

## 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):**

**684985491-01**

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

What is the name of the organisation or authority?

**Answer (free text):**

**CLECAT – European association for forwarding, transport, logistic and customs services**

#### 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):

**CLECAT represents the interests of 27 national organisations of European freight related service providers. Multinational, medium and small freight forwarders and Customs agents are all part of CLECAT's structures, thus making it the most representative structure of its kind. We are active on all legislative procedures in the field of logistics, all modes of transport, environment, Customs and indirect taxation.**

**CLECAT promotes the activity and defends the interests of our members in connection with a large number of institutional and non-institutional counterparts. We have a voice where a regulatory environment concerning transport formalities and transport modes is created, in the intent of securing a uniform and seamless environment, where cargo can move freely and securely for the benefit of the whole international trade, with due respect to issues such as security and environment.**

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):**

Despite the high level of service that road transport offers when compared to other modes of transport, where quality is certainly lower, e.g. rail freight, all aspects of quality can still be improved in the road haulage sector (as well as in other transport modes). The freight sector cannot stay inactive and must continuously look for improvement in all quality aspects in order to meet the increasing demand for transport and to face the environmental challenges that are more and more cumbersome for the sector.

Another point we would like to raise concerning the quality of services on the road is that a certain lack of knowledge and information about potential road transport alternatives and their benefits represent an obstacle for shippers and forwarders to develop efficient and environmentally friendly transport chains. This is one of the issues will be addressed during our next Freight Forwarder's conference on 17 November 2011, which will have the following overarching theme: "Facilitation and Compliance". Intuitively compliance with road transport regulations should also increase the level of facilitation.

## 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):**

**CLECAT favours the setting up of harmonised quality aspects for domestic transport, international transport, fully liberalised cabotage throughout the European Union being an instrument that may enable reaching certain quality standard more uniformly within the EU.**

## 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):**

**Please avoid confusing Freight Forwarders, hauliers and road transport services. Freight Forwarders are agents or contractual carriers that use all transport modes and are not confined to road transport.**

**Each category of service providers may wish to adopt its own quality performance indicators, such indicators will not be the same for different kind of services, but performance indicators may have to deal with concepts such as: economic efficiency, , punctuality, reliability, flexibility, safety, security, sustainability, environmental performance, compliance with social, regulatory and environmental rules,**

#### 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):**

**Quality is not an element that can be imposed on business. Market forces are generally able to set the quality level suited to the contractual requirements involved, provided they are given the opportunity to exploit their potential. This has not been the case so far, as road transport has been certainly heavily overregulated. The best approach would therefore consist in self-regulation/industry standards.**

#### 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):**

**This is a badly phrased question that can only stem from the ignorance of the difference between road hauliers and the freight forwarding business. Freight forwarders utilise the entire and complex logistic infrastructure with a totally unprejudiced and cost-efficient approach and market forces are generally able to set the quality level suited to the contractual requirements involved. Road hauliers are confined in their asset based environment and cannot see the entire supply chain, unless their business evolves into the more complex world of freight forwarding.**

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):**

**Freight forwarding is not about subcontracting, it is about organising. Road hauliers may be subcontractors of freight forwarders, but they may also act independently. Freight forwarders control only about half of EU road freight, which means that means another half is independently managed. In this segment that can be a series of hauliers subcontracting with one another, yet they have nothing to do with freight forwarding as the line is only a sequence of contractor subcontractor and not the network of service providers organised by a freight forwarder.**

## **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):**

**The road haulage sector should be allowed to improve itself and to deploy innovative tools just like in any other transport modes, in accordance with the principle of co-modality (optimised use of all transport modes). The demand for transport will inevitably increase in the future and the road sector must prepare itself to response this demand whilst at the same time meeting the environmental targets. Innovation is inhibited a number of problems that are either due to excessive regulation or insufficient market opening.**

**The EU should promote better transport in future, rather than less transport; it is the reason why the Commission should support on-going business initiatives consisting of pilot and concept projects aiming at attracting companies to reasonable and short-term efficient business models.**

**As an example of what could be done, CLECAT believes that the Commission should support the European Modular System (EMS) which provides the possibility to use**

**longer and potentially heavier vehicles, by combining existing regulated “modules” to be used on a dedicated road network considering local infrastructures and business situations. The EMS concept is easy to implement and would allow considerable savings in terms of emissions and capacity. There is no scientific evidence (actually the contrary) that the EMS is more dangerous or infrastructure intensive than what is caused by vehicles circulating at present.**

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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):**

**CLECAT wants to highlight in particular the shortage of skilled drivers who have the ability to perform their job in accordance the latest EU legislation (for instance drivers who can perfectly use technology like digital tachographs and who are sufficiently aware about driving methods like eco-driving).**

**The shortage of drivers is generally is due to the inability to attract the latest generations of young professionals in the road haulage sector.**

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

**Answer (free text):**

**There are actions that could be carried out in order to improve the working conditions of professional drivers and to make the profession more attractive. One could think about further developing the access to training and development of new skills for drivers, or about creating safe truck parking places for professional drivers.**

**CLECAT also believes that free and unrestricted cabotage would lead to an increased efficiency in road transport's resource allocation, and therefore would have a positive impact on the shortage of professional drivers in the EU. The wide adoption of EMS may also contribute to alleviating the problem.**

### **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):**

**Certain jobs should be reserved for drivers with higher qualifications because improved systems (technology, driving methods, dangerous goods, etc...) will fail to function to their full capacity without properly trained staff or be actually dangerous. One should think for instance about the investment made for developing low-noise trucks for urban delivery at night. Without a driver who is also trained to perform a quiet delivery operation, a lot of money and time may be invested for developing quiet vehicles without a low-noise delivery operation performed in the end.**

### **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):**

**There is a lack of political initiative from the Commission and Member States to tackle the issue of harmonising enforcement practices across the EU. CLECAT believes that the first step could be the creation of an EU common platform to check and record data about infringements of EU transport companies. The database gathering all registered road companies that is mentioned in the Regulation on access to the condition of road transport operators (Regulation (EC) No 1071/2009) would be a useful instrument to start creating this platform. CLECAT also supports the categorisation at EU level of the sanctions for infringement against social rules, and finally encourage Member States to provide their respective police authorities with a list of transport companies that are subject to repetitive infringements.**

**III.4. Question:**

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

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

Yes

No

**III.5. Question:**

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

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

Yes

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):**

**Part of our reply can be consulted in our reply to question III.4.**

Concerning question III.5, CLECAT believes that sanctions and penalties is not enough to ensure compliance with EU law. Suitable working conditions must be there for companies and drivers to be able to respect the law, and this is not the case today. For instance, it is vital that Member States maintain a reasonable number of safe parking areas within their territory, so that professional drivers can apply and respect social rules concerning working time and resting period. For the moment, it is difficult or impossible to do it in the absence or penury of parking areas. Actually existing parking areas on motorways are being closed by concessionaries who prefer to close the parking areas rather than provide for its maintenance. Another example is the poor harmonisation of road signs and speed limits which can act to reduce the likelihood for professional drivers to unintentionally violate rules<sup>2</sup>. Sometimes speed limits are completely irrational (too slow or too fast) and may induce confusion. Speed limits' objective should be to protect the lives of those who are on the road, not to appease the anxiety of those who place them.

### 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):

Yes

No

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

Answer (free text):

Some responsibility inevitably lies on freight forwarders, when acting as principals, and on shippers with regards to road hauliers. In particular they have to provide complete and accurate information about the load, its nature, weight and volume and any special requirement. Even if shippers' instructions may be stringent or even excessive at times, it is never true that the driver should accept them. A well informed driver is the best cure to any kind of exaggeration. The haulier who is not happy with the shippers' instructions can object to them, according to the CMR convention, and at the end of the day may refuse to carry the load if the conditions are not fair.

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<sup>2</sup> This position is not shared by our German member DSLV, who is not in favour of a harmonisation of speed limits in the EU

#### 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>3</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):**

**The multiplicity of road charging systems represents a problem for the road haulage market because it does not represent the fairest and most transparent method. During the legislative debate on Eurovignette, CLECAT continuously called for the setting up of an interoperable system for charging in Europe. In this respect, we strongly support the**

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<sup>3</sup> Defined as toll in the legislation

**rapid implementation of Directive 2004/52/EC on the interoperability of electronic road toll systems in Europe: the earlier harmonisation is reached the better.**

**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):**

**Instead of abolishing time-based charges, it may be perhaps better to allow time-based and distance-based to co-exist, so they can be used according to different requirements. CLECAT therefore believes that for the moment, a combination of time-based user charging systems and distance-based charging system should be set up with a view to greater efficiency in the use of infrastructure. Distance based charging is best suited to occasional driving and private use, whilst time based charging is best suited to professional driving. In such a system each operator could choose the system that is best suited to its needs. A regular road user may find it more convenient to by a yearly subscription that can be spread over a large number of transport legs. Unfortunately the EU transport policy is designed in the opposite way: it seriously penalises the professional users, whilst it creates the possibility of private users to pay little or nothing at all.**

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):**

**Existing charges should be re-calculated and deducted from the resulting infrastructure charging, not squarely added on top.**

### 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):**

**Clecat Members would favour any measure that allows for greater efficiency in the use of infrastructure. This being said, such measures would have to respond to a market demand and be economically interesting for the provider of the service. An impact assessment and the development of business models would be needed before setting up these kinds of measures.**

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## 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>4</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.

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<sup>4</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.

**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):**

**According to CLECAT, the rules that were introduced with the new regulation on cabotage represented a step forward. Thus, even if these rules currently prevent the full completion of the internal market in road transport, our members can live with this compromise until 2014. After 2014, CLECAT expects a full liberalisation of cabotage operations which would allow for more dynamism and flexibility in addressing market demand<sup>5</sup>. The final liberalisation of cabotage may also significantly contribute to the approximation of the market conditions in different Members States,**

**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

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

**Answer (free text):**

**Controls for cabotage are certainly not effective as they are currently only implemented in some areas of the EU. In other areas no controls exist at all. This is not acceptable as a minimum level of controls plays an important role in safeguarding fair competition, which is the reason why we need a more enhanced cooperation between Member States on this issue. Excessive controls have no other result than driving traffic away from the countries that are perceived as “restrictive”.**

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<sup>5</sup> This position is not shared by our German member DSLV, who is of the opinion that free and unrestricted cabotage by 2014 would be too early.

**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<sup>6</sup>
- 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):**

**CLECAT believes what is needed is free and unrestricted cabotage within the EU. This would allow for optimised efficiency in international road transport operations and would also be accompanied with a reduction of empty runs. The legislative procedure that led to Regulation 2009/1072 already represented a missed opportunity to remove the rules that create restrictions for cabotage operations. We urge the Commission to take a clear stand now in favour of full and unrestricted cabotage all over the EU, at**

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<sup>6</sup> This position is not shared by our German member DSLV, who is of the opinion that it would be more efficient to remove the need for the completion of the international transport operation (full unloading) before the cabotage operations can start.

**least by 2014. Considering normal legislative processes the best that the Commission may do in this regards is to actually do nothing. Whatever is done now may only hamper the abatement of cabotage rules by 2014, which is already achieved.**

**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):**

**The Commission should not propose more restrictive measures that would prevent the optimised efficiency in international road transport operations. What is needed is free and unrestricted cabotage in the EU. Considering the number of initiatives that should be taken to liberalise road, rail, IWT and air transport, one wonders where such a stubborn interest on cabotage rules may come from.**

*Driver*

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

**Other criteria (free text):**

**The Commission should not propose more restrictive measures that would prevent the optimised efficiency in international road transport operations. What is needed is free and unrestricted cabotage in the EU.**

*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):**

**The Commission should not propose more restrictive measures that would prevent the optimised efficiency in international road transport operations. What is needed is free and unrestricted cabotage in the EU.**

**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):**

**CLECAT thanks the European Commission for organising a stakeholder hearing on 6 October 2011 specifically organised for shippers and freight forwarders. It will be the opportunity for us to discuss the points we outlined in this consultation and to expand on them.**

**VI.2. Question:**

Do you agree that the Commission publishes your response?

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

**Yes**

**No**