

CONSULTATION PAPER

REVIEW OF THE INTERNAL MARKET IN ROAD FREIGHT TRANSPORT

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

Answer (please tick as appropriate):

- ☒ Yes
- ☐ No

If yes, please indicate the identification number

Answer (free text):

48544465107-88

I.3. Question:

What is the name of the organisation or authority?

Answer (free text):

Deutsche Post DHL

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**
- ☒ **Express**
- ☒ **Mail**
- ☒ **Supply Chain**

Answer (free text):

On the first half of 2011, the relative importance of each business division of Deutsche Post DHL was as follows (in revenue): 25.7% for mail, 21.9% for express, 28% for Global forwarding and road freight and 24.7% for supply chain.

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.

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 (secure parking)
- ☒ Environmental performance
- ☐ Social fairness
- ☒ Other (please specify below)

Answer (free text):

Road freight transport is a highly competitive market giving reliable and flexible services. Most of the rules applicable to road freight transport are already largely harmonized in the EU creating a fair level playing field among the different actors of the sector.

The recent implementation of Regulation (EC) No 1071/2009 should make the conditions of access to the market stricter and avoid national differences creating unfair competition. As for the social rules applicable to road transport, in particular the working time and resting and driving time rules, it will be, however, critical to ensure a prompt and harmonized enforcement of those rules by the EU Member States.

Flexibility could even be improved if the restrictions for cabotage would be lifted. It would allow a more efficient use of the trucks. However, the real impact on cabotage liberalization to reduce the number of trucks running empty (about 25% to 30% according to Eurostat) is difficult to assess. The new rules for cabotage (3 movements in 7 days) have had an impact on the market even though the share of cabotage compared to domestic and international transports remains marginal. There is, however, a distinction to make between market distortion created by a carrier which bases trucks from low cost countries on a permanent basis in an other country, which is a perverse effect of the regulation, and unfair competition, i.e. social dumping, which must be combated by a better enforcement of the cabotage and social rules. Furthermore, it is not acceptable that in some countries complex local regulations have been introduced on top of the EU regulation that virtually makes it impossible for a transit carrier to undertake ad-hoc movements enroute back to origin country. Those local restrictions include tax registration, fiscal declarations, pre-announcement of truck numbers etc. Those vicious measures restrict expansion of cabotage and the optimisation of the carrier fleets.

Electric vehicles may be up to 3 or 4 times more expensive than regular vehicles, which considerably limits their rapid deployment and positive impact on the environment. Internal business case calculations show that the additional technology cost of an electric vehicle for logistics services should not be much more than €7,000 (all inclusive), otherwise the fuel consumption savings will not offset the investment. Manufacturers in particular need to find a way to tailor these technologies to generate market demand. Environmental performance of road transport could, therefore, be improved by granting incentives at both EU and national level for applications, technologies and solutions that enable a reduction in energy consumption but cost more than conventional alternatives. For road transport, this should be designed to stimulate investment in EURO VI vehicles, aerodynamics features for vehicles, dual fuel technology (diesel/gas combination), ITS devices, eco-driving and electric and hybrid trucks and vans. Incentives can be both financial (for example, credits with low interest

rate or subsidies) and in-kind (for example, allowing the use of bus lanes for energy efficient vehicles).

Research for developing the next generation of vehicles should pay as much attention to HDV as to LDV. Today, most of the projects concern LDV. In partnership with the manufacturer Volvo Trucks, DHL is trialing the world's first 18-ton hybrid distribution truck, which could achieve up to 15% in fuel savings. Powered by an electric motor and a diesel engine, which can be used separately or together, the hybrid vehicle will enable reduced fuel consumption, lower emissions and lower noise levels.

There is also a need to calculate the carbon footprint of the hauliers to enable benchmarking and create an emulation for greener transport processes on the market. A neutral platform should be created in Europe following the US model "SmartWay".

Security is a problem for the sector especially during resting time at parking. There should be a network of secured parking all over the EU. No new security certificate is necessary when AEO aims to ensure security for the entire supply chain. Creating additional security certifications for the road transport sector would only increase the administrative burdens while duplicating the AEO certification. In order to promote AEO certification among SMEs and secure the sector more benefits should be linked to the AEO status.

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):

Our experience shows that there is a lack of drivers with acceptable knowledge of legal requirements and traffic regulations. Even local knowledge and language skills are often missing.

Freight forwarders, hauliers and drivers should have different quality performance indicators reflecting their business activity.

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):

Regarding the quality of the drivers, experience shows that self regulations lead to lower levels, mostly caused by economic reasons or indifference.

For hauliers and freight forwarders self-regulation and industry standards are more appropriate.

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):

It could be interesting to create appropriate qualitative criteria for freight forwarders taking into account the specificities of the freight forwarding business model in order to create an adequate, transparent and harmonised playing field.

This should only be done after comprehensive debate with the industry.

It is more appropriate to introduce qualitative criteria via industry standards. For instance, best practices on sustainable logistics and urban freight delivery could be promoted within the industry.

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):

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):

As explained on question II.1, incentives could play an important role in the deployment of innovations for a more efficient and sustainable road haulage sector.

Research projects on greener vehicles and technologies for road transport should better collaborate with the end users for making reality checks and testing prototypes at each phase of the projects in order to ensure quicker deployment on the market.

A flexible and pragmatic approach to vehicle dimensions could increase the sustainability of road transport mainly by increasing the loading factor. In full respect of the road safety obligations and when the infrastructure is adequate (e.g. height of the bridges), the European Modular System and higher trailers should, for instance, be allowed. The use of Longer and Heavier Vehicles (LHVs) increases road transport's environmental performance while at the same time supporting logistics efficiency and competitiveness. Furthermore, the wider introduction of LHVs in cross-border logistics operations in Europe (first among EU Member States accepting LHVs on their domestic market) would help operators and customers alike, optimizing the use of trucks and

trailers, road infrastructure capacity, and integration with rail, air, inland and short-sea shipping for door-to-door total logistics solutions.

In general, there should be a flexible approach to vehicle dimensions in height, weight and length provided that the infrastructure is adequate and that there is no specific road safety issue. On the contrary as it is currently debated, for instance, restricting to 4 metres the height of the trailers in the EU would increase overall vehicle mileage, haulage costs and carbon emissions in the EU Member States where higher trailers are currently allowed (especially the UK). This measure would result of lower load fill levels, particularly for the inter-depot trunking operations of retailers, parcel and pallet network operators, and manufacturers of high volume, low density production. Flexibility in vehicle dimensions should also apply for allowing aerodynamic devices saving fuels and emissions.

Especially for city logistics, traffic management communication technology should be promoted to enable improved interactive communication with municipal traffic directing centres. As an example of this, delivery vans and small trucks could be allowed to register for using specific loading zones. Systems could be developed that allow vehicles to react to sudden congestion situations. This could be made possible through the concerted linkage of new vehicular technologies with innovative approaches in logistics and traffic management. Interoperability of ICT applications and ITS should be ensured in order to avoid new national and even local trade barriers due to the multiplication of technology standards unable to communicate with each other.

Innovations for urban freight delivery models should be encouraged and funded by local and/or regional authorities. Urban freight mobility plan should be implemented by the biggest EU cities/regions after a prior impact assessment and after consultation with all stakeholders. A good coordination of urban freight transport policies in a same region and the respect of guidance materials for implementing and assessing city logistics plans are strongly encouraged. It would avoid the multiplication of divergent local city access restriction rules in a same region creating new trade barriers at local level.

Local authorities should think city logistics and urban planning together. It would secure sufficient loading and unloading areas in the city centers. Urban consolidation center offers the solution to consolidate the freight transport (so not for mail and express already largely consolidated) of different industries and business owners outside the city center to maximize the utilization of vehicles, thereby reducing the amount of inner-city goods transport. With Bristol Consolidation Center, for instance, 76% of delivery trips and 264,000 vehicle kms were saved while improving service and cost for customers. To cope with the boom of parcel deliveries with e-Commerce sales, possible solutions are pick-up and drop-off points for documents/parcels located at central locations such as metro stations and malls, which could even be shared between several mail and express service providers.

A further innovative city logistics solution is to switch freight transport to night time when traffic volumes are low. Major barriers are, first, that stores and warehouses are closed at night and no-one can receive the delivery. This could be overcome by giving logistics providers full access to store premises, having special delivery points within the stores or having security personnel overseeing the deliveries. In China, DHL staff already have access to *Starbucks* stores in order to deliver supplies directly to the sales floor during the night. A second barrier is the noise due to the transport vehicles and the unloading. The first of these could be solved by vehicles that are quieter than

conventional trucks (e.g., electric vehicles); low-noise fork-lifters are also available to reduce the noise caused by unloading.

There are also some regulatory obstacles to the development of greener vehicles. For instance, due the weight of the batteries very often electric vans are heavier than 3.5t. The driver is then obliged to get a specific training to hold a truck driving licence while there is no road safety reason to justify it for the pick-up and deliveries operations in city centers. This creates problems to recruit qualified drivers. Exemptions and/or revision of the legislation are required to remove those regulatory burdens.

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):

The profession is not very attractive for young people due to its constraints, especially the fact that some drivers are away from home during consecutive days and even weekends.

The military service was the occasion for young men to be trained to drive HDV. The end of the obligatory military service in many EU Member States have reduced the number of potential qualified professional truck drivers available on the market.

The high failure rate in the sector generates low job security. There is also an overall erosion of the purchasing power of the drivers in the EU.

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

Answer (free text):

Lifting night and week-end bans (for instance outside holidays periods from Saturday morning to Sunday 4pm) could avoid drivers to waist time waiting on parking while making the sector more efficient and reducing traffic for the other days of the week and periods of the day.

Further measures could be allowing subsidies for obtaining HDV licenses, liberalizing totally cabotage and using European Modular System for cross-border operations. More intermodal transport for long distance transport would also enable to use scarce driver pool only for last mile, i.e. a day job for driver from 6:00 to 16:00.

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):

It is already the case for certain drivers such as tanker drivers who all need to pass specific test to obtain a licence to accept these loads.

Using low-noise trucks for urban delivery at night already required specific training.

European Modular Systems and special aerodynamic trucks also require specific training of the drivers.

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):

A Report of the Commission of 15 May 2009 revealed great variety of penalties applied by the EU Member States to serious infringements against Regulation 561/2006/EC on

the resting and driving times and Regulation 3821/85/EC on tachographs (cf. COM(2009) 225 final).

In view of the conclusions of the report and in respect of the principle of subsidiarity, further harmonization of the penalties regime should, in principle, be supported as regards the types of sanctions, the level of fines and the categorization of infringements. This should bring legal certainty for undertakings and fairer competition between undertakings. The penalties should be effective, proportionate and dissuasive. Furthermore, non-discriminatory enforcement of harmonized rules instead of further regulation (such as protectionist measures, i.e. on road cabotage) would be the best European solution to this issue and would have positive effects for the sector.

The lack of a detailed knowledge of the legal requirements by the local police or national authorities create also confusion and enforcement problems.

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):

In general, we would like to refer to the European Parliament resolution of 18 May 2010 on penalties for serious infringements against the social rules in road transport (2009/2154(INI)).

An initiative to further harmonize the penalties regime for the social rules on road transport should take into account Directive 2009/5/EC introducing Community guidelines on a common range of infringements against Regulation 561/2006/EC and

Regulation 3821/85/EC, divided into categories according to their gravity (very serious infringement, serious infringement and minor infringement), and Regulation 1071/2009/EC establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator.

Considering that Regulation 1071/2009/EC provides for a categorization of the infringements against the social rules of road transport, this should be consistent with the existing guidelines provided by Directive 2009/5/EC.

Furthermore, the network of national electronic registers, including number, category and type of serious infringement per undertaking, should be used by national competent authorities to identify undertakings of higher risk for road safety. Considering the limited resources of Member State, roadside checks should in practice primarily focus on undertakings having serious infringement(s) recorded. Having in practice less checks for social rules compliance could be an incentive for undertakings to keep a clean record.

In general, the implementation of Regulation 1071/2009/EC seems to give a possible framework for a better coordination and coherence between Member States regarding infringements against social rules of road transport. It could implement the exchange of information requirement provided in Article 8 of Directive 2006/22/EC on minimum conditions for the implementation social legislation relating to road transport activities.

Besides the above considerations, the following actions would contribute to decrease the number of infringements against the social rules of road transport:

- Infringements against the resting and driving time rules are sometimes due to the fact that there are no adequate truck parking to stop. In addition to several projects to increase and label truck parking (e.g. SETPOS, LABEL), an updated and easy-to-read map of truck parking in the EU 27 (plus Switzerland and EFTA countries) would help the truck drivers to decide where to stop in order to respect the driving and resting time rules.
- If the truck drivers would have a complete and easy accessible information on the resting and driving time rules, this could improve the compliance to those rules and thus decrease the number of infringements. A short and reader-friendly leaflet should be drafted to explain the resting and driving times rules. The leaflet should be available in all European languages plus further ones like Russian and Ukrainian. The leaflet should be distributed widely to road transport undertakings. The leaflet could also contain recommendations to comply with the rules (e.g. check the available truck parking on the route before departure and plan your journey accordingly). Information about the sanctions related to the infringements of the rules should also be included.
- Congestion also causes non intentional infringements against social rules. ITS could in this respect enable truck driver to better respect social rules by providing them real time traffic data. ITS could also provide real time data related to the available parking spaces on a truck parking. Knowing these data, the truck driver can better plan when to stop to respect the social rules. The future revision of the technical standards for the

tachograph could provide for these ITS application. Fast progress should be done in the adoption and implementation of the EU's ITS framework. However, ITS application must be affordable, efficient and fast implemented in a inter-operable fashion.

- In accordance with Articles 13 and 11 of Directive 2006/22/EC the Commission should create a formal cooperation framework enabling the enforcement authorities to discuss, benchmark and exchange best practices regarding the implementation of Directive 2006/22/EC and the compliance of the social rules in road transport. This should promote an harmonization of the penalties imposed within the EU. At the same time, the Commission should take measures to facilitate dialogue between the transport sector and enforcement authorities.
- The polices or the national enforcement authorities should be better trained about the social rules to identify the breaches in a consistent way across of the EU.

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):

Many EU Member States already treat the responsibilities and duty of care for a freight forwarder as equal to that of a haulier, i.e. freight forwarder can be held liable for actions of the haulier if they were complicit in or aware of the actions. For instance in case of breach of the drivers' hours rules, non-declaration of hazardous goods, social dumping, infringements of cabotage restrictions, etc.

According to the CMR convention, the haulier can always refuse the conditions of the shipper if they are too stringent.

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 charges¹ 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 implementation without delay of interoperable electronic systems for collecting charges is a prerequisite in order to avoid disruption to the free flow of goods, creation of new trade, technical and administrative barriers within the Single Market. It will also prevent adverse effects on the local environment caused by queues at toll barriers. If no electronic charging systems are used, variations in time and place cannot be perceived. In such a case, only flat rate can be applied, which makes charges superfluous (no incentives for operators to adapt their behavior). The Commission must strictly monitor progress made in the framework of Directive 2004/52/EC to implement within the agreed dates a genuine European Electronic Tolling Service which limits the number

¹ Defined as toll in the legislation

of electronic toll devices in the vehicle to one unit which is fully compatible with the electronic fee collection systems of all the Member States.

Generally an harmonized charging system would be welcomed as it would help to increase predictability and reduced administrative and technological burdens. Any charging system should be clear, transparent, proportionate and non-discriminatory. For instance the new Eurovignette Directive does not comply with those principles as the inclusion of congestion costs as a toll variation to the infrastructure charges is far to be transparent and that there is a lack of strict rules to ensure revenue neutrality of infrastructure charges on the same road section. In addition, the text is discriminatory by excluding passenger cars and by penalizing hauliers from peripheric countries rather than transit countries.

Furthermore, to create a successful charging system to enable more efficient and sustainable road transport, there are some principles to respect:

- 1) understand road transport business models : there is the incorrect assumption that a simple increase of costs would influence road transport patterns, which are determined by customer demands. As correctly stated by the Commission in its “*Strategy for the internalisation of external costs*” (cf. COM(2008)435 p.3), road transport is not particularly price sensitive largely due to the lack of alternative solutions. Without viable alternatives, road freight will only become more expensive. Hauliers unable to absorb or pass on the extra costs will struggle to survive, in particular SMEs which as the main players on the road transport market generate a large part of the employment.
- 2) include passenger cars, which represent about 90% of road users and are the main contributors to road congestion;
- 3) secure binding earmarking for revenues in road transport projects, if not it will be taxes and charges;
- 4) assess other alternative measures (e.g., completion of the Single Market, ITS, fiscal incentives for greener vehicles)

When introducing charges, it should be bear in mind that the direct effect is eroding the financial capacity of road transport operators to invest in new and cleaner vehicles, Intelligent Transport Systems and training (e.g. eco-driving) for instance. Charges could ultimately have an adverse effect on the greening of road transport.

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 (potentially after detailed impact assessment and under strict conditions)
- ☐ No

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

Answer (free text):

Any future policy must be accompanied by a very detailed impact assessment taking into account the specificities of the freight transport and all its business models. In particular the inelasticity of the freight transport should be carefully assessed. All stakeholders of the supply chain from the shippers to the customers including also the freight forwarders and the hauliers should be engaged in the debate.

Internalization of external costs should include passenger and freight road transport and strict earmarking provisions to invest revenues in projects reducing the externalities of road transport. Electronic tolling systems should be in place before introducing any charges.

All transport modes should internalize equally their external costs.

Distance based charges could create an economic disadvantage for economic operators situated in peripheric regions and/or rural area.

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):

There should be a balanced and efficient strategy to internalize external costs of road transport based on a comprehensive impact assessment taking into account:

- all measures already in place for reducing the external costs concerned (e.g., fuel taxes, tolls, VAT, road tax, etc.) in order to avoid road transport operators paying twice for the same external costs;
- the positive effects of road transport on Europe's economy and society (in terms of competitiveness, sustainability and jobs) as well as the negative effects of road transport on the environment;
- other alternatives measures to tackling the external costs of road transport (e.g., completion of the Internal Market for freight transport services, efficient road traffic management systems, rail freight dedicated network, cleaner fuel and vehicles, eco-driving, fiscal incentives for the cleanest vehicles, noise barriers, etc.); and
- consistent assumptions and data to establish a formula ensuring accurate cost calculation.

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):

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 licensing² 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 (limited though due to the limitations and defaults of implementations)
☐ No

² 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 explain why.

Answer (free text):

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):

Enforcement of cabotage rules differs greatly from one country to the other. There should be at least a minimum level of controls to safeguard fair competition on the EU market.

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):

There should be no restriction of cabotage operations within the EU Single Market.

Free cabotage would enable more efficient road transport as the haulier will have more flexibility to pick-up and deliver freight and maximize the use of his truck.

It could also help to reduce the number of empty trucks. However, road transport is organised between the production and/or import sites on the one hand and on the other hand consumption and/or export sites in the EU. There are severe structural imbalances regarding the number of available loads on many trade lanes in the EU that limit the possibility of reducing the number of empty trucks.

Considering that the social rules for hauliers are harmonised – even though there are problems with their enforcement -, there is in principle no reason why to continue restricting cabotage operations. There is a distinction to make between market distortion created by a carrier which bases trucks from low cost countries on a permanent basis in an other country, which is a perverse effect of the regulation, and unfair competition, i.e. social dumping, which must be combated by a better enforcement of the social rules. Furthermore, it is not acceptable that in some countries complex local regulations have been introduced on top of the EU regulation that virtually makes it impossible for a transit carrier to undertake ad-hoc movements enroute back to origin country. Those local restrictions include tax registration, fiscal declarations, pre-announcement of truck numbers etc. Those vicious measures currently restrict expansion of cabotage and the optimisation of the carrier fleets. They should be combated today and in the future once cabotage will be free.

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):

The driver could have some minimum language skills (knowledge of very basic English for instance) and knowledge of the legal requirements applicable in the countries where he will operate.

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):

Considering that road congestion is often caused by road maintenance works, solutions to make it more efficient could significantly trigger more seamless traffic. In Switzerland for instance a bonus/malus system incentivizes road building companies to respect the agreed timeline and even be ahead of the time schedule. Tender procedures are also stricter and require clear commitments by the building companies (including definite start and end date of the works). The distance over which the maintenance works are performed is also reduced to avoid too much congestion.

Collaborative logistics business solutions developed by logistics service suppliers for several clients have a potential to decrease congestion by reducing the number of trucks in use. However, this is quite complex to set up as multiple barriers across the several stakeholders involved need to be overcome at the same time.

VI.2. Question:

Do you agree that the Commission publishes your response?

Answer (please tick as appropriate):

☒ **Yes**

☐ **No**