

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 (Text with EEA relevance)

CHAPTER III

AUTHORISATION AND MONITORING

Article 10

Competent authorities

- [^{F1} A competent authority may:]
- a examine applications made by undertakings;
 - b grant authorisations to engage in the occupation of road transport operator, and suspend or withdraw such authorisations;
 - c declare a natural person to be unfit to manage the transport activities of an undertaking in the capacity of transport manager;
 - d carry out the requisite checks to verify whether an undertaking satisfies the requirements laid down in Article 3.
- 2 The competent authorities shall publish all the conditions laid down pursuant to this Regulation, any other national provisions, the procedures to be followed by interested applicants and the corresponding explanations.

Textual Amendments

- F1** Words in [Art. 10\(1\)](#) substituted (31.12.2020) by [The Licensing of Operators and International Road Haulage \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/708\)](#), regs. 1(1), **9(11)**; 2020 c. 1, Sch. 5 para. 1(1)

Article 11

Examination and registration of applications

- 1 A transport undertaking which complies with the requirements laid down in Article 3 shall, upon application, be authorised to engage in the occupation of road transport operator. The competent authority shall ascertain that an undertaking which submits an application satisfies the requirements laid down in that Article.
- 2 The competent authority shall record in the national electronic register referred to in Article 16 the data relating to undertakings which it authorises and which are referred to in points (a) to (d) of the first subparagraph of Article 16(2).
- 3 The time limit for the examination of an application for authorisation by a competent authority shall be as short as possible and shall not exceed 3 months from the date on which the competent authority receives all documents necessary to assess the application. The competent authority may extend this time limit for one additional month in duly justified cases.

Changes to legislation: There are currently no known outstanding effects for the Regulation (EC) No 1071/2009 of the European Parliament and of the Council, CHAPTER III. (See end of Document for details)

4 ^{F2} ...

[^{F3}When] assessing the good repute of an undertaking, the competent authority shall verify, by accessing the data referred to in point (f) of the first subparagraph of Article 16(2), either by direct secure access to the relevant part of the national registers or by request, whether at the time of the application the designated transport manager or managers are declared [^{F3}as] unfit to manage the transport activities of an undertaking pursuant to Article 14.

^{F4} ...

5 Undertakings with an authorisation to engage in the occupation of road transport operator shall, within a period of 28 days or less, ^{F5}... notify the competent authority which granted the authorisation of any changes to the data referred to in paragraph 2.

[^{F6}The obligation imposed by paragraph 5 on such an undertaking constitutes a condition attached to a qualifying licence for the purposes of:

- a) if the undertaking is established in Great Britain, section 26(1)(b) of the 1995 Act; or
- b) if the undertaking is established in Northern Ireland, section 23(1)(b) of the 2010 Act.]

Textual Amendments

F2 Words in Art. 11(4) omitted (31.12.2020) by virtue of [The Licensing of Operators and International Road Haulage \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/708\)](#), regs. 1(1), **9(12)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)

F3 Word in Art. 11(4) substituted (31.12.2020) by [The Licensing of Operators and International Road Haulage \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/708\)](#), regs. 1(1), **9(12)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)

F4 Words in Art. 11(4) omitted (31.12.2020) by virtue of [The Licensing of Operators and International Road Haulage \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/708\)](#), regs. 1(1), **9(12)(a)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)

F5 Words in Art. 11(5) omitted (31.12.2020) by virtue of [The Licensing of Operators and International Road Haulage \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/708\)](#), regs. 1(1), **9(12)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

F6 Art. 11(6) inserted (17.3.2022) by [The Goods Vehicles \(Licensing of Operators\) \(Amendment\) Regulations 2022 \(S.I. 2022/293\)](#), regs. 2(1), **11**

Article 12

Checks

[^{F7}1 A competent authority must monitor whether undertakings which they have authorised to engage in the occupation of road transport operator continue to fulfil the requirements laid down in Article 3. To that end, the competent authority must carry out checks targeting those undertakings which are classed as posing an increased risk.]

^{F8}2

3 [^{F9}A competent authority must] carry out individual checks to verify whether an undertaking meets the conditions governing admission to the occupation of road transport operator whenever the [^{F10}Minister] so requests in duly motivated cases. It shall inform the [^{F10}Minister] of the results of such checks and of the measures taken if it is established that the undertaking no longer fulfils the requirements laid down in this Regulation.

Textual Amendments

- F7** Art. 12(1) substituted (31.12.2020) by [The Licensing of Operators and International Road Haulage \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/708\)](#), regs. 1(1), **9(13)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F8** Art. 12(2) omitted (31.12.2020) by virtue of [The Licensing of Operators and International Road Haulage \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/708\)](#), regs. 1(1), **9(13)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F9** Words in Art. 12(3) substituted (31.12.2020) by [The Licensing of Operators and International Road Haulage \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/708\)](#), regs. 1(1), **9(13)(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F10** Word in Art. 12(3) substituted (31.12.2020) by [The Licensing of Operators and International Road Haulage \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/708\)](#), regs. 1(1), **9(13)(c)**; 2020 c. 1, Sch. 5 para. 1(1)

Article 13

Procedure for the suspension and withdrawal of authorisations

1 Where a competent authority establishes that an undertaking runs the risk of no longer fulfilling the requirements laid down in Article 3, it shall notify the undertaking thereof. Where a competent authority establishes that one or more of those requirements is no longer satisfied, it may set one of the following time limits for the undertaking to rectify the situation:

- a a time limit not exceeding 6 months, which may be extended by 3 months in the event of the death or physical incapacity of the transport manager, for the recruitment of a replacement transport manager where the transport manager no longer satisfies the requirement as to good repute or professional competence;
- b a time limit not exceeding 6 months where the undertaking has to rectify the situation by demonstrating that it has an effective and stable establishment;
- c a time limit not exceeding 6 months where the requirement of financial standing is not satisfied, in order to demonstrate that that requirement will again be satisfied on a permanent basis.

2 The competent authority may require an undertaking whose authorisation has been suspended or withdrawn to ensure that its transport managers have passed the examinations referred to in Article 8(1) prior to any rehabilitation measure being taken.

3 If the competent authority establishes that the undertaking no longer satisfies one or more of the requirements laid down in Article 3, it shall suspend or withdraw the authorisation to engage in the occupation of road transport operator within the time limits referred to in paragraph 1 of this Article.

Article 14

Declaration of unfitness of the transport manager

1 Where a transport manager loses good repute in accordance with Article 6, the competent authority shall declare that transport manager unfit to manage the transport activities of an undertaking.

Changes to legislation: There are currently no known outstanding effects for the Regulation (EC) No 1071/2009 of the European Parliament and of the Council, CHAPTER III. (See end of Document for details)

2 Unless and until a rehabilitation measure is taken ^{F11}..., the certificate of professional competence, referred to in Article 8(8), of the transport manager declared to be unfit, shall no longer be valid ^{F11}....

Textual Amendments

F11 Words in Art. 14(2) omitted (31.12.2020) by virtue of The Licensing of Operators and International Road Haulage (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/708), regs. 1(1), **9(14)**; 2020 c. 1, Sch. 5 para. 1(1)

Article 15

Decisions of the competent authorities and appeals

1 Negative decisions taken by the competent authorities ^{F12}... pursuant to this Regulation, including the rejection of an application, the suspension or withdrawal of an existing authorisation and a declaration of unfitness of a transport manager, shall state the reasons on which they are based.

Such decisions shall take account of available information concerning infringements committed by the undertaking or the transport manager which are such as to detract from the good repute of the undertaking and of any other information at the disposal of the competent authority. They shall specify the rehabilitation measures applicable in the event of the suspension of an authorisation or a declaration of unfitness.

2 [^{F13}Undertakings] and persons concerned have the possibility of appealing the decisions referred to in paragraph 1 [^{F14}as provided for in domestic legislation].

Textual Amendments

F12 Words in Art. 15(1) omitted (31.12.2020) by virtue of The Licensing of Operators and International Road Haulage (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/708), regs. 1(1), **9(15)(a)**; 2020 c. 1, Sch. 5 para. 1(1)

F13 Word in Art. 15(2) substituted (31.12.2020) by The Licensing of Operators and International Road Haulage (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/708), regs. 1(1), **9(15)(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)

F14 Words in Art. 15(2) substituted (31.12.2020) by The Licensing of Operators and International Road Haulage (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/708), regs. 1(1), **9(15)(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)

Changes to legislation:

There are currently no known outstanding effects for the Regulation (EC) No 1071/2009 of the European Parliament and of the Council, CHAPTER III.