

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 V

### MUTUAL RECOGNITION OF CERTIFICATES AND OTHER DOCUMENTS

#### *Article 19*

#### **Certificates of good repute and equivalent documents**

1 [F<sup>1</sup>The Minister must] accept as sufficient proof of good repute for admission to the occupation of road transport operator the production of an extract from a judicial record or, failing that, an equivalent document issued by a competent judicial or administrative authority [F<sup>2</sup>in a Member State] where the transport manager or any other relevant person used to reside.

[F<sup>3</sup>2 Where the Minister imposes on United Kingdom nationals certain conditions relating to good repute, and proof that these conditions are met cannot be provided by means of the document referred to in paragraph 1, the Minister must accept as sufficient proof for nationals of Member States a certificate issued by a competent judicial or administrative authority in the Member State(s) where the transport manager or any other relevant person used to reside stating that these conditions have been met. Such certificate must relate to the specific information taken into consideration in the United Kingdom.]

3 If the document referred to in paragraph 1 or the certificate referred to in paragraph 2 has not been issued by the Member State(s) where the transport manager or any other relevant person used to reside, that document or certificate may be replaced by a declaration on oath or by a solemn declaration made by the transport manager or any other relevant person before a competent judicial or administrative authority or, where appropriate, before a notary in the Member State where the transport manager or any other relevant person used to reside. Such authority or notary shall issue a certificate authenticating the declaration on oath or the solemn declaration.

4 A document referred to in paragraph 1 and a certificate referred to in paragraph 2 shall not be accepted if produced more than 3 months after their date of issue. This condition shall also apply to a declaration made in accordance with paragraph 3.

[F<sup>4</sup>5 In this Article and in Article 20, ‘competent administrative authority’ means a national, regional or local authority in a Member State which, for the purpose of authorising the pursuit of the occupation of road transport operator, verifies whether an undertaking satisfies the conditions laid down in Regulation (EC) No 1071/2009 as it has effect in EU law as amended from time to time, and which is empowered to grant, suspend or withdraw an authorisation to pursue the occupation of road transport operator.]

#### **Textual Amendments**

- F1** Words in Art. 19(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(19)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)

*Status: Point in time view as at 31/12/2020.*

*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 V. (See end of Document for details)*

- F2** Words in Art. 19(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(19)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F3** Art. 19(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(19)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F4** Art. 19(5) inserted (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(19)(c)**; 2020 c. 1, Sch. 5 para. 1(1)

### *[<sup>F5</sup>Article 20*

#### **Certificates relating to financial standing**

Where the Minister imposes on United Kingdom nationals certain conditions relating to financial standing in addition to those set out in Article 7, the Minister must accept as sufficient proof for nationals of Member States a certificate issued by a competent administrative authority in the Member State(s) where the transport manager or any other relevant person used to reside stating that these conditions have been met. Such certificate must relate to the specific information taken into consideration in the United Kingdom.]

#### **Textual Amendments**

- F5** Words in Art. 20 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(20)**; 2020 c. 1, Sch. 5 para. 1(1)

### *[<sup>F7</sup>Article 21*

#### **Certificates of professional competence [<sup>F6</sup>issued in a Member State]**

1 A competent authority must recognise as sufficient proof of professional competence a certificate which complies with the model certificate set out in Annex III of Regulation (EC) No 1071/2009 as it has effect in EU law as amended from time to time and which is issued by the authority or body duly authorised in a Member State for that purpose.

2 A certificate issued before 4 December 2011 as proof of professional competence pursuant to the provisions in force until that date shall be deemed to be equivalent to a certificate which complies with the model certificate set out in Annex III of Regulation (EC) No 1071/2009 as it has effect in EU law as amended from time to time and shall be recognised as proof of professional competence in the UK. Holders of certificates of professional competence valid only for national transport may be required to pass the examinations, or parts of examinations, referred to in Article 8(1).]

#### **Textual Amendments**

- F6** Words in Art. 21 heading inserted (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(21)(a)**; 2020 c. 1, Sch. 5 para. 1(1)

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- F7** Art. 21(1)(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(21)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

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