

Changes regarding the use of rental vehicles in road transport of goods

by András Veress LL.M., Attorney at law

On 25th May, 2023 the Law No. 124/ 2023, which amends and supplements the regulations concerning road transport of goods, entered into force.

The legislator has thus supplemented Regulation No. 27/2011 concerning the transport of goods by road and thus implemented Art. 1 pt. 1-3 and Art. 2 par. (1) of Directive (EU) 2022/738¹.

Starting point

According to the previous regulation (art. 25 par. 1 and 2 of Regulation 27/2011), the national and international road transport of goods subject to tolls could only be carried out by vehicles registered in Romania.

At the same time, the old regulation of Directive (EU) 2006/1/EC did not allow companies to fully benefit from the advantages of using rental vehicles.

Regulatory purpose

As a result of the new regulation, which implements Directive (EU) 2022/738, companies transporting goods for own account or for hire or reward may now use rental vehicles registered in other Member States and thus

- reduce their costs while increasing their operational flexibility;
- contribute to increasing productivity and competitiveness;
- contribute to safety and environmental protection through newer rental vehicles; and
- manage short-term, seasonal or temporary peaks in demand, or replace defective or damaged vehicles.

Conditions for the use in Romania of vehicles rented in other Member States

For the transport of goods by road between Romania and other EU Member States subject to tolls, a rental vehicle may be used only if it:

- is registered or placed on the market in a Member State and complies with Regulations (EG) No 1.071/2009 and (EG) No 1.072/2009,
- is the exclusive subject of the rental contract and it does not contain a service component regarding driver or escort personnel,
- is exclusively at the disposal of the transport company and is only used for the duration of the rental relationship,
- is driven exclusively by the employees of the transport company,
- has a certified copy of the Community license issued by the competent authority, which is valid for the duration of the tenancy.

The fulfilment of the above conditions must be proven with the following documents:

¹ amending Directive (EU) 2006/1/EG on the use of vehicles rented without drivers for the transport of goods by road

- Lease agreement or extract thereof, certificate of conformity in paper or electronic form, certified copy of Community license,
- Employment agreement between driver and transport company.

Further restrictions on the use of rental vehicles by Romanian transport companies

The use of a rental vehicle, registered or put into circulation in another Member State shall be authorized for a maximum of two consecutive months in a calendar year for the Romanian transport undertaking.

The maximum number of rental vehicles, registered or put into circulation in accordance with the rules of another Member State which may be used by a Romanian transport undertaking shall also be 25 % of the fleet of vehicles held by it, calculated from the first day of use of the rental vehicle.

Entry in the national electronic register

Regulation (EG) 1071/ 2009 requires national electronic registers to keep the registration numbers of vehicles held by a transport undertaking. This includes all vehicles rented in a Member State other than the Member State of establishment of the undertaking.

The national electronic registers shall allow the targeted search for vehicles with registration plates issued in a Member State other than the Member State of establishment.

Pursuant to Regulation 27/ 2011, the Romanian Transport Authority (*Autoritatea Rutieră Română - A.R.R.*) maintains this electronic register. This also answers questions concerning vehicles with registration plates issued in a Member State other than the Member State of establishment.

Conclusion

Car tax rates differ in the Member States of the Union. Therefore, certain restrictions which indirectly affect the freedom to provide vehicle rental services continue to be justified (as does the Directive) as they contribute to the avoidance of tax distortions.

Despite all the restrictions, the implementation of Directive (EU) 2022/738 in Romania represents an important step towards the standardization of road haulage in the European Union and the fulfilment of the freedom to provide services and the free movement of goods in Europe.

Contact and further information:



STALFORT Legal. Tax. Audit.
Bucharest – Bistrița – Sibiu

Office Bucharest:

T.: +40 – 21 – 301 03 53

F: +40 – 21 – 315 78 36

M: bukarest@stalfort.ro

www.stalfort.ro