



Mobility package I – Market Access Rules

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Access to profession and market



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1. Letterbox companies

- **Stronger establishment criteria:** all documents available at premises; regular return of vehicle to operational centre; vehicles and drivers proportionate to volume of activity
- **Administrative cooperation:** structured cooperation via Internal Market Information system; requirement to carry out on-site inspections if needed



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2. Light Commercial Vehicles

- **Reg. 1071/2009:** operators using LCVs > 2,5t involved in international transport for hire and reward in scope 21 months after entry into force (21 May 2022); same 4 criteria; adapted financial standing requirements
- **Reg. 1072/2009:** operators using LCVs > 2,5t involved in international transport for hire and reward no longer exempted from Community licence from 21 months after entry into force (21 May 2022); same cabotage rights as trucks



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3. Smart enforcement

- **ERRU:** more data will be included in the national electronic registers and thereby in the European Register of Road Transport Undertakings (ERRU): registration numbers of vehicles; number of employees; risk rating
- **Roadside checks:** new information in ERRU to be available at roadside by 3 years after entry into force (Summer 2023); will allow targeted checks



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Study on the return obligation for trucks

Background

- Provisions on:
 - the return obligation for trucks
 - the application of cabotage quotas on international combined transport operations.
- Not part of the Commission's initial proposals - not subject of an impact assessment
- Declaration of the Commission: the two measures may lead to inefficiencies in the transport system and an increase in unnecessary emissions, pollution, and congestion - assessment of the expected impact of the two measures on the climate, the environment, and the functioning of the Single Market.

Possible scenarios

- Simple compliance scenario: haulage companies adapt to the new obligation by making more trips to their current Member State of establishment but carry out the same number of assignments.
- Most likely scenario for 2023
- Eastern European hauliers maintain their competitive position even if their trucks would need to return more frequently to their operational base: costs advantage for cabotage or cross-trade operations within the West reduced from 75% to 67%
- Lack of real incentive to modify the way they are currently operating

Possible scenarios

- Two other scenarios: market restructuring scenarios (high and low)
- Range of impacts that the new obligation could have on the market
- Deemed less likely by the authors of the study as they require more significant market changes and adaptation:
 - scaling down operations in certain countries
 - potential relocation of hauliers to other countries.

Impacts - Additional journeys

- Creation of additional journeys regardless of the scenario considered
- Simple compliance scenario: 1.9 million new journeys representing an increase in vehicle kilometres of 2,528 million kilometres
- Increase of international freight: + 4.8%

Environmental impact

- Additional CO₂ emissions: 0.5 to 2.9 million tonnes in 2023
- Increase in international road freight emissions: 0.8% to 4.6% in 2023.
- Up to 619 tonnes of NO_x (nitrogen oxides) annually
- Up to 221 tonnes of PM_{2.5} (particulate matter emissions) emissions annually

Impacts – Market and congestion

- Negative impact on the functioning of the market (additional costs, possible increase in freight rates, competition negatively affected)
- Congestion at non-Schengen borders: in simple market compliance scenario more than double the current waiting time at some borders



Cabotage under Regulation 1072/09



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Cabotage rules under Regulation 1072/09

- Specific entitlement for holder of a Community licence
- Three cabotage operations following the international carriage from another Member State or a third country
- Last cabotage unloading in the host Member State within 7 days from the last unloading within incoming international carriage
- In any Member State but one cabotage operation per Member State within 3 days of unladen entry to that Member State
- Calendar days: start at midnight

Regulation 2020/1055 of 15 July

- Cooling off period of 4 days in the same Member State
- Can be applicable to combined transport operations
- Applicable from 21 February 2022
- Applicable to LCV (from 2,5 to 3,5 tonnes) from 21 May 2022

Operation of cabotage

- "operation": carriage of a consignment from the picking up of the goods until their delivery at the consignee as specified in the consignment note. "A cabotage operation can involve several loading points, several delivery points or even several loading and delivery points" (Q&A of 2009).
- ECJ in case C-541/16: no limit to number of consignors but one load or one unload compatible with Regulation
- Commission's proposal: one consignment note and several load and unload (withdrawn)
- No detailed definition of cabotage: necessary and proportionate
- ECJ: "allowing non-resident hauliers to carry out cabotage operations with an unlimited number of loadings points and an unlimited number of unloading points could render meaningless the three-operation limit (...) and, thereby, run counter to the temporary nature of the cabotage and the objective pursued by that regulation with regard to that type of transport. "

Evidence

- Hauliers must produce clear evidence of the incoming international carriage and of each consecutive cabotage operation carried out
- Regulation 2020/1055: In the event that the vehicle has been in the territory of the host Member State within the period of four days preceding the international carriage, the haulier shall also produce clear evidence of all operations that were carried out during that period
- Regulation 2020/1055: evidence to be presented or transmitted to the authorised inspecting officer of the host Member State on request and within the duration of the roadside check (possibly in electronic format)

Controls

- Regulation 2020/1055: Concerted roadside checks at least twice a year
- Tachograph II: 3 options: load/unload/both, country code in real time
- Regulation 2020/1055: infringements to cabotage rules taken into account for good repute of transport manager under Regulation 1071/09

Thank you for your attention!