

## CONSULTATION PAPER

### REVIEW OF THE INTERNAL MARKET IN ROAD FREIGHT TRANSPORT

#### **The current EU policies and legislation**

The White Paper on Transport<sup>1</sup> presented by the Commission on 28 March 2011 called for additional actions to further integrate the internal road freight transport market. The Commission's objective is to create an economically efficient, environmentally sustainable and socially equitable internal market that ensures fair competition between transport operators, delivers high quality services to shippers, provides quality jobs for transport workers and minimises the road haulage sector's environmental and climate footprint. The White Paper recognises:

- that market opening needs to go hand in hand with measures to ensure a level playing field, quality jobs, working conditions and environmentally sustainable transport;
- that human resources are a particularly crucial component of any high quality transport system;
- the need to align the competitiveness and the social agenda, building on social dialogue and promoting social progress in the sector;
- technological innovation together with the related social, business and organisational innovations can help the transition to a more efficient and sustainable European transport system.

The most recent change in the relevant EU legislation took place in December 2009 when new regulations modernising the rules governing road transport were adopted, including Regulation (EC) No 1071/2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator and Regulation (EC) No 1072/2009 on common rules for access to the international road haulage market. Regulation 1072/2009 also changed the rules applicable to cabotage operations. The objective was to eliminate the uncertainties associated with the possible differing national interpretations of the applicable cabotage rules.

The EU has also harmonised the social rules, in particular the driving times and rest periods through Regulation (EC) 561/2006, enforcement through Regulation (EC) 3821/85 and Directive 2006/22/EC and the technical, environmental and safety standards related to the vehicles. Attempts have been made at the harmonisation of the relevant fiscal conditions as well. A framework for charging trucks for the use of infrastructures has also been put in place (Directive 1999/62/EC, the so-called Eurovignette Directive).

Under Regulation 1072/2009 the Commission is bound to draw up a report on the state of the Community road transport market by the end of 2013 assessing whether harmonisation of the

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<sup>1</sup> Roadmap to a Single European Transport Area - Towards a competitive and resource efficient transport system.

Available on [http://ec.europa.eu/transport/strategies/2011\\_white\\_paper\\_en.htm](http://ec.europa.eu/transport/strategies/2011_white_paper_en.htm)

rules applicable to the road transport market has progressed to such an extent that the further opening of domestic road transport markets, including cabotage, could be envisaged.

### **High Level Group for the Road Haulage Market**

As a consequence of the Commission's reporting obligation, in June 2011 Siim Kallas, Vice-President of the European Commission and Commissioner responsible for transport set up a High Level Group composed of independent scientific experts to assess the state of the EU road haulage market and make published recommendations about what course of actions should be pursued to further integrate the market.

### **Scope of the questionnaire**

The aim of the present consultation exercise is to collect the views of the stakeholders as part of the enquiries of the High Level Group. The Commission will take into consideration both the recommendations of the High Level Group and the feedback received from stakeholders in this initial consultation exercise when deciding how to proceed with the revision of EU legislation.

The questionnaire addresses issues related to the quality of road transport, new technologies, social issues and enforcement of rules, road user charges and driving restrictions and cabotage as they all form integral and interrelated parts of the internal market for road freight transport.

### **How to reply to this consultation**

Stakeholders may reply to this consultation via the Commission's on-line interactive policy-making tool or by submitting their replies either by e-mail or mail to the addresses indicated below. Responses submitted by any of these means will be taken into consideration but stakeholders are encouraged to fill in the questionnaire on-line as it will facilitate the processing of the replies. Contributions are welcome from citizens, organisations and public authorities.

You are strongly advised to prepare your contribution in advance before filling-in the questionnaire online. We recommend you download the PDF file of the questionnaire, to allow you to draft your answers to the open text questions carefully. After preparing all your answers, please open the online questionnaire and fill it out.

Please note that the on-line version of the questionnaire will go live before the end of August 2011. Respondents will be able to access it through the European Commission's Interactive Policy Making website at:

<http://ec.europa.eu/yourvoice/ipm/forms/html/index.html>

Both a Word and a PDF version of this consultation document can be downloaded from the following website:

[http://ec.europa.eu/transport/road/consultations/index\\_en.htm](http://ec.europa.eu/transport/road/consultations/index_en.htm)

Respondents can send an electronic copy of their replies to the following e-mail address:

**[MOVE-D3-CONSULTATION-TRANSPORTS@ec.europa.eu](mailto:MOVE-D3-CONSULTATION-TRANSPORTS@ec.europa.eu)**

and/or respondents can send a paper copy of their replies to the following postal address:

**European Commission**

**Directorate-General for Mobility and Transport**

**Unit D3 – Road transport**

**B – 1049 Brussels**

Please note that this document has been drafted by the High Level Group for information and consultation purposes only. It has not been adopted or in any way approved by the European Commission and should not be regarded as representative of the views of Commission staff. It does not in any way prejudice, or constitute the announcement of, any position on the part of the Commission on the issues covered.

The European Commission does not guarantee the accuracy of the information provided, nor does it accept responsibility for any use made thereof.

The contributions received from stakeholders will be published on the Commission's website, unless requested otherwise by their authors. A consent box is provided at the end of the questionnaire.

**Consultation period**

In order to meet the High Level Group's tight reporting schedule, questionnaires should be returned by **30th September 2011** or preferably sooner. Nevertheless, questionnaires that are returned before 31 October 2011 will still be taken into consideration

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## Questionnaire

### **I. ABOUT YOU**

To help us analyse the answers to this consultation, please provide the following information about you or your organisation.

#### **I.1. Question:**

In what capacity are you completing this questionnaire?

**Answer (please tick one):**

- as a citizen
- private sector enterprise
- industry association or non-governmental organisation (NGO)
- public authority

#### **I.2. Question:**

Please indicate if your organisation is registered in the Transparency Register of the European Commission?

[http://europa.eu/transparency-register/index\\_en.htm](http://europa.eu/transparency-register/index_en.htm)

**Answer (please tick as appropriate):**

- Yes
- No

If yes, please indicate the identification number

**Answer (free text):**

41712511261-57

#### **I.3. Question:**

What is the name of the organisation or authority?

**Answer (free text):**

Transport en Logistiek Nederland (Dutch Association for Transport and Logistics)

#### **I.4. Question:**

Please provide details of the activities of your organisation. If there are multiple activities (e.g. haulage, freight forwarding) could you please indicate the relative importance of each?

**Answer (please tick as appropriate):**

- Road haulage**
- Freight forwarding**
- Other transport activity (please specify)**
- Other economic activity (please specify)**

**Answer (free text):**

**TLN represents the interests of some 6.000 road freight transport operators and logistic services providers. The majority of road freight operators also offer logistic services at a larger or smaller scale. These activities can not be separated one from the other.**

Please note that in the cause of transparency if respondents do not provide the above details about their organisations, then under Commission rules their responses will be recorded as responses of individuals.

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## **II. QUALITY IN THE ROAD HAULAGE SECTOR**

Economic efficiency, environmental sustainability and social fairness in the road freight transport sector are dependent on its quality.

Quality must be approached both from the levels of quality aspects and the availability of information about the actual quality levels (i.e. market transparency). Quality can relate, for example, to the service being offered to shippers (reliability, flexibility, security etc.), safety and environmental performance and working conditions.

Depending on the aspects, quality levels and transparency can be addressed by self regulation and/or regulations.

#### **II.1. Question:**

Which aspects of quality in the road haulage sector do you think should be improved?

**Answer (please tick as appropriate, you can select more than one answer):**

- Economic efficiency**
- Reliability**
- Flexibility**

- Safety
- Security
- Environmental performance
- Social fairness
- Other (please specify below)

Answer (free text):

**Reg.1071/2009 is the basis for economic performance of the sector road freight transport.**

**A harmonised implementation, application and enforcement of these rules is essential.**

**Economically efficient transport is the basis for ecologically efficient transport and for reduction of the carbon footprint. Existing legislation and every initiative for new legislation should be assessed on the basis of this principle. This means that issues like Cabotage, European Modular System, Lorry bans, the Directive on Combined Transport should be regarded that way.**

**Whereas the Reg. 1071/2009 gives the minimum requirements for quality in the profession, the Commission should promote the introduction of a Quality Label to be developed by transport associations. A Quality Label scheme should include regularly assessments of complying with technical, safety and social rules. These schemes may therefore be helpful in the development of intelligence led enforcement systems.**

**Introduction of ERRU not only presupposes a totally harmonised interpretation of the transport and social rules but also of the ERRU procedures themselves. Nowhere should be any ambiguity in the interpretation of these rules. If not, than this system, that basically can be very useful will lead to disaster. In general all efforts should be directed to more a harmonised implementation and enforcement of EU Transport legislation. The introduction of an “Enforcement Assessment” at the end of the legislative decision making procedure should be considered. Consultation platforms of industry en enforcement bodies could be helpful to reach this goal.**

**The White Paper considers modal shift not as an instrument to come to a more efficient transport system in Europe but as a goal in itself, whether the transport market is interested in it or not. Facilitating road freight transport in its efforts to come to a more economically/ecologically and CO2 efficient mode will deliver more results than an artificially wrought and semi-forced promotion of rail freight transport. Allocation of enormous funds for rail infrastructure for the future, leaves too little for necessary investments now in an outdated and totally inadequate road infrastructure.**

**Security in road freight transport is becoming an increasing threat. Transport companies already take measures to reduce the risk of becoming victim of transport crime. Member States however should become more aware of the threats of often internationally operating criminals. Cooperation between police forces and between police forces and industry should be stimulated. Member States should be compelled to furnish parking areas alongside infrastructure, certainly for infrastructure for which EU funds are allocated.**

**Supply chain standards offer solutions (examples given TAPA, AEO). New legislation is not needed. A risk based approach is recommended, instead of a “one for all” solution.**

**All proposed rules concerning taxation of or charging for CO<sub>2</sub>, external costs etc. should be applicable to all users of infrastructure and to modes of transport and all other industries. Only then the awareness of necessity and urgency will be raised.**

## **II.2. Question:**

Do you think that different quality aspects and different quality levels should apply in the cases of domestic transport, international transport and cabotage or other transport segments?

**Answer (please tick as appropriate):**

**Yes**

**No**

If yes, please specify which quality aspects and levels should be applied in each of these forms of transport?

**Answer (free text):**

## **II.3. Question:**

In order to improve transparency should there be recognised differentiated (i.e. higher and lower) levels of quality for each of the following categories: freight forwarders, hauliers and drivers?

**Answer (please tick as appropriate):**

**Yes**

**No**

If yes, please specify which quality aspects and levels should be applied for each of these actors?

**Answer (free text):**

#### II.4. Question:

If you answered yes to questions II.2 and II.3 then should the different aspects and levels of quality be implemented through:

**Answer (please tick as appropriate):**

- self-regulation and industry standards?
- legislation?
- a combination of the above two approaches?

For each aspect of quality that you named above please specify below.

**Answer (free text):**

**Regulations 1071/2009 and 1072/2009 provide the minimum qualitative requirements for access to the profession and to the market. Transport Associations should improve the quality of their membership by introducing Quality Labels on a voluntary basis. The Commission should stimulate the development of these quality systems in the sector. Certain advantages of having a quality label could be envisaged in respect to the enforcement of the transport and social legislation in the framework of “intelligence led enforcement”.**

#### II.5. Question:

Since there are rules setting out qualitative criteria applicable to hauliers and drivers, should there also be qualitative criteria for freight forwarders?

**Answer (please tick as appropriate):**

- Yes
- No

If yes, what should be the criteria for freight forwarders?

**Answer (free text):**

If no, do you consider that current rules relating to hauliers should be modified to take account of situations where the haulage operations of an individual company are less important than the freight forwarding and subcontracting operations?

**Answer (please tick as appropriate):**

- Yes
- No

If yes, in what way?

**Answer (free text):**

**The question is unclear.**

**Most freight forwarders have their own quality standards. Activities of malafide freight forwarders that pop up especially in economic hard times will never be stopped by qualitative requirements. It is the role of transport associations to warn their membership for malafide freight forwarders that then offer their services. Transport companies sometimes also act as freight forwarders. However in many more cases transport companies subcontract their operations to smaller companies or owner operators, for which these companies remain liable. These transport companies already meet the qualitative requirements for the access to the profession and market. The difference between “Freight-forwarding” and “Subcontracting” is not always crystal clear.**

## **II.6. Question:**

Do you consider that innovation and its deployment are currently inhibited in the road haulage sector?

**Answer (please tick as appropriate):**

**Yes**

**No**

If yes, what do you consider the major problems and what can be done to overcome them?

**Answer (free text):**

**At present the development of ITS and innovation are mainly market and technology driven. Numerous developments of new technologies and projects are executed. Most of them on a small geographical scale or on a specific technology, concept or business area. Combining the most promising or beneficial ideas for cooperative systems, open in vehicle platforms, onboard Human – machine interfaces, Electronic Road Tolling, Advanced driver assistance, E-freight and real time traffic and travel information is the challenge for the future.**

**The action plan for the deployment of ITS in Europe is a step in the right direction but considering the difficulties the EU is facing with the implementation of E-call it the question how the EU will organise this without delaying the deployment of ITS. Compared to other ITS developments E-call is a relatively simple concept.**

**Now technical innovation in the road transport sector is needed more than ever to reach the goal of 60% reduction of the carbon footprint. In that sense it is incomprehensible that after 20 years of practice in Sweden and Finland, positive experiences in the Netherlands and Denmark and after 2 positive studies (Leuven and JRC) the**

**Commission does not take steps to promote at least cross border trials with European Modular System (EMS) in Member States that are willing to do so. Only by trying out these combinations, their advantages can be experienced.**

**Aerodynamic appliances on lorries should never be fitted at the cost of payload capacity. Reduction of fuel consumption and CO2 emission will be lost because more vehicles are needed to carry the same load.**

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### **III. SOCIAL ISSUES AND ENFORCEMENT OF ROAD TRANSPORT RULES**

In order to maintain an efficient road transport system, jobs in the sector must remain attractive which implies the rewarding of higher qualifications and improved working conditions.

Moreover, fair competition and a level playing field for operators require more uniform national enforcement policies, of which dissuasive, effective and proportionate sanctions constitute an important element. In addition, all the actors throughout the transport chain must be committed to compliance with the rules.

#### **III.1. Question:**

Do you consider that there is a shortage of drivers in the road freight transport sector?

**Answer (please tick as appropriate):**

**Yes**

**No**

If yes, what do you think are the main reasons for the shortage of drivers?

**Answer (free text):**

**In general the road transport sector faces the same problem as any other sector, namely an increasing number of elderly and a decreasing number of young people. Extra and more specific for our sector is that women and people of certain ethnic backgrounds are not attracted to work the road transport sector.**

If yes, what actions do you think should be taken to improve the situation?

**Answer (free text):**

**A higher effort by Social Partners (employers and employees organisations) at a national level to promote the variety of jobs in the sector. For both low and high skilled people. They should especially take action to promote sector at schools and provide enough word/learning places.**

**Governments should financially support these young people because the road transport sector is the only sector where young coming professionals (drivers) are put up with enormous extra cost for obtaining their driving licences**

**The implementation of the EU driver Training Directive should leave more room for Member States to offer tailor made drivers' education on the basis of specific needs. Obligated training for all drivers at the same level is over the top and because of the costs could prevent people tot become or stay a lorry driver.**

### **III.2. Question:**

Do you think that certain jobs should be reserved for drivers with higher qualifications?

**Answer (please tick as appropriate):**

**Yes**

**No**

If yes, which jobs?

**Answer (free text):**

### **III.3. Question:**

Do you consider that enforcement practices are sufficiently harmonised across the EU?

**Answer (please tick as appropriate):**

**Yes**

**No**

If no, what are the main problems?

**Answer (free text):**

**See the attached file "Unreasonable fines concerning driving time and rest periods"**

**III.4. Question:**

In your opinion are sanctions and the levels of penalties sufficiently harmonised?

**Answer (please tick as appropriate):**

Yes

X  No

**III.5. Question:**

Do you consider that sanctions and penalties function as an effective deterrent against non compliance?

**Answer (please tick as appropriate):**

X  Yes, but only in case of effective and fair enforcement; not only in writing but also in practice

No

**III.6. Question:**

What are your recommendations to improve the current situation in terms of enforcement practices, sanctions and levels of penalties?

**Answer (free text):**

See the attached file “Unreasonable fines concerning driving time and rest periods”

**III.7. Question:**

Do you think that mechanisms should be introduced to engage the liability of shippers and freight forwarders for certain serious infringements by road hauliers and their drivers?

**Answer (please tick as appropriate):**

X  Yes

No

If yes, which mechanisms should be introduced and for which serious infringements?

**Answer (free text):**

Concrete implementation of the co-liability principle contained in Reg. 561/2006

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#### **IV. ROAD USER CHARGES AND DRIVING RESTRICTIONS**

Non discriminatory road pricing whereby vehicle operators pay a proportionate and fair price for using the road infrastructure independent of their country of establishment and the origin and destination of their load is an important element in ensuring fair competition in the internal market. In addition, variable road charges<sup>2</sup> can provide clear price signals to better manage traffic flows and create more resource-efficient and sustainable transport by reducing congestion and the environmental impact of road transport.

Today many fragmented national charging systems and policies exist in parallel that require hauliers engaged in international transport to purchase the Eurovignette, several national vignettes and various different electronic tags and on-board units to be able to drive unhindered on Europe's tolled roads.

While road user charging can improve the use of infrastructure, at the same time there are many restrictions that limit the flexibility of hauliers to operate during certain time periods such as during the night, over the weekend and over certain holiday periods. However, technological solutions exist to successfully address the concerns that originally prompted many of these restrictions. For example, urban delivery vehicles can be specified with very low noise emissions.

##### **IV.1. Question:**

Do you consider that the multiplicity of road charging systems in the EU represent a problem for the internal road haulage market?

**Answer (please tick as appropriate):**

- Yes**  
 **No**

If yes, what are the main problems?

**Answer (please tick as appropriate):**

- Insufficient interoperability of electronic tolls  
 Differences of charging principles  
 Others (please specify below)

**Answer (free text):**

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<sup>2</sup> Defined as toll in the legislation

**There is no EU-interoperability at all. Only a one-sided German/Austrian combination and a cooperation between Spanish and French road operators are in operation now. The European Commission should put more pressure on the Member States to overcome their industrial and commercial drawbacks and to come to an EETS system soon.**

**A true application of “the user pays” and “the polluter pays” principles should lead to a system in which every user of any infrastructure pays for the infrastructure costs (construction, maintenance and management) and for the external costs, according to the same principles. At present, such a system does not exist and road transport is charged ever more. This distorts competition between transport modes and leads to an inefficient use of (road)infrastructure.**

**Furthermore, the existence of half a dozen different charging systems leads to an enormous administrative burden. Moreover, the possible variations in charges within certain time frames as foreseen in the new Eurovignet directive make a proper costs calculation for operators nearly impossible.**

#### **IV.2. Question:**

Should existing taxes or charges like the annual vehicle tax and time-based road user charges (vignettes) or other taxes be replaced by distance based road user charges?

**Answer (please tick as appropriate):**

- Yes**  
 **No**

Please explain your position. If yes, what are the reasons? If no, what are the reasons:

**Answer (free text):**

**Distance based road user taxes form a more correct and fairer system for charging than time based or fixed charges. However a “variabilisation” should not lead to tax increases. Double taxing should be avoided.**

If you answered "yes" to question IV.2, should such a variable charge include:

**Answer (please tick as appropriate):**

- Infrastructure costs  
 Environmental costs like the costs of air and noise pollution  
 Congestion costs  
 Any other costs (**please specify below**)

**Answer (free text):**

**Lorries do not cause congestion but are victims of them. More than  $\frac{3}{4}$  of all congestion occurs during peak hours (DVS, 2009; 77,2%), when large numbers of passenger cars come onto the roads. Lorries will do anything to keep out of these periods, unless they are forced to, because of delivery time frames in cities. During public holidays lorries do not encounter any congestion except for touristic routes.**

**Other costs, such as costs of accidents or costs of climate change, should not be included in a kilometre charge. Insurance premiums are supposed to cover the costs of hospitalization of victims of traffic accidents. If these premiums are not covering all costs than these should be increased. No tax should be introduced where an insurance system has the same effect.**

**The costs of climate change should be internalised via fuel taxes. Fuel duties must be related to the CO<sub>2</sub>-content of the fuel. A fixed km. charge does not offer adequate stimuli to decrease CO<sub>2</sub>-emissions.**

#### **IV.3. Question:**

While road user charging can improve the use of infrastructure, do you agree that measures enabling a 24 hour use of infrastructure could be investigated as another means for achieving an efficient use of infrastructure?

**Answer (please tick as appropriate):**

**Yes**

**No**

**Please explain if appropriate (free text):**

**The transport optimum is to use man, vehicle and infrastructure as efficient as possible. In average, road infrastructure is used only 10 hours per day. A better use of the night will improve transport efficiency. Noise reduction has improved considerably. Techniques for low-noise unloading in city centres are available; enabling night city distribution of goods. Lorry bans on night-driving and night time taxation should be lifted, certainly on TEN-T.**

**In general a better use should be made of infrastructure by lifting lorry bans as long as there is no appropriate justification for it and to prevent the introduction of new ones, to start with TEN-T.**

**Force every Member State that has weekend or holiday lorry bans to provide ample secure parking areas.**

## V. CABOTAGE

The current EU cabotage rules entitle road hauliers to carry out up to 3 cabotage operations within 7 days after the full unloading of an international transport. One or more of these 3 operations may be carried out in other Member States (one per Member State within 3 days from the unladen entry into the territory of that Member State).

While giving more flexibility for international transport than previous rules, the current rules were conceived as a transitional step towards a more integrated internal market. They do not differentiate according to any quality criteria related to the operator, the driver or the vehicle contrary to existing schemes that promote higher quality transport (such as the ECMT licensing<sup>3</sup> system which rewards operators using greener and safer vehicles with up to 10 times more licences). Moreover questions as to the proper enforcement of the current rules may arise.

### V.1. Question:

Has the change in cabotage rules introduced in May 2010 been valuable to you?

**Answer (please tick as appropriate):**

Yes

No

If no, please explain why.

**Answer (free text):**

**Although TLN certainly understands the purpose of the change in cabotage rules (a clear EU definition on cabotage instead of different Member States' interpretations concerning "temporarily") the change has caused a huge set back in transport efficiency, environmental achievements and also politically seen a step back in the creation and functioning of the internal market. Instead of fulfilling the final step in the liberalization process, the EU sets a step back by limiting cabotage.**

### V.2. Question:

Do you think that the controls aimed at ensuring compliance with the current cabotage rules are effective?

**Answer (please tick as appropriate):**

Yes

No

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<sup>3</sup> ECMT licences are multilateral licences for the international carriage of goods by road for hire or reward by transport undertakings established in an OECD/ITF member country.

If no, please give reasons and your opinion how the controls can be improved.

**Answer (free text):**

**Although the European Commission has strived to realize a clear definition on cabotage, TLN notices that in practice different interpretations within Member States still exist on the definition of a cabotage operation. For example, groupage transport lacks a clear definition: Denmark states that a cabotage operation can consist either of several loading point or several unloading points. France states that cabotage must be restricted to 1 loading place and 1 unloading place. The Netherlands considers groupage as a kind of transport where, due to the nature of groupage, there can be more loading and unloading points.**

**These different interpretations lead to difficulties in control practice as operators, despite a common definition, have to deal with individual Member State views on cabotage operations.**

**V.3. Question:**

In your opinion do the current rules on cabotage limit the flexibility of hauliers and hence their efficiency?

**Answer (please tick as appropriate):**

**Yes**

**No**

**V.4. Question:**

If you answered “yes” to the above question, then what changes should be made to the current cabotage rules in order to further the use of cabotage? You may select more than one answer.

**Answer (please tick as appropriate):**

Remove the link between international transport and cabotage

Remove the need for the completion of the international transport operation (full unloading) before the cabotage operations can start

Increase the limit of seven days within which the cabotage operations have to be carried out

Increase the maximum number of cabotage operations (3) that can be carried out within the 7 day period

Increase the limit of one cabotage operation that can be carried out in countries other than the one where the international transport operation was completed

Increase the limit of 3 days to carry out the permitted cabotage operation after the unladen entry into a Member State

Other. **Please explain below**

**Explanation (free text):**

**In general**

TLN favors free cabotage as it leads to maximum efficiency, less empty kilometers and really creates an internal EU market as has been foreseen for many years. This is why we have selected each possible answer. However, as this is politically a bridge too far yet, TLN would like to introduce a step by step liberalization process by increasing the maximum number of cabotage operations yearly:

- 3 operations in 2010/2011
- 5 operations in 2012
- 7 operations in 2013
- 9 operations in 2014
- free cabotage in 2015

**or**

Introduce for a transport operator located in a frontier area a free cabotage in a circle of say 150 km around the establishment of the company. The main problem for these companies is the requirement of an incoming laden international trip. Since border-area transport is just regional transport, the requirement that the lorry should be laden is an obstacle. Most times the shipper is located just a few kilometers away from the operator's location.

**More specific**

Specialised transports and empty running should be made possible: According to the new cabotage regime a haulier can only start cabotage after entering the Member State with a laden vehicle and the goods carried in the course of the incoming cross-border transport have been delivered. Here entrepreneurs face in practice difficulties with specialized transports, like milk transport, transport of abnormal loads, cattle transport, removals and cross border transports with Germany. Due to the fact that either the load or the vehicle itself is not common standard, empty running across the border cannot be avoided. As a result of the nature of these transports, the changes in the cabotage regime mean that they are almost exempted from cabotage.

Cabotage transports after empty running in the border region: operators with a business presence close to border-crossings often have their loading place just across the border. Although the stretch from company to place of loading is negligible, cabotage transports are forbidden, because the vehicle crossed the border empty. Here the cabotage changes have also lead to a deep negative impact on companies, because due to their geographic location these companies are de facto exempted from participation in the new cabotage regime.

**Project based transports**

**There are companies in EU who do not only offer transport services but offer a total logistic concept, where the actual transport is only a small part of the service. This is especially the case in so called project based logistic concepts, where, within a certain timeframe, a logistical operation needs to be taken care of. Part of the contract is the transport of the goods in the country where the project has to be executed.**

**For example: a company is specialized in building and transporting wind turbines within a certain time period. These wind turbines have to be built up in a Member State and it takes a few weeks to fulfil the project. The company handles the total project, so not only the transport by road, but also by ship and train (parts of the wind turbine come from various countries) and they also deliver the know-how, the construction, the right cranes and the calculation of the total project. The transport by land of the wind turbines is only part of the total project.**

**Due to the new cabotage rules, the company cannot execute the domestic transports in this Member State, because it's either an empty cross border running or more than 3 cabotage transports have to be made in 7 days.**

**However, the company is contractually bound to deliver the total logistical concept and it is not possible to just isolate the transport component and hand it over to another local contractor, who is not only not involved in the project, but also lacks the necessary knowledge and equipment.**

**TLN's view is that project based transports which take place in a certain time frame are either to be exempted from the cabotage regime or the conditions should be made more flexible in order to offer full range services. Projects like this do not lead to any distortion in the market and unfair competition at all. Quite the contrary: they improve the functioning of the internal market.**

**V.5. Question:**

As an alternative to the current cabotage rules do you think that the entitlement for hauliers to carry out cabotage could be determined as a maximum percentage of their total annual transport performance?

**Answer (please tick as appropriate):**

**Yes**

**No**

**V.6. Question:**

As an additional or alternative criterion, should vehicle, driver and operator quality be a factor in cabotage rules?

**Answer (please tick as appropriate):**

**Yes**

**No**

If yes, which aspects of quality for the vehicles, drivers and operators should be considered?  
Please select as appropriate. You may select more than one option.

*Vehicle*

- Use only vehicles that meet the latest applicable EURO standard
- Install satellite positioning (e.g. GPS, EGNOS, later Galileo) units specifically designed for trucks in their vehicle to prevent the use of roads that are unsuitable for heavy goods vehicles
- Install tracking and tracing functionality into their vehicles to allow easier enforcement and compliance monitoring by control authorities
- Install (when available) integrated Intelligent Transport System (ITS) applications
- Other criteria (**please specify below**)

**Other criteria (free text):**

*Driver*

- Driver qualifications (e.g. ecodriving)
- Other criteria (**please specify below**)

**Other criteria (free text):**

*Operator*

- Whether the operator signs up to a "Social Code" on the minimum pay and other relevant working conditions for their drivers
- Whether cabotage operations are carried out only during non congested time periods
- Whether the operator enters into a commitment to improve the CO2 efficiency of their transport operations by an agreed percentage
- Other criteria (**please specify below**)

**Other criteria (free text):**

## **VI. OTHER QUESTIONS**

### **VI.1. Question:**

Do you have any other comments or suggestions which you consider should be taken into account during the revision of the European legislation concerning the road haulage sector?

**Answer (free text):**

- **Make a real step towards interoperability; now that many countries have introduced individual charging systems and as a result each Member State has its own “on board unit”.**
- **Allow cross-border transports with EMS under the prerequisite that road infrastructure is suitable for using EMS.**
- **Create a network of rail freight corridors in the EU like the Betuwe line in The Netherlands**
- **Create a single enforcement model with harmonized practices and interpretations of road transport legislation and consequently aligned penalties that are fair and proportionate**
- **Abolish transport laws which lead only to administrative burden and do not contribute to goals like improving road safety, better social conditions, more efficient transport. E.g. example: the working time directive, the posting directive**

### **VI.2. Question:**

Do you agree that the Commission publishes your response?

**Answer (please tick as appropriate):**

**Yes**

**No**