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Subject : **Road transport**

- a) Proposal for a Regulation of the European Parliament and of the Council on common rules for **access to the international road haulage market (recast)**
- b) Proposal for a Regulation of the European Parliament and of the Council establishing common rules concerning the conditions to be complied with to pursue the occupation of **road transport operator**
- c) Proposal for a Regulation of the European Parliament and of the Council on common rules for **access to the international market for coach and bus services (recast)**  
- *Policy debate/Progress report*

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## ***Introduction***

1. Following the "**Conclusions on the contribution of the transport sector to the Lisbon strategy**" of the Spring 2007 European Council, the Commission decided to make proposals to review the existing legislative framework on access to the profession and access to the market in order to, inter alia, ensure that administrative burdens were appropriate and proportionate.
2. Consequently, on 25 May 2007, the Commission transmitted the following three legislative proposals to the Council:
  - a proposal for a Regulation of the European Parliament and of the Council on common rules for access to the international road haulage market (recast),
  - a proposal for a Regulation of the European Parliament and of the Council establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator, and
  - a proposal for a Regulation of the European Parliament and of the Council on common rules for access to the market of coach and bus services.

As a whole, these three proposals seek to modernise, replace and merge provisions governing road transport operators and access to the road transport markets.

### *Work within the Council bodies*

3. Following the Commission's presentation of the three proposals and the respective impact assessment at the Land Transport Working Party meeting of 10 July 2007, the Portuguese Presidency concentrated its work on the proposal on access to the international road haulage market. However, as parts of this draft Regulation are closely linked to the establishment of national electronic registers, which forms part of the proposal on the access to the profession of transport operator, the Portuguese Presidency also decided to examine in parallel the corresponding Articles of this draft Regulation.

At the TTE Council of 29-30 November 2007 the Ministers took note of progress reports concerning the results achieved on the two draft proposals.

4. The Slovene Presidency continued examining the proposal on access to the international road haulage market and launched the discussion of the other two proposals (access to the profession of the road transport operator and access to the market for coaches and buses).
5. Having in mind that there are still a considerable number of "technical" issues to solve, the Slovene Presidency prepared a compromise package reflecting the key political elements which could help to de-block the situation.
6. Following discussions at COREPER on 19 March 2008, the Presidency decided to present the above compromise package to the TTE Council of 7 April 2008 only with one additional change: in order to meet the concerns of several delegations, an additional period for setting up the national electronic register is being proposed.
7. The modified texts of these three proposals including the positions of Member States are reflected in the addenda to this report.

## ***A. Proposal on access to the international road haulage market***

### ***State of play***

8. The proposal, which was issued in recasting format, aims at simplifying the current legislative framework by abolishing obsolete measures as well as the re-examination of the content, presentation and formulation of the two Regulations in force in order to avoid ambiguous interpretations.

All delegations have expressed their support in principle for the Commission proposal, agreeing on the need to simplify and further harmonise the rules currently in place, thus eliminating legal uncertainty for Community hauliers and adapting legislation to market needs. Following thorough discussions at Working Party level, the Portuguese and Slovene Presidencies adapted certain provisions to the requests of delegations, thus reaching an overall consensus on most of the chapters contained in this draft legislative instrument. This consensus concerns in particular:

- Scope and definitions, such as the definition of "serious infringement of Community road transport legislation",
- a simplified and standardised format for the Community licence, certified copies and the driver attestation,
- the chapter covering mutual assistance and penalties, i.e. the sanctioning of infringements by the Member State of establishment and the host Member State,
- a list of security features in order to avoid manipulation and forgery of the Community licence and driver attestation documents.

### ***Outstanding issues***

9. The major political issues, which are left for the Council to discuss, are the validity of the Community licence and the principle of cabotage, as well as the rules applicable to cabotage operations (see Annex).

### **a) Validity of the Community licence (Articles 4.2 and 14.1.a)**

10. The Commission proposal foresees the issuing of a Community licence for a renewable period of five years. Several delegations, however, prefer a more flexible approach and/or request a longer period of validity for the Community licence. One delegation objects to the concept of mandatory periodic renewal.

The Presidency text:

- extends the validity of the renewable Community licence to "up to 10 years" (Art. 4.2),
- introduces the (comitology) regulatory procedure with scrutiny to care for future necessary adaptations of the validity of the Community licence (Art. 4.2),
- adds an additional provision to Article 14 extending the time limit of the above-mentioned procedure to three months.

### **b) Cabotage (Articles 8 and 16.3)**

11. In order to overcome the Member States' difficulties in implementing the concept of temporary cabotage, the Commission proposes a new definition, which avoids any reference to the term "temporary" and allows for up to three transport operations consecutive to an international journey within seven days. It also obliges the haulier to keep - in the vehicles - documents such as the consignment letters which show the date and place of arrivals and departures.

The Presidency text:

- follows the Commission proposal in its approach to re-define cabotage and structure cabotage operations (Art. 8),
- introduces the obligation for the Commission to assess - in a future report - whether the progress in the harmonisation of certain rules (i.e. enforcement and taxation) allows for a further opening of the domestic transport markets, including the field of cabotage (Art. 16.3).

## ***B. Proposal on common rules concerning access to the occupation of road transport operator***

### ***State of play***

12. All delegations have expressed their support in principle for the Commission proposal, agreeing to revise the Community rules on market access in road transport to enhance the clarity, readability and enforceability of these rules and to better regulate certain aspects of the current regime. However, all Member States maintain a general scrutiny reservation given the technical complexity and political importance of the proposal. Furthermore, delegations seem to be split in at least two camps on the general "philosophy" of the proposal. On the one hand, there are delegations favouring the highest degree of harmonization in order to consolidate the internal market. On the other hand, others prefer a high degree of flexibility in order to take account of specific national circumstances. The same situation can be observed as far as deadlines and time limits are concerned, notably in the context of setting up and operating the electronic national register. For the latter, many delegations have entered reservations on legal grounds, administrative burdens, data protection concerns and financial implications; whereas others are in favour of implementing the register as soon as possible.

### ***Outstanding issues***

13. With delegations having such divergent positions it is therefore not realistic to expect specific issues to be "solved" in isolation from this bigger picture. On this basis, the Presidency has prepared a compromise proposal to be examined by the Council. The main elements of this compromise are the following:

**a) Subject matter and scope (Article 1)**

The Presidency text:

- enables Member States to adapt the conditions set by the Regulation for undertakings which carry out operations in the outermost regions of the EU (Article 299 (2) TEC),
- grants derogations for local, agricultural, tourist and non-commercial traffic,
- enables Member States to exempt undertakings from the obligations of the Regulation when performing operations which have only a minor impact on the transport market because of the nature of goods carried or the short distance involved.

**b) Requirements to be engaged in the occupation of road transport operator (Article 3)**

The Presidency text enables Member States to impose additional requirements to undertakings when engaging in the occupation of road transport operator.

**c) Transport manager (Article 4)**

The Presidency text:

- provides the possibility to persons owning or managing the undertaking to become its transport manager,
- limits the number of undertakings to be managed by one transport manager to two in case the undertaking does not satisfy the requirement of professional competence as stipulated by this Regulation,
- gives the competent authority the discretion to decide on the maximum number of vehicles to be managed by the transport operator in case the undertaking does not satisfy the requirement of professional competence as stipulated by this Regulation.

**d) Conditions relating to the requirement as to good repute Article 6(2) paragraph (a)**

The Presidency text:

- grants the competent authority in the case of committing one of the most serious infringement the discretion to decide if the loss of good repute would constitute a disproportionate response,
- foresees the co-decision procedure for the adaptation of the list of the most serious infringements (Annex III).

**e) Conditions relating to the requirement as to professional competence (Article 8)**

The Presidency text does not any longer include a reference to obligatory training prior to the examination to become transport manager.

**f) Article 8a (new)**

The Presidency text exempts, from the examination to become a transport manager, natural persons who have been working continuously in the transport sector at management level for the last 15 years.

**g) Examination and registration of applications (Article 10 )**

The Presidency text:

- foresees that from 31 December 2012 the competent authority shall verify that the transport manager is not declared unfit to manage the transport activity of a transport undertaking,
- foresees that before 31 December 2012 the competent authority shall verify in the case of any doubt that the transport manager is not declared unfit to manage the transport activity of an transport undertaking.

**h) Checks (Article 11 paragraph 1 (a))**

The Presidency text provides for "targeted checks" based on a risk classification system.

**i) National electronic registers (Article 15)**

The Presidency text (modified following Coreper meeting):

- foresees that Member States have to establish a national register 18 months after the entry into force of this Regulation,
- foresees that the national electronic registers have to be interconnected by 31 December 2012,
- foresees that serious infringements have to be included in the register from 1 January 2015,
- foresees the application of the (comitology) regulatory procedure with scrutiny in the case the above dates can not be met ("escape clause").

## **C. Proposal for a Regulation of the European Parliament and of the Council on common rules for access to the market for coach and bus services**

### ***State of play***

The above proposal, which was issued in recasting format, aims at revising and consolidating the current legislative framework (Regulations N° 684/92 and N° 12/98) by clarifying the scope, simplifying procedures and establishing a uniform format for the Community license and the certified true copies.

All delegations have welcomed in principle the Commission proposal, agreeing on the need to simplify and further harmonise the rules currently in place with a view to eliminating legal uncertainty, reducing unnecessary administrative burden and enhancing the exchange of information between Member States. A detailed examination at Working Party level was launched by the Slovenian Presidency, the preliminary results of which are reflected in Addendum 3 to this report. As this proposal is the "passenger transport" counterpart of the "freight market access" proposal, similar issues have been identified by the Working Party. Therefore and where appropriate, the solutions found for the relevant Articles of the "freight market access" proposal as well as of the "transport operator" proposal might be accordingly applicable on a case-by-case basis to the coach and bus services proposal, following a thorough examination of the latter proposal.

### ***Conclusions***

14. With a view to making significant progress on the examination of the three proposals, the Presidency invites the Council to consider and, if so decided, to endorse the compromise package as outlined in the Annex.

## I. Proposal for a Regulation of the European Parliament and of the Council on common rules for access to the international road haulage market (recast)

### Article 4 Community licence

~~21.~~ The Community ~~authorization~~  licence  ~~referred to in Article 3~~ shall be issued by the competent authorities of the Member State of establishment  for a renewable period of  [...]   up to ten  years .  Community licences and certified copies issued before the date of application of this Regulation shall remain valid until the date of their expiry.

The Commission shall adapt the period of validity of the Community licence to technical progress, notably the national electronic registers as provided for in Article 15 of Regulation No XX [occupation of road transport operator]. Since these measures are designed to amend non-essential elements of this Regulation, they shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 14(1.a).

### Article ~~18~~ Principle

1. Any ~~road haulage carrier~~  haulier  for hire or reward who is a holder of ~~the~~  a  Community ~~authorization~~  licence  ~~provided for in Regulation (EEC) No 881/92~~ and whose driver, if he is a national of a ~~non-member~~  third  country, holds a driver attestation ~~in accordance with the conditions laid down in the said Regulation~~, shall be entitled, under the conditions laid down in this Regulation  Chapter , to ~~operate on a temporary basis national road haulage services for hire or reward in another Member State, hereinafter referred to respectively as «cabotage» and as the «host Member State», without having a registered office or other establishment therein~~  carry out cabotage operations .

↓ new

☞ Council

2. Hauliers referred to in paragraph 1 shall be permitted to carry out, with the same vehicle, up to three cabotage operations consecutive to an international carriage from another Member State or from a third country to the host Member State once the goods carried in the course of the incoming international carriage have been delivered. The last unloading of a load in the course of a cabotage operation before leaving the host Member State must take place within seven days from the last unloading in the host Member State in the course of the incoming international carriage.

3. National road haulage services carried out in the host Member State by a non-resident haulier shall only be deemed in conformity with this Regulation if the haulier can produce clear evidence of the international carriage in the course of which he has arrived in the host Member State and of each consecutive cabotage operation carried out there.

Such evidence shall comprise ☞ [...] ☜ the following details for each operation:

- (a) the name, address and signature of the sender;
- (b) the name, address and signature of the ~~carrier~~ haulier;
- (c) the name and address of the consignee as well as his signature and the date of delivery once the goods have been delivered;
- (d) the place and the date of taking over of the goods and the place designated for delivery;
- (e) the description in common use of the nature of the goods and the method of packing, and, in the case of dangerous goods, their generally recognised description as well as the number of packages and their special marks and numbers;
- (f) the gross weight of the goods or their quantity otherwise expressed;
- (g) the number plates of the motor vehicle and trailer.

☞ [...] ☜

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↓ 3118/93 (adapted)

~~42. In addition, Any carrier~~ ☒ haulier ☒ entitled in the Member State of establishment, in accordance with that Member State's legislation, to carry out the road haulage operations for hire or reward ~~mentioned~~ ☒ specified ☒ in Article 1 (5), points (a) (1), (b) (2) and (c) (3) of the Annex to the First Directive shall be permitted, under the conditions set out in this ~~Regulation~~ ☒ Chapter ☒, to carry out, as the case may be, cabotage operations of the same kind or cabotage operations with vehicles in the same category.

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↓ 484/2002 Art. 2(2) (adapted)

~~If the driver is a national of a non member country, he must hold a driver attestation in accordance with the conditions laid down in Regulation (EEC) No 881/92.~~

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↓ 3118/93 (adapted)

⇒ new

⇒ Council

~~53. Permission to carry out cabotage operations, within the framework of the types of carriage referred to in Article 1(5) (d) and (e) 5 of the Annex to the First Directive, shall be unrestricted.~~

⇒ [...] ⇒

~~The Commission shall adopt the detailed rules for implementing this paragraph.~~

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↓ new

↻ Council

*Article 14  
Committee*

1. The Commission shall be assisted by the committee established by Article 18(1) of Council Regulation (EEC) No 3821/85<sup>1</sup>.

**↻ 1.a Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof. ↻**

2. Where reference is made to this paragraph, Article 5a(1) to (4) and (5)(b), and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

The time-limits laid down in Article 5a(3)(c), (4)(b) and (4)(e) of Decision 1999/468/EC shall be one month.

*Article ~~10~~16  
⊠ Reporting ⊠*

↻ 3. The Commission shall draw up a report on the state ↻ [...] ↻ of the Community road transport [...] market [...] by the end of ↻ [...] ↻ 2012. The report shall contain in particular an assessment as to whether the harmonisation of the rules in, inter alia, the fields of enforcement, ↻ [...] ↻, taxation, ↻ [...] ↻ ↻ as well as ↻ social ↻ and safety ↻ legislation has progressed to such an extent that the further [...] opening of the domestic road transport [...] markets, including cabotage, could be envisaged. ↻

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<sup>1</sup> OJ L 370, 31.12.1985, p. 8.

**II. Proposal for a Regulation of the European Parliament and of the Council establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator**

*Article 1*  
*Subject matter and scope*

1. This Regulation governs admission to the occupation of road transport operator and the pursuit of that occupation.
2. This Regulation shall apply to all undertakings established in the Community which are engaged in the occupation of road transport operator.-It shall also apply to undertakings which intend to engage in the occupation of road transport operator and references to undertakings engaged in the occupation of road transport operator shall, as appropriate, be considered to include a reference to undertakings intending to engage in such operations.
  - 2(a) As regards the regions referred to in Article 299(2) EC, the Member States concerned may adapt the conditions to be complied with to pursue the occupation of road transport operator, insofar as operations are fully carried out in those regions by undertakings established in there.
3. By way of derogation from paragraph 2, this Regulation, unless otherwise provided in national law, shall not apply:
  - (a) to undertakings engaged in the occupation of road haulage operator solely by means of motor vehicles or combinations of vehicles the permissible laden weight of which does not exceed 3.5 tonnes. Member States may, however, lower this limit for all or some categories of transport operations;

- (b) to undertakings which are engaged in road passenger transport services exclusively for non-commercial purposes or free of charge, or which have a main occupation other than that of road passenger transport operator.
  - (d) to undertakings engaged in the occupation of national road transport operator solely by means of motor vehicles with maximum speed not exceeding 40 km/h.
4. Member States may exempt from the application of all or some of the provisions of this Regulation road transport operators engaged exclusively in national transport operations having only a minor impact on the transport market because of:
- the nature of the goods carried, or
  - the short distance involved.

*Article 3*  
*Requirements to be engaged in the occupation of road transport operator*

Undertakings engaged in the occupation of road transport operator must satisfy the following requirements:

- (a) be effectively and stably established in one of the Member States as provided for in Article 5;
- (b) be of good repute as provided for in Article 6;
- (c) be of appropriate financial standing as provided for in Article 7;
- (d) have the requisite professional competence as provided for in Article 8.

Member States may decide to impose additional requirements which have to be proportionate and non-discriminative that undertakings must meet in order to be allowed to engage in the occupation of road transport operator.

*Article 4*  
*Transport manager*

1. An undertaking which engages in the occupation of road transport operator shall designate at least one natural person, the transport manager, who satisfies the requirements set out in Article 3(b) and (d) and who also meets the following conditions:
  - (a) he or she must effectively and continuously manage the transport activity of the undertaking; and
  - (b) either be employed and remunerated by the undertaking or administering it, or owning at least 20 % of the undertaking, or if the undertaking is a natural person, be that same person; and
  - (c) be a resident in the Community.

The undertaking shall notify the competent authority of the transport manager designated.

2. If an undertaking does not satisfy the requirement as to professional competence provided for in Article 3(d), the competent authority may authorise it to engage in the occupation of road transport operator, without a transport manager designated in accordance with paragraph 1, provided that:
  - (a) it designates, and notifies to the competent authority, a natural person residing in the Community who satisfies the requirements provided for in Article 3(b) and (d), and is empowered by means of a contract to carry out duties as transport manager on behalf of the undertaking;

- (b) the contract linking the undertaking with the transport manager specifies the tasks to be performed on an effective and continuous basis by the party concerned, and indicates his or her responsibilities as transport manager; the tasks to be specified shall comprise in particular those relating to vehicle maintenance management, verification of transport contracts and documents, basic accounting, the assignment of loads or services to drivers and vehicles, and the verification of safety procedures;
- (c) the person designated does not manage, in the capacity of transport manager, the transport activities of more than **two** different undertakings. The competent authority may decide on the maximum number of vehicles to be managed by the transport manager, and,
- (d) the person designated is legally and financially independent of any undertakings which call upon the undertaking to carry out transport operations.

*Article 6 2(a)*

- (a) When a conviction or penalties have been incurred by the transport manager or the transport undertaking in one or more of the Member States for one of the most serious infringements of Community rules, as set out in Annex III, the competent authority of the Member State of establishment shall undertake in an appropriate and timely manner a duly completed administrative procedure, including, if appropriate, a check at the premises of the undertaking concerned.

The procedure shall determine whether, due to specific circumstances, the loss of good repute would constitute a disproportionate response in the individual case. Any such finding shall be duly reasoned and justified.

If the competent authority finds that the loss of good repute would constitute a disproportionate response, it may decide that the good repute is unaffected. In such case, the reasons shall be recorded in the national register and indicated in the report referred to in to in Article 26(1).

If the competent authority does not find that the loss of good repute would constitute a disproportionate response, as referred to in the second subparagraph, the conviction or penalties, referred to in the first subparagraph, shall lead to the loss of good repute.

*Article 8*  
*Conditions relating to the requirement as to professional competence*

1. For the purposes of Article 3(d), the person or persons concerned shall possess knowledge corresponding to the level of training provided for in Section I of Annex I in the subjects listed therein. This knowledge shall be demonstrated by means of a compulsory written examination which, if a Member State so decides, may be supplemented by an oral examination. These examinations shall be organised in accordance with Section II of Annex I. To this end, Member States may decide to impose training prior to the examination.
2. Only the authorities and bodies duly authorised for this purpose by a Member State, in accordance with criteria defined by it, may organise and certify the written and oral examinations whereby professional competence can be established. Member States shall regularly verify that the conditions under which the authorities and bodies which they have authorised organise the examinations are in accordance with Annex I.
3. Member States may duly authorise, in accordance with criteria defined by them, the bodies capable of offering applicants high-quality training to prepare them efficiently for the examination, and continuous training so that transport managers who so wish can update their knowledge.

6. A certificate issued by the authority or body referred to in paragraph 2 must be produced as proof of professional competence. That certificate shall not be transferable to any other person. It shall be drawn up in accordance with the model certificate set out in Annex II and bear the seal of the accredited authority or body which issued it.
7. The Commission shall adapt Annex I and Annex II to technical progress. Since these measures are designed to amend non-essential elements of this Regulation, they shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 25(3).
8. The Commission shall encourage and facilitate exchanges of experience and information between Member States concerning training, examinations and authorisation including through any body the Commission may designate.

***Article 8a (new)***

Member State may decide to exempt from the examination required to obtain a certificate of professional competence referred to in Article 8(1), natural persons, who can provide proof that they have been engaged continuously in the occupation at the level of management of road haulage operator or road passenger transport operator in a Member State in the last 15 years before entry into force of this Regulation.

*Article 10, paragraph 4*

4. From 31 December 2012 a competent authority shall verify when assessing the good repute of an undertaking, that the transport manager(s) designated is not (are not) [...] - at the time of the application - declared, in one of the Member States, unfit to manage the transport activity of an undertaking pursuant to Article 13.

Before 31 December 2012, the competent authority shall verify in the case of any doubt, when assessing the good repute of an undertaking, that the transport manager(s) designated is not (are not) [...] - at the time of the application - declared, in one of the Member States, unfit to manage the transport activity of an undertaking pursuant to Article 13.

*Article 11, paragraph 1a*

- 1(a) The competent authorities shall monitor that undertakings which they have authorised to engage in the occupation of a road transport operator continue to fulfil the requirements provided for in Article 3. To that end, Member States shall carry out checks targeting undertakings classed as posing an increased risk. For that purpose, Member States shall extend this risk classification system established by the Member States pursuant to Article 9 of Directive 2006/22/EC of the European Parliament and of the Council to cover all the infringements specified in Article 6 of this Regulation. Before 2015, Member States have to carry out checks at least every five years to verify that undertakings still fulfil each of these requirements.

*Article 15*  
*National electronic registers*

1. For the purposes of implementing this Regulation, and in particular Articles 10, 11, 12, 13 and 26, within a period of 18 months after the date of entry into force as referred to in Article 30, each Member State has to establish a national electronic register of road transport undertakings which have been authorised by a competent authority designated by it to engage in the occupation of road transport operator. The data contained in that register shall be processed under the supervision of a public authority designated for that purpose. The relevant data contained in the electronic register shall be accessible [...] to all the competent authorities of the Member State in question [...].

The national electronic register of a Member State shall at least contain the following data:

- (a) the name and legal form of the undertaking;
- (b) the address of its establishment;
- (c) the names of the transport managers designated to meet the conditions as to good repute and professional competence or, as appropriate, the name of the legal representative;
- (d) the type of authorisation, the number of vehicles which it covers and, where appropriate, the serial number of the Community licence and that of the certified copies;
- (e) the number, the category and the type of serious infringements [...], as referred to in Article 6(1)(b), which have resulted in a conviction or penalty [...] in the last [two] years;
- (f) the names of any persons declared to be unfit to manage the transport activity of an undertaking [...] as long as the good repute of this person is not re-established, and the rehabilitation measures applicable.

For the purpose of (e), Member States may, until 2015, choose to include in the register only those infringements as referred to in Article 6(2) (a).

Member States may choose to keep the information contained in (e) and (f) [...] in [...] separate registers. In such a case, the relevant data shall be available upon request or directly accessible to all the competent authorities of the Member State in question [...]. The requested information shall be provided within 30 working days after receiving the request.

In any case, the information contained in (e) and (f) [...] shall only be accessible to authorities different from the competent authorities [...] if they are duly endowed with powers relating to supervision and the imposition of [...] penalties in the road transport sphere and whose officials are sworn or otherwise are under a formal obligation of secrecy.

2. Data concerning an undertaking the authorisation of which has been suspended or withdrawn [...] shall remain in the register for two years counted from the expiry of the suspension or withdrawal of the licence [...] and shall thereafter be immediately removed.

Data concerning any person declared to be unfit for the occupation shall remain in the register as long as the good repute of this person is not re-established pursuant to the provisions contained in Article 6.3. After such rehabilitation or equivalent measures have taken place, the data shall be immediately removed.

Such data shall specify the reasons for the suspension or withdrawal of the authorisations or the declaration of unfitness and the respective duration.

3. Member States shall take all necessary measures to ensure that all the data contained in the electronic register are kept up to date and are accurate, in particular those referred to in paragraph 1(e) and (f).

4. Without prejudice to paragraph 1, Member States shall take all necessary measures to ensure that the national electronic registers are accessible [...] throughout the Community through national contact points as defined in Article 17(2) [...]. [...] Accessibility through the national contact points shall be implemented no later than 31 December 2012 in such a way that a competent authority in any Member State can consult the electronic registers of all the Member States.
5. [...] The common rules concerning the implementation of paragraph 4, such as the format of the data exchanged, [...] the technical procedures for [...] electronic consultation of the [...] registers of the other Member States and the promotion of the interoperability of these registers with other relevant data bases shall be adopted by the Commission in accordance with the [...] procedure referred to in Article 25(2). These common rules [...] shall lay down which authority is responsible for the access, the further use and the keeping up to date of the data after access and [...] to this effect include [...] rules on logging and monitoring of the data.
6. [...] The measures designed to amend non-essential elements of this Regulation, [...] relating to a [...] postponement of the time limits referred to in paragraph 1 and 4, [...] shall be adopted in accordance with the regulatory procedure with scrutiny [...] referred to in Article 25(4).

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