet which is at the disposal of the undertaking pursuant to Article 5(1), point (g), of Regulation (EC) No 1071/2009 either on 31 December of the year preceding the use of the hired vehicle or on the day when the undertaking begins to use the hired vehicle, as determined by the Member State; however, in the case of an undertaking which has an overall fleet of more than one and less than four vehicles, it shall be allowed to use at least one such vehicle; the minimum number in accordance with this point refers to the goods vehicle fleet at the disposal of the undertaking on the basis of the vehicles registered or put into circulation in conformity with the laws of that Member State;
 - (d) limit the use of such vehicles for own-account transport operations.

▼ M1*Article 3a*

1. Member States shall take the necessary measures to ensure that the number of a hired vehicle used by an undertaking which engages in the carriage of goods by road for hire or reward is entered in the national electronic register referred to in Article 16 of Regulation (EC) No 1071/2009.
2. The competent authorities of the Member States shall cooperate closely and shall swiftly provide one another with mutual assistance and with any relevant information in order to facilitate the implementation and enforcement of this Directive. To that end, each Member State shall designate a national contact point responsible for the exchange of information with the other Member States.
3. The exchange of the information referred to in paragraph 1 shall take place through the European Registers of Road Transport Undertakings (ERRU) as specified by Commission Implementing Regulation (EU) 2016/480 ⁽¹⁾.
4. Member States shall ensure that the information provided pursuant to this Article is used only in respect of the matters for which it was requested. Any processing of personal data shall be carried out solely for the purposes of complying with this Directive and shall comply with Regulation (EU) 2016/679 of the European Parliament and of the Council ⁽²⁾.
5. Mutual administrative cooperation and assistance shall be provided free of charge.
6. A request for information shall not preclude the competent authorities from taking measures in accordance with the relevant Union and national law to investigate and prevent alleged breaches of rules resulting from the transposition of this Directive.
7. Member States shall take the necessary measures to ensure that the processing of the data referred to in paragraph 1 of this Article complies with the requirements for the information referred to in Article 16(2), point (g), of Regulation (EC) No 1071/2009 as specified in Article 16(2), third and fifth subparagraphs, and in Article 16(3) and (4) of that Regulation.

⁽¹⁾ Commission Implementing Regulation (EU) 2016/480 of 1 April 2016 establishing common rules concerning the interconnection of national electronic registers on road transport undertakings and repealing Regulation (EU) No 1213/2010 (OJ L 87, 2.4.2016, p. 4).

⁽²⁾ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

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8. No later than 14 months after the adoption of an implementing act establishing a common formula for calculating the risk rating as referred to in Article 9(1), second subparagraph, of Directive 2006/22/EC of the European Parliament and of the Council ⁽¹⁾, the Commission shall adopt implementing acts, laying down the minimum requirements concerning the data to be entered in the national electronic registers in order to enable the interconnection of registers, and specifying the functionalities necessary in order to make that information accessible to the competent authorities during roadside checks. Those minimum requirements and functionalities shall comply with the requirements and functionalities established pursuant to Article 16(6) of Regulation (EC) No 1071/2009. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 5b(2) of this Directive.

9. Member States shall ensure that the data referred to in paragraph 1 is accessible to the competent authorities during roadside checks.

▼ B*Article 4*

This Directive shall not affect the regulations of a Member State which lays down less restrictive conditions for the use of hired vehicles than those specified in Articles 2 and 3.

Article 5

Without prejudice to Articles 2 and 3, this Directive shall not affect the application of the rules concerning:

- (a) the organisation of the market for the carriage of goods by road for hire or reward and own account and in particular access to the market and quota restrictions on road capacities;
- (b) prices and conditions for the carriage of goods by road;
- (c) the formation of hire prices;
- (d) the import of vehicles;
- (e) the conditions governing access to the activity or occupation of road-vehicle lessor.

▼ M1*Article 5a*

By 7 August 2027, the Commission shall submit a report to the European Parliament and the Council on the implementation and effects of this Directive. That report shall include information on the use of vehicles hired in a Member State other than the Member State of

⁽¹⁾ Directive 2006/22/EC of the European Parliament and of the Council of 15 March 2006 on minimum conditions for the implementation of Regulations (EC) No 561/2006 and (EU) No 165/2014 and Directive 2002/15/EC as regards social legislation relating to road transport activities, and repealing Council Directive 88/599/EEC (OJ L 102, 11.4.2006, p. 35).

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establishment of the undertaking hiring the vehicle. The report shall pay particular attention to the impact on road safety, on the environment, on tax revenues and on the enforcement of the cabotage rules in accordance with Regulation (EC) No 1072/2009. On the basis of that report, the Commission shall assess whether it is necessary to propose additional measures.

Article 5b

1. The Commission shall be assisted by the Committee established by Article 42(1) of Regulation (EU) No 165/2014 of the European Parliament and of the Council⁽¹⁾. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011 of the European Parliament and of the Council⁽²⁾.

2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.

▼ B*Article 6*

Directive 84/647/EEC is hereby repealed, without prejudice to the obligations of the Member States relating to the time-limits for transposition into national law of the Directives listed in Annex I, Part B.

References to the repealed Directive shall be construed as references to this Directive and should be read in accordance with the correlation table set out in Annex II.

Article 7

This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Article 8

This Directive is addressed to the Member States.

⁽¹⁾ Regulation (EU) No 165/2014 of the European Parliament and of the Council of 4 February 2014 on tachographs in road transport, repealing Council Regulation (EEC) No 3821/85 on recording equipment in road transport and amending Regulation (EC) No 561/2006 of the European Parliament and of the Council on the harmonisation of certain social legislation relating to road transport (OJ L 60, 28.2.2014, p. 1).

⁽²⁾ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

*ANNEX I*

Part A

Repealed Directive with its amendment

(referred to in Article 6)

Council Directive 84/647/EEC	(OJ L 335, 22.12.1984, p. 72)
Council Directive 90/398/EEC	(OJ L 202, 31.7.1990, p. 46)

Part B

List of time-limits for transposition into national law

(referred to in Article 6)

Directive	Time-limit for transposition
Directive 84/647/EEC	30 June 1986
Directive 90/398/EEC	31 December 1990



ANNEX II

Correlation Table

Directive 84/647/EEC	This Directive
Article 1, introductory sentence	Article 1, introductory sentence
Article 1, first indent	Article 1(a)
Article 1, second indent	Article 1(b)
Article 2, introductory sentence	Article 2(1), introductory sentence
Article 2, points 1-4	Article 2(1)(a)-(d)
Article 2, point 5, first subparagraph, introductory sentence	Article 2(2), first subparagraph, introductory sentence
Article 2, point 5, first subparagraph, points (a) and (b)	Article 2(2), first subparagraph, points (a) and (b)
Article 2, point 5, second subparagraph	Article 2(2), second subparagraph
Article 3	Article 3
Article 4(1)	Article 4
Article 5, introductory sentence	Article 5, introductory sentence
Article 5, first indent	Article 5(a)
Article 5, second indent	Article 5(b)
Article 5, third indent	Article 5(c)
Article 5, fourth indent	Article 5(d)
Article 5, fifth indent	Article 5(e)
Article 6	—
Article 7	—
Article 8	—
—	Article 6
—	Article 7
Article 9	Article 8
—	Annex I
—	Annex II