Regulation (EC) No 1100/2008 of the European Parliament and of the Council of 22 October 2008 on the elimination of controls performed at the frontiers of Member States in the field of road and inland waterway transport (Codified version) (Text with EEA relevance)

REGULATION (EC) No 1100/2008 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 22 October 2008

on the elimination of controls performed at the frontiers of Member States in the field of road and inland waterway transport

(Codified version)

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 71 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Economic and Social Committee[(1)],

After consulting the Committee of the Regions,

Acting in accordance with the procedure laid down in Article 251 of the Treaty[(2)],

Whereas:

(1) Council Regulation (EEC) No 4060/89 of 21 December 1989 on the elimination of controls performed at the frontiers of Member States in the field of road and inland waterway transport[(3)] has been substantially amended[(4)]. In the interests of clarity and rationality the said Regulation should be codified.

(2) Achieving freedom to provide services in the field of transport is an important element of the common transport policy under the Treaty. Consequently, it is the aim of that policy to increase the fluidity of movement of the different means of transport within the Community.

(3) Pursuant to existing Community and national legislation in the field of road and inland waterway transport, Member States perform checks, verifications and inspections relating to technical characteristics, authorisations and other documentation that vehicles and inland waterway vessels must comply with. These checks, verifications and inspections continue in general to be justified in order to avoid disturbances to the organisation of the transport market and to ensure road and inland waterway safety.

(4) Under existing Community legislation, Member States are free to organise and perform the aforementioned checks, verifications and inspections where they so wish.

Changes to legislation: *There are currently no known outstanding effects for the Regulation (EC) No 1100/2008 of the European Parliament and of the Council. (See end of Document for details)*

(5) Such checks, verifications and inspections may be performed with equal efficacy throughout the territory of the Member States concerned and crossing the frontier should not therefore be a pretext for carrying out such operations,

HAVE ADOPTED THIS REGULATION:

Article 1

This Regulation applies to controls performed by Member States pursuant to Community or national law in the fields of road and inland waterway transport carried out using means of transport registered or put into circulation in a Member State.

Article 2

For the purpose of this Regulation:

(a) 'frontier' means either an internal frontier within the Community or an external frontier, where carriage between Member States involves crossing a third country;

(b) 'control' means any check, inspection, verification or formality performed at the frontiers of Member States by the national authorities which signifies a stop or a restriction on the free movement of the vehicles or vessels concerned.

Article 3

The controls referred to in Annex I, and performed pursuant to Community or national law in the fields of road and inland waterway transport between Member States, shall not be performed as frontier controls but solely as part of the normal control procedures applied in a non-discriminatory fashion throughout the territory of a Member State.

Article 4

As and when necessary, the Commission shall propose amendments to Annex I to take account of technological developments in the field covered by this Regulation.

Article 5

Regulation (EEC) No 4060/89, as amended by the Regulation listed in Annex II, is repealed.

References to the repealed Regulation shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex III.

Article 6

This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

***Changes to legislation:** There are currently no known outstanding effects for the Regulation (EC) No 1100/2008 of the European Parliament and of the Council. (See end of Document for details)*

Done at Strasbourg, 22 October 2008.

For the European Parliament

The President

H.-G. PÖTTERING

For the Council

The President

J.-P. JOUYET

Changes to legislation: *There are currently no known outstanding effects for the Regulation (EC) No 1100/2008 of the European Parliament and of the Council. (See end of Document for details)*

ANNEX I

PART 1

COMMUNITY LAW

Section 1

Directives

(a) Article 6(4) of Council Directive 96/53/EC of 25 July 1996 laying down for certain road vehicles circulating within the Community the maximum authorised dimensions in national and international traffic and the maximum authorised weights in international traffic[(5)], which provides that vehicles may be subject, as regards common standards on weights, to random checks and, as regards common standards on dimensions, only to checks where there is a suspicion of non-compliance with its provisions;

(b) Article 3(2) of Council Directive 96/96/EC of 20 December 1996 on the approximation of the laws of the Member States relating to roadworthiness tests for motor vehicles and their trailers[(6)], which provides that each Member State shall recognise the proof issued in another Member State showing that a vehicle has passed a roadworthiness test; this act of recognition implies that a verification by national authorities may be made anywhere within their territories;

(c) Article 2(2) of 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[(7)], which lays down that proof of compliance with the Directive is provided by a number of documents which must be on board the hired vehicle, viz., the contract of hire and the driver's employment contract;

(d) Article 3(3), (4) and (5) of Council Directive 76/135/EEC of 20 January 1976 on reciprocal recognition of navigability licences for inland waterway vessels[(8)], which provides that the navigability licence, certificates or authorisations must be produced on demand by national authorities;

(e) Article 17(1) of Council Directive 82/714/EEC of 4 October 1982 laying down technical requirements for inland waterway vessels[(9)], which provides that Member States may at any time check that a vessel is carrying a certificate valid under the terms of the Directive.

Section 2

Regulations

(a) Articles 14 and 15 of Council Regulation (EEC) No 684/92 of 16 March 1992 on common rules for the international carriage of passengers by coach and bus[(10)], which entitle any authorised inspection officer to verify and control the transport ticket, authorisation or control document provided for in the Regulation;