



*The Retail, Wholesale and International Trade Representation to the EU*

## **Environment & Logistics**

*EUROCOMMERCE RESPONSE TO THE CONSULTATION ON THE  
REVISION OF THE COMMUNITY LEGISLATION ON THE ACCESS TO  
THE ROAD TRANSPORT MARKET AND ON THE ADMISSION TO THE  
OCCUPATION OF ROAD TRANSPORT OPERATOR*

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## **INTRODUCTION**

Deliveries play a vital role for the commerce sector, whose primary function is to bring goods and services to customers. Increasingly customers expect a full range of high quality, reasonably priced products to be available at all times. Efficient transport is therefore necessary to ensure that the goods are delivered in an optimal manner and at a least possible cost for consumers.

EuroCommerce welcomes the consultation launched by the European Commission. As transport buyers the only issue of direct relevance for commerce is cabotage, which can contribute towards reducing transport costs and limiting the number of empty vehicles on the roads. Our response will therefore limit itself to this aspect of the consultation.

## **CABOTAGE**

Regulation 3118/93 is the legal basis for cabotage in the EU. As a definition it is stated that a road haulage carrier is only allowed to operate on a temporary basis in another Member State without having to register in that country. The lack of common definition of "on a temporary basis" has led to uncertainty. Some Member States have therefore put in place national rules to clarify the definition. The Commission published on 12 November 2004 an Interpretative Communication that states that the temporary character should be assessed on the basis of duration, frequency, periodicity and continuity.

There is a need for a common EU approach to the administration of rules for cabotage to ensure a level playing field for transport in all Member States. Flexible rules for cabotage would also possibly increase the efficiency of transport, lead to lower transport costs and reduce the number of empty vehicles on the roads.

***Question 17 - Do stakeholders perceive the varying rules as a problem? Do stakeholders consider that a clearer and more precise definition of road cabotage would be useful?***

***Question 18 - What are the stakeholders' views on these approaches? What alternatives could be proposed for a clear and easily enforceable definition of road cabotage?***

The possibility of a European wide definition should be further investigated. The EU needs a level playing field for transport services in the internal market. The situation today where some countries have introduced national rules for what is considered "on a temporary basis" leads to uncertainty as to the rules in place.

In order to maintain the flexibility of transport operations EuroCommerce recommends that the Interpretative Communication from the European Commission published on 12 November 2004 be made mandatory as European

guideline for whether a specific cabotage operation is legal or not. Specific national rules for cabotage should then be abolished.

Furthermore, EuroCommerce suggests considering the possibility of introducing two forms of legal cabotage: the "classic" short-term which is currently in place and a longer-term form where transport is contractually and specifically limited to a single task such as the transportation of dangerous goods or perishable goods. The introduction of an additional type of cabotage under specific conditions would give transport buyers more possibilities to optimise the capacity utilisation in the logistics chain.

***Question 20 - What is the stakeholders' experience with the application of Directive 96/71 to cabotage transport operations? What is their opinion on exempting cabotage operations from the scope of that Directive provided that cabotage is limited to a period shorter than one month?***

Regarding Directive 96/71/EC on the posting of workers and how it should apply to cabotage operations needs to be further investigated. In all cases, the directive should not restrict the definition of cabotage.

**EuroCommerce** represents the retail, wholesale and international trade sectors in Europe. Its membership includes over 100 commerce federations in 28 European countries, European and national associations representing specific branches of commerce and many companies. Commerce is the closest link between industry and the 450 million consumers across Europe. It is also the largest consumer-related market service.

It is a dynamic and labour-intensive sector, which plays a significant role in the European economy, generating 13 % of the EU's GDP through 5.5 million companies. 95% of these are small enterprises, which are vital to Europe's economic and employment prospects. The sector is a major source of employment creation, providing jobs for 27 million people from all sections of society and is one of the few sectors increasing employment.