

The Senate's Transport Committee expresses a favourable opinion regarding adherence to the subsidiarity and proportionality principles and, in relation to the merits, makes the following observations:

As regards Proposal COM (2017) 275 – on the charging of heavy goods vehicles for the use of certain infrastructures – there is a need:

- a) to extend the scope of the allocation requirement relating to the revenues referred to in Article 7(f) of the Proposal, by creating a duty to invest the additional resources deriving from the introduction of tolls and user charges back into the transport sector and into the construction and maintenance of the infrastructures, in particular;
- b) to ensure that the revenues deriving from the collection of congestion charges referred to in Article 9, or the equivalent financial value, are allocated to supporting collective transport services and infrastructures;
- c) to guarantee that the higher costs for undertakings resulting from the increase in road charges are compensated for by appropriate tax reductions;
- d) also in relation to the provisions contained in the Proposal for a Directive COM (2017) 276 and in relation to heavy goods vehicles, in particular, to introduce provisions that may steer Member States towards directing the traffic of such vehicles onto the motorway network and onto the toll-road network in general, including by way of restrictions and bans on using secondary road networks not subject to tolls, save in specific cases of transport origination and destination; and
- e) in line with the goal of gradually passing from time-based charging mechanisms to ones based on actual infrastructure use, it is indeed necessary to discourage the use of infrastructures that are not suited to the transit of heavy vehicles and are often characterised by critical through-city routes; this in order to avoid further levels of pollution, congestion and inappropriate strain on the infrastructures themselves, the maintenance costs of which would, moreover, fall to administrative bodies lacking the possibility of recovering at least a part of the necessary resources from the tolls;

As regards Proposal COM (2017) 276 – on the charging of heavy goods vehicles for the use of certain infrastructures, as regards certain provisions on vehicle taxation – there is a need:

- a) to provide for the exclusion of light duty vehicles from the taxation reduction mechanism only temporarily, for precautionary reasons, and to identify some form of compensation for this vehicle category as well, affected as it is by the proposal for a directive on road tolls, on the other hand;

As regards Proposal COM (2017) 277 – minimum requirements on maximum daily and weekly driving times, minimum breaks and daily and weekly rest periods and positioning by means of tachographs – there is a need:

- a) to reconcile the organizational flexibility of the transport activity with the requirement to ensure a proper protection both of workers' health and of road safety. That the compulsory weekly rest average referred to under Article 8 may be calculated on the basis of a period of four consecutive weeks, as opposed to the two weeks currently provided for, is therefore to be ruled out;

- b) to subordinate the application of the measures providing for a greater flexibility in the enjoyment of rest periods to the definitive adoption, in all Member States, of the digital tachographs with satellite geo-location governed by Regulation (EU) 165/2014, so as to permit checks on actual observance of the regulatory provisions, including for the purposes of road safety;
- c) to introduce an express ban on drivers resting in their cabs, whilst establishing a joint and several liability for employers, accompanied by appropriate sanctions, in cases where the ban is infringed;
- d) to provide that drivers must indicate, on the recording equipment record sheet, the places where they enjoy their rest periods, so as to facilitate the necessary verification;
- e) to specify that exemption from the duties to record driving times and rest times provided for under Article 3(h) in relation to “the non-commercial carriage of goods” requires the possession of appropriate documentation to demonstrate the nature of the transport and the ownership of the goods being transported; and
- f) to subordinate the Member States’ exchange of information on the risk rating of undertakings to the adoption of a homogeneous risk classification within the Union;

As regards Proposal COM (2017) 278 – posting drivers in the road transport sector – there is a need:

- a) to ensure that the host Member State’s rules concerning minimum salary rates and minimum duration of paid annual holidays are also applied, in relation to all road-transport activities (including cabotage), when the haulier stays for a period equal to or shorter than the three days;
- b) to exclude from the rules regulating postings those cases involving the mere transit of a vehicle without any loading or unloading operations being carried out in a State’s territory;
- c) to introduce forms of employer’s liability in relation to the performance of administrative duties and the payment of any sanctions imposed in connection with their breach; and
- d) to ensure that the activity of checking compliance regarding drivers’ weekly working hours is not included amongst those to be carried out on the road, in consideration of the specificity of the regulation which is partly linked to aspects of a contractual and trade-union nature that cannot immediately be known or assessed by those responsible for roadside control;

as regards proposal COM (2017) 279 – on the monitoring and reporting of CO<sub>2</sub> emissions from and fuel consumption of new heavy-duty vehicles – there is a need:

- a) to ensure that the procedures for establishing emissions standards and for the related reporting by both the Authorities in charge and the manufacturers are not excessively onerous; and

b) to guarantee an appropriate transition period for the adoption of the new emissions standards, including in relation to their use for establishing the new emissions reference values for the charging of heavy vehicles referred to in proposal COM (2017) 275;

as regards Proposal COM (2017) 280 – 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 - there is a need:

a) to support the measures directed at facilitating toll payment by those operating in the sector;

b) to assess the possibility of keeping indication of the technologies that can be used to collect payment in the Proposal's text rather than in Annexe IV, for the amendment of which a simple delegated act to be adopted by the Commission will now be sufficient;

c) to provide that, when conferring the delegated powers to the Commission, the participation of States in the procedures for updating and revising the annexes is, in any event, adequately guaranteed, given the importance of the subject-matters being delegated; and

d) to provide for appropriate transition periods for the substitution of equipment when technological evolution makes that necessary;

as regards Proposal COM (2017) 281 – on access to the occupation of road transport operator and to the international road transport market - there is a need:

a) to reduce the period during which non-resident road transport operators can unrestrictedly carry out the activity of goods cabotage by road from five to a maximum of three days; and

b) to provide appropriate parameters for verifying actual practice of the road transport occupation in the State of establishment (including for the purposes of fighting the phenomenon of *letter-box companies*); parameters such as the possession of offices at a fixed address and a number of vehicles at the undertaking's disposal that is not disproportionate to the number of drivers and the transport activities carried out;

As regards Proposal COM (2017) 282 – on the use of vehicles hired without drivers for the carriage of goods by road - there is a need:

a) to provide for restrictions on the hiring of commercial vehicles with a gross vehicle weight above six tonnes in the own-account sector; restrictions that will be capable of preventing the unlawful carriage of goods on behalf of third parties by indicating a maximum duration (not more than a given number of months in the year, for example) that, for the purposes of facilitating monitoring, is the same for all Member States; and

b) to provide that, quite independently of who enters into the hiring agreement, the said vehicles may only be driven by drivers holding the necessary professional qualifications.

This resolution is to be deemed a recommendation to the Government in accordance with section 7 of Law no. 234 of 24 December 2012.