

# Access to the international road haulage market. Recast

2007/0099(COD) - 23/05/2007 - Legislative proposal

**PURPOSE:** to consolidate and merge Regulation (EEC) No 881/92 and (EEC) No 3118/93 **on access to the road transport market**, in order to simplify current provisions.

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

**CONTENT:** this proposal is being presented alongside two related proposals all of which are seeking to modernise provisions governing road transport operators and access to the road transport market. The package of proposals includes:

1. Replacing Directive 96/26/EC on **admission to the occupation of road transport operator**, with a new Regulation. (For a summary of the proposal refer to: [COD/2007/0098](#)).
2. Merging Regulations (EEC) No 881/92 and (EEC) No 3118/93 on **access to the road transport market**. (The subject of this summary)
3. Merging Regulations (EEC) No 684/92 and (EC) No 12/98 **on access to the market of coach and bus services.**”(For a summary of the proposal refer to: [COD/2007/0097](#)

Experience shows that certain measures of the current legislative framework are unequally applied thanks in large part to unclear and incomplete legal provisions. Road hauliers have to cope with different national rules and a degree of legal uncertainty, which may entail additional costs when they operate in several Member States. Following an impact assessment a number of challenges to the current legislative framework have been identified and include:

- **Scope:** particularly concerning the transport of Community hauliers to and from third countries;
- **Implementation:** particularly concerning the concept of temporary cabotage. The Member States continue to implement diverging rules that are difficult to enforce and which impose additional administrative burdens on industry;
- **Exchange of information:** an ineffective exchange of information between the Member States results in undertakings facing few, if any, administrative sanctions;
- **Lack of standardisation:** the lack of uniformity vis-à-vis control documents such as the Community licence, certified copies and driver attestation creates problems during roadside checks and frequently leads to considerable time losses for operators.

The purpose of this proposal, therefore, is to enhance the clarity and enforceability of the current rules by consolidating and merging the two Regulation dealing with access to the road transport market. The modifications being proposed can be summarised as follows:

- a simpler and clearer definition of the term “cabotage”. The new definition is expected to be easier to enforce and will allow for up to three transport operations consecutive to an international journey and within seven days. The holder will be obliged to keep documents in the vehicles such as consignment letters which show the date and place of arrivals/departures;

- a simplified and standardised Community licence, certified copies and driver attestations in a bid to reduce the administrative burden and delays at road side checks;
- enhanced legal provisions that oblige a Member State to act, when requested to so by another Member State, in cases where a haulier commits an infringement in any EU Member State.

The proposal contributes to the simplification of the current legislative framework. Obsolete measures have been abolished and the content, presentation and formulation has been re-examined in order to avoid ambiguous interpretations.