



*European Economic and Social Committee*

**TEN/690**

**Ensuring basic road freight connectivity after Brexit**

## **OPINION**

European Economic and Social Committee

**Proposal for a Regulation of the European Parliament and of the Council on common rules ensuring basic road freight connectivity with regard to the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the Union**

[COM(2018) 895 final – 2018/0436 (COD)]

Rapporteur-general: **Raymond HENCKS**

Referral	European Parliament, 14/01/2019 Council of the European Union, 14/01/2019
Legal basis	Article 91(1) of the Treaty on the Functioning of the European Union
Section responsible	Section for Transport, Energy, Infrastructure and the Information Society
Bureau decision	22/01/2019
Adopted at plenary session	20/02/2019
Plenary session No	541
Outcome of vote (for/against/abstentions)	76/1/0

## 1. **Conclusions and recommendations**

- 1.1 The EESC supports the Commission's steps to ensure basic international HVG freight transport connectivity on a temporary basis between the Union and the United Kingdom if the United Kingdom leaves the EU without a ratified withdrawal agreement and is, in consequence, no longer bound by Union law.
- 1.2 The EESC welcomes the fact that the proposal for a regulation under examination grants UK road haulage operators the right, until 31 December 2019, to carry out bilateral transport between the points of departure and arrival in respectively the United Kingdom and the European Union under the conditions set out in the proposal and in particular on condition that Union carriers may circulate on the territory of the United Kingdom under equivalent conditions including fair, equal and non-discriminatory conditions of competition.
- 1.3 The EESC fervently hopes that the UK authorities will, by the date of any UK withdrawal without an agreement, have decided on a set of equivalent temporary measures, granting EU carriers operating in the UK the same rights as those proposed, on a temporary basis, by the Commission for carriers holding a UK licence, authorising them to provide freight transport between UK territory and the remaining 27 Member States.
- 1.4 In the event of the UK leaving the EU without a withdrawal agreement, the EESC calls on the United Kingdom and the European Union to negotiate and, by common agreement, establish - before the end of the transitional period mentioned above - basic connectivity under the ECMT system and the future rules to be applied between the United Kingdom and the European Union.
- 1.5 A rule on the initial qualification and periodic training of professional HGV drivers is missing from the social and technical rules to be observed during the transitional period by carriers entitled to a UK licence and operating on EU territory. Since this is a key safety factor, the EESC calls for a reference to be added in Article 4 of the proposed regulation to Directive 2003/59/EC of the European Parliament and of the Council of 15 July 2003 on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers, amending Council Regulation (EEC) No 3820/85 and Council Directive 91/439/EEC and repealing Council Directive 76/914/EEC.

## 2. **Introduction**

- 2.1 Regulation (EC) No 1072/2009 lays down the common rules for access to the international road haulage market throughout the Union for vehicles with a maximum laden mass of more than 3.5 tonnes, for transport to or from the territory of a Member State or passing across the territory of one or more Member States.
- 2.2 The purpose of the regulation is to remove all restrictions, including those relating to access to the market, on a person providing goods transport on the grounds of nationality or the fact that he is established in a different Member State from the one in which the services are to be provided. This transport is in principle covered by a Community licence issued by a Member State and combined, if the driver is from a third country, with a driver attestation.

- 2.3 Carriage from Member States to third countries is still largely covered by bilateral agreements between the Member States and those third countries.
- 2.4 In the event of the withdrawal of the United Kingdom from the European Union without a withdrawal agreement, UK road haulage services would no longer be bound by EU law. Without a valid licence, UK road haulage operators would no longer have access to the EU road haulage market and (probably) vice versa.
- 2.5 At present, the sole legal basis to counter the absence of a withdrawal agreement is the multilateral quota of permits set by the European Conference of Ministers of Transport (ECMT), which applies in 43 countries, including 26 EU Member States (excluding Cyprus) and the United Kingdom, which authorises the international carriage of goods between the country of registration of the vehicle and other ECMT countries.
- 2.6 However, the number of permits set per ECMT country for 2019 (23 252 for EU-27 and 984 for the United Kingdom) is not enough to meet current transport volumes. The number of permits can only be increased by unanimous agreement between all the ECMT countries, meaning that this option is not a workable solution to prevent a breakdown in access to the road haulage market from the EU to the United Kingdom and vice versa.
- 2.7 In order to avoid any disproportionate disruption in connectivity, which would be disastrous for both sides, temporary movement rights within the EU must urgently be granted to UK road haulage operators, provided that the United Kingdom in turn applies identical rules to EU carriers.

### **3. Commission proposals**

- 3.1 The proposal for a regulation under examination grants UK road haulage operators, in the event of a UK exit from the EU without a withdrawal agreement, the right to conduct bilateral carriage in the EU from the day following that on which the Treaties cease to apply to the United Kingdom until 31 December 2019.
- 3.2 This right for bilateral carriage in the EU will only be granted if the United Kingdom guarantees that the rights enjoyed by UK carriers in the EU are exactly the same as the rights granted to EU road haulage operators in the United Kingdom. In the event of non-compliance with this equivalence requirement, the Commission may by means of a delegated act:
- limit the capacity and/or the number of journeys; or  
suspend the application of the regulation; or  
adopt other appropriate measures.
- 3.3 The rights granted to UK road haulage operators are subject to conformity with the relevant Union law applicable to road freight transport, in particular with regard to:
- mobile workers and self-employed drivers;
  - social legislation relating to road transport;

- tachographs;
- maximum authorised dimensions and weights of certain vehicles;
- speed limitation devices for certain categories of vehicles;
- compulsory use of safety belts;
- compliance with the Posted Workers Directive;
- compliance with Community provisions on fair and non-discriminatory competition.

3.4 The Member States and the Commission are authorised to verify that road haulage operators carrying goods into the Union are licensed or certified by the United Kingdom in accordance with relevant standards, that all relevant national and Union legislation is complied with, and that the rights are not exceeded.

3.5 The Member States may not negotiate or enter into any bilateral road freight transport agreements with the United Kingdom on matters falling within the scope of the proposed regulation.

#### 4. **General comments**

4.1 Road freight transport is a key sector for both the United Kingdom and the EU. More than 4.4 million driver-accompanied freight vehicles connect the United Kingdom and the EU every year. In 2015, the United Kingdom exported a total of 21 350 000 tonnes of goods by road to the EU. In the same year, the EU exported 26 816 000 tonnes of goods to the United Kingdom<sup>1</sup>.

4.2 Any barriers to these movements would consequently have a severe effect on trade, employment and economic growth on both sides, and would seriously disrupt supply chains.

4.3 The EESC welcomes the Commission's proposal for contingency measures to prevent the worst happening, by provisionally granting UK road haulage operators the right to carry out bilateral transport between points in the UK and EU on conditions set out in the proposal including equivalent access for EU operators in the UK and fair conditions of competition, while awaiting - before the transitional period ends on 31 December 2019 - the provisions required to ensure basic connectivity under the ECMT system and any future rules applying to relations between the United Kingdom and the European Union that may be negotiated and defined by common agreement.

4.4 The EESC fervently hopes that the UK authorities will, by the date of any UK withdrawal without an agreement, have decided on a set of equivalent temporary measures, granting EU carriers operating in the UK the same rights as those proposed, on a temporary basis, by the Commission for carriers holding a UK licence, authorising them to provide freight transport between UK territory and the remaining 27 Member States.

4.5 In the event that the United Kingdom rejects the reciprocity of haulage rights within the deadline, the proposed regulation would lapse and freight carried by UK heavy goods vehicles

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<sup>1</sup> Statistics from the UK's Road Haulage Association.

(HGVs) would either have to be transferred at the border with the EU to HGVs registered in the EU or, as far as possible, carried by light commercial vehicles (LCVs) with an authorised mass of less than 3.5 tonnes, which are not subject to the common rules for access to the international haulage market.

4.6 In its opinion on Access to the international road haulage market and the occupation of road transport operator<sup>2</sup> of 18 January 2018 concerning a proposal for a regulation amending Regulation (EC) No 1072/2009, the EESC pointed out that the non-extension of the regulation to LCVs meant that competition might be distorted. The EESC would reiterate its call for LCVs to be subject to the above-mentioned regulation, even if in an alleviated form.

## 5. **Specific comments**

5.1 Article 4 of the proposal for a regulation under examination lists the social and technical rules that haulage operators entitled to a UK licence and operating on EU territory must comply with during the transitional period.

5.2 The EESC notes that a rule on the initial qualification and periodic training of professional HGV drivers is missing from these obligations. Since this is a key safety factor, the EESC calls for a reference to be added in this article to Directive 2003/59/EC of the European Parliament and of the Council of 15 July 2003 on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers, amending Council Regulation (EEC) No 3820/85 and Council Directive 91/439/EEC and repealing Council Directive 76/914/EEC.

Brussels, 20 February 2019

Luca JAHIER

The president of the European Economic and Social Committee

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[OJ C 197, 8.6.2018, p. 38.](#)