

EU: Public consultation on the review of Regulation 1071/2009 on access to the occupation of road transport operator and Regulation 1072/2009 on access to the international road haulage market

4. Some Member States apply (some of) the provisions of Regulation (EC) No 1071/2009 to vehicles below 3.5 tonnes (which are excluded from the scope of the Regulation) and this leads to different requirements for the same vehicles in different Member States. For example, in some Member States operators using vehicles below 3.5 tonnes do not have to comply with the minimum financial standing requirement for access to the profession, while in others they do.

14.1. How far do you consider that the application of (some of) the provisions of Regulation (EC) No 1071/2009 to vehicles below 3.5 tonnes by some Member States constitutes a problem for the road haulage sector?

- ☒ This is not a problem
- ☐ This is a minor problem
- ☐ This is a major problem
- ☐ I don't know

If you wish, you may supplement your reply with explanations, examples, facts and figures

The RAC does not believe this to be an issue in the UK. We have some 8 million members, around two thirds of whom are associated with Business-to-Business contracts and this issue has not been raised as a problem. We understand that the application of these rules in some member states may vary; however we do not believe extending operators licencing rules to vehicles under 3.5 tonnes to be either necessary or desirable for millions of small businesses and sole traders across the EU as it will make vehicle operations much more expensive and administratively intensive for no obvious benefit.

4.2. What impacts do you think that this issue has:

	No impact	Little impact	Significant impact	Very important impact	I don't know
Competitive disadvantage of hauliers from some Member States	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Increase of administrative costs for hauliers	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Increase of administrative costs for Member States	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Increase of compliance costs for hauliers	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

Increase of enforcement costs for Member States	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Other (please specify below)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

The Commission services have, on a preliminary basis, listed a series of possible policy measures. These measures can involve a revision of the two Regulations, non-legally binding instruments (such as interpretative guidelines), or a combination thereof.

The questions in this section aim at:

- 1) seeking your views on the appropriateness of these measures in view of the objectives identified in section 2.2 above;
- 2) identifying possible additional policy measures;
- 3) assessing potential impacts of the different measures.

21. You will find below a list of potential policy measures which the Commission services have identified on a preliminary basis. Please indicate: 1) whether you agree or not with the general measure or whether you would like to propose a more specific measure; 2) what you expect the impacts of this measure to be.

21.1. Remove the maximum number of cabotage operations (currently 3), while reducing the maximum period for cabotage operations (currently 7 days).

Do you agree with this measure?

- ☐ Don't agree
☐ Slightly disagree
☐ Slightly agree
☐ Fully agree
☒ No view
☐ Propose a specific or alternative measure

In your view which effect would this measure have:

	Very negative	Negative	No impact	Positive	Very positive	No opinion
on job creation in the road haulage sector	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
on growth in the road haulage sector	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
on working conditions	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
on road haulage costs	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
on reduction of the cost of compliance with the legislation when compared to the present rules	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

[illegible]

Would this measure have any other impact? Please specify

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The RAC is not in a position to answer this.

























Concerns with the current arrangement

21.2. Include vehicles with less than 3.5 tonnes within the scope of application of Regulation (EC) No 1071/2009. This would mean that, contrary to the present situation, operators using vehicles below 3.5 tonnes would have to comply with (part of) the requirements for access to the occupation of road transport operator (stable and effective establishment, good reputation, financial standing and professional competence).

Do you agree with this measure?

- ☒ Don't agree (X)
- ☐ Slightly disagree
- ☐ Slightly agree
- ☐ Fully agree
- ☐ No view
- ☐ Propose a specific or alternative measure

In your view which effect would this measure have:

	Very negative	Negative	No impact	Positive	Very positive	No opinion
on job creation in the road haulage sector						
on growth in the road haulage sector						
on working conditions						
on road haulage costs						

on reduction of the cost of compliance with the legislation when compared to the present rules	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
on the economic situation of small transport operators (SMEs)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
on the administrative burden for public administrations	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
on non-EU countries	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

Would this measure have any other impact? Please specify
2000 character(s) maximum (2000 characters left)

The RAC's biggest concern with these proposals are that they would require a large number of vehicles currently under 3.5 tonnes (the precise number depending on the new lower limit) to comply with regulations which are more suited to vehicles over 3.5 tonnes. These measures would cause considerable harm to smaller businesses and local trades people as they would create unnecessary costs and greater administrative burden to correct a problem which simply isn't an issue in the United Kingdom or throughout much of the EU. We therefore regard these proposals to be unnecessarily heavy-handed. We are aware that there are some localised issues within the EU but it is unreasonable to apply EU-wide measures to solve a problem that only exists in a small minority of member states.

It is also noted that there is no definition of whether these will include all vehicles under 3.5 tonnes, or whether it would include only vehicles over 2.8 or 2.0 tonnes, for example.

21.3. Include vehicles with less than 3.5 tonnes within the scope of application of Regulation (EC) No 1072/2009. This would mean that, contrary to the present situation, operators using vehicles below 3.5 tonnes would have to comply with (part of) the requirements for access to the international road transport market (e.g. they would be obliged to respect the cabotage restrictions of the Regulation).

Do you agree with this measure?

- ☒ Don't agree (X)
- ☐ Slightly disagree
- ☐ Slightly agree
- ☐ Fully agree

- ☐ No view
- ☐ Propose a specific or alternative measure

In your view which effect would this measure have:

	Very negative	Negative	No impact	Positive	Very positive	No opinion
on job creation in the road haulage sector	<input checked="" type="radio"/> X	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
on growth in the road haulage sector	X <input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
on working conditions	<input checked="" type="radio"/> X	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
on road haulage costs	<input checked="" type="radio"/> X	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
on reduction of the cost of compliance with the legislation when compared to the present rules	<input checked="" type="radio"/> X	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
on the economic situation of small transport operators (SMEs)	<input checked="" type="radio"/> X	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
on the administrative burden for public administrations	<input checked="" type="radio"/> X	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
on non-EU countries	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/> X

Would this measure have any other impact? Please specify

2000 character(s) maximum (2000 characters left)

Please see the RAC's response to 21.2. In addition, the RAC understands that at present, there is nothing to stop individual member states from legislating for compliance for vehicles under the 3.5T threshold. If the problem of compliance appears to be a local one, or one which is confined to certain member states, the RAC would strongly urge local and national solutions. A blanket change to the regulations will be costly to small businesses and local trades people across Europe.

In any policy initiative, the Commission must consider whether there is added value in EU intervention and whether the level of EU intervention is appropriate, i.e. whether certain issues should be regulated at EU level or should be left for possible regulation at the Member State level.

Please note however that any amendments to existing Union legislation can only be made by the Union legislator itself, not by Member States.

23. Do you agree that the policy objectives evoked above cannot be sufficiently achieved by Member States and should thus be pursued through Union action?

- ☐ Yes
- ☒ No
- ☐ Don't know

If you wish, you may expand on your reply.

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An issue which is only affecting a certain area should not require Union action