



**COUNCIL OF
THE EUROPEAN UNION**

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INFORMATION NOTE

from: Polish delegation
to: Council
Subject: Access to the road haulage market

Delegations will find in Annex an information note from the PL delegation on behalf of the Visegrad Group countries on the above-mentioned subject, which will be dealt with under "Any other business" at the meeting of the Council (Transport, Telecommunications and Energy) on 11 March 2013.

Information note from the Visegrad Group on access to the road haulage market

Review of rules on access to the road haulage market

**Regulations 1072/2009 on access to the international road haulage market and
1071/2009 on access to the occupation of road transport operator**

The Visegrad Group requests an AOB point for the TTE Council of 11 March 2013 regarding works carried out by the European Commission on access to the road haulage market, in particular Regulations 1072/2009 on access to the international road haulage market and 1071/2009 on access to the occupation of road transport operator. Delegations will find some more information on this issue below.

Background

Since 4 December 2011 in the European Union three regulations (1071/2009, 1072/2009 and 1073/2009) have been legally binding in the field of road transport. These three regulations form the so called road package and consolidate rules for road transport performance.

Provisions of articles 8 and 9 of Regulation 1072/2009 concerning the cabotage operations have been effective from 14 May 2010. New provisions specified the previous ones which were too general.

According to article 17 paragraph 3 of Regulation 1072/2009, the European Commission is bound to draw up a report on the state of the EU road transport market by the end of 2013. Taking into account that during works on the road package the issue of cabotage in road freight transport was rather controversial, the European Commission was commissioned to analyze the performance of the cabotage market in the European Union. Therefore, the report shall also contain an assessment as to whether harmonisation of the rules in the fields, inter alia, of enforcement and road user charges, as well as social and safety legislation, has progressed to such an extent that the further opening of domestic road transport markets, including cabotage, could be envisaged.

In the Work Programme for 2013, the European Commission announced the publication of legislative proposal for *Internal Road Market - Access to the road haulage market and access to occupation of road transport operator* in order to improve the economic and environmental efficiency of road freight transport by further lifting the restrictions to cabotage.

In October 2012 the European Commission presented a "roadmap" of actions in the field of cabotage, defining five policy packages varying degrees of ambition in cabotage opening from gradual lifting of restrictions to the proposal of deregulated opening contained in the last policy package.

The European Commission announced that the impact assessment of proposed legislation would be finalized over the first quarter of 2013, and that the proposal would be published in mid- 2013 along with the European Commission report required by article 17 paragraph 3 of Regulation 1072/2009.

Objective

The Visegrad Group appreciates the European Commission commitment to create an operationally optimal environment for the road haulage sector, in order to ensure that road-carriers from all member states operate on the principles of fair competition.

The Visegrad Group agrees with the European Commission that the road haulage sector has a significant influence on the European economy as it provides about 4.5 million jobs and generates a turnover of 1.6% of EU gross domestic product. The Visegrad Group shares the opinion that without an efficient road transport system other forms of transport would not operate properly as most of freight and passenger transport operations start and end by road.

Therefore, the Visegrad Group considers that all decisions concerning this sector should be taken in an particularly thoughtful manner, after completing all necessary analyses, to be certain that proposed solutions will not harm the road transport sector and will not have negative consequences for the European economy.

Accordingly, in the opinion of the Visegrad Group, to have a proper debate within the European Union and then, to take appropriate decisions on modification of rules applying to cabotage in the future, it is necessary that the European Commission presents the report referred to in article 17 paragraph 3 of Regulation 1072/2009.

The Visegrad Group stands in a position that simultaneous preparation of the report and of the proposal setting new rules for cabotage operations might make impossible the proper debate which should be essential for further decision making in this field and, as such, should be based on reliable and verified data on the situation on the road transport in the European Union.

Given the above considerations, the Visegrad Group calls for keeping the appropriate sequence in works carried out by the European Commission – publication of the report first and then, if there really is a stated need for a legislative proposal, the Impact Assessment and project of the regulation. The Visegrad Group awaits with interest the publication of the European Commission's report and expects that the member states will be given an opportunity to discuss its content in detail. The Visegrad Group is convinced that any further steps concerning this issue, including a possible legislative proposal for cabotage market, should be the result of this debate, in which the Visegrad Group will actively participate.