Ensuring basic road freight connectivity with regard to the withdrawal of the United Kingdom from the Union

2018/0436(COD) - 19/12/2018 - Legislative proposal

PURPOSE: to lay down temporary measures governing the carriage of goods by road between the Union and the United Kingdom following its withdrawal from the Union in the absence of a withdrawal agreement from the United Kingdom.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure on an equal footing with the Council.

BACKGROUND: on 13 December 2018, the European Council (Article 50) renewed its call to intensify work on preparing, at all levels, for the consequences of the United Kingdom's withdrawal from the Union, taking into account all possible outcomes. In response to this call, this Regulation is part of a package of emergency measures proposed by the Commission in view of the uncertainty in the United Kingdom regarding the ratification of the withdrawal agreement.

Within the Union, the freedom for the Member States' road haulage operators to provide international carriage of goods by road is regulated primarily on the basis of Regulation (EC) No 1072/2009, which lay down the common rules for the access to the occupation of road transport operator and for access to the international road haulage market, respectively.

In the absence of a withdrawal agreement, road freight transport services between the United Kingdom and the Member States would cease to be governed by the said Regulations upon withdrawal. This would result in the loss of validity of Community licences issued by the United Kingdom to road haulage operators until the withdrawal date, and thereby loss of access to the Union’s road haulage market for holders of such licences. Similarly, European Union road haulage operators, on the basis of the existing Community licences, would equally lose automatic access to the United Kingdom’s road freight transport market.

More than 80% of road haulage transport between the United Kingdom and the EU-27 is currently carried out by carriers established in the EU-27. In order to avoid serious disruptions and any risk of disturbing public order, the Commission proposes to adopt temporary emergency measures enabling road haulage operators licensed in the United Kingdom to carry goods by road between the territory of the latter and the remaining 27 Member States.

CONTENT: the proposed Regulation aims to allow UK operators to temporarily transport goods to the EU for 9 months (until 31 December 2019), provided that the United Kingdom grants equivalent rights to EU road hauliers and subject to the conditions of fair competition.

The proposal complements the Union rules regulating the carriage of goods by road, in particular Regulation (EC) No 1072/2009.

Ensure basic connectivity

This proposed act would establish basic connectivity subject to equivalent rights being granted by the United Kingdom. Such connectivity would be ensured in an equal manner for traffic to and from all points in the Union, which avoids distortions in the internal market.

The proposed Regulation lays down a mechanism to ensure that the rights enjoyed by Union road haulage operators in the United Kingdom are equivalent to those granted to UK road haulage operators under the proposed Regulation. If that is not the case, the Commission is empowered to adopt the necessary measures to correct the situation by means of delegated acts, including the limitation to the allowable capacity available to UK road haulage operators or to the number of journeys or to both.

Fair competition

The proposed Regulation, even though it aims to temporarily ensure basic connectivity for road freight transport, lays down a flexible mechanism to ensure that Union road haulage operators enjoy fair and equal opportunities to compete with United Kingdom road haulage operators once the United Kingdom will no longer be bound by Union law.

A level playing field requires that, even after the withdrawal, the United Kingdom continues to apply sufficiently high and comparable standards in the area of road freight transport as regards: (i) fair competition; (ii) the prohibition of unjustified government subsidies; (iii) the protection of workers and a high level of road safety; (iv) the protection of the environment; (v) safety and security; (vi) granting of licences to road haulage operators or to the qualification, training and medical controls for professional drivers. Moreover, it must be ensured that Union carriers are not discriminated against in the United Kingdom.