

Vice President Siim Kallas
European Commission
200 Rue de la Loi
Berlaymont
B-1049 BRUSSELS
Belgium

5 December 2013

Subject: Regulation (EC) No.1072/2009 on common rules for access to the international road haulage market.

Dear Vice President Kallas,

We find it necessary to express our great concern about the enforceability of the cabotage rules of regulation (EC) No. 1072/2009. It is stated in the regulation's preamble that as long as harmonisation of the road haulage market has not yet been completed, provisions should be made for a transitional cabotage regime.

In order to prevent social dumping in the situation where the market is not harmonised, enforcement of the existing provisions plays a crucial role. As the regulation is worded today, the executive power's ability to enforce the regulation is hampered. The provisions of the regulation are ambiguous, which results in uncertainty within the industry on how to adhere to the regulation, in lack of an effective control of the regulation's provision, and in preventing social dumping. Furthermore, the impression today is that one can abuse the provisions of the regulation.

In principle, cabotage can engender a more efficient capacity utilisation on the European roads. However, it is our clear understanding that the intent of the regulation at the time of adoption was to facilitate limited cabotage in the immediate future – at least until the conditions in terms of pay and other employment issues are more even across the member states.

Currently, national transport industries in many parts of Europe are under pressure because of the differences in social conditions between the member states. Cabotage is one of the prime contributory factors, which are creating an uneven playing field.

Consequently, there is a strong need to establish a clear and unambiguous interpretation of the existing rules, which can be used by the member states to ensure effective control and enforcement within the existing provisions. This is needed in order to ensure:

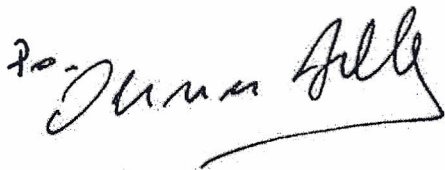
- that circumvention and misinterpretation of the regulation is avoided;
- that only honest and real international transports give access to cabotage operations;

- compliance with the provisions limiting the number of cabotage operations to three within a seven day period;
- uniform enforcement across the EU, which will produce a level playing field; and
- the prevention of social dumping.

With this letter we urge the Commission to take action here and now towards presenting a solution to the problems described above, e.g with an interpretation that is useful in practice and in line with the purpose of the regulation. Working together with the Commission in order to reach a common understanding of the provisions is needed. Furthermore, in the context of the Commission's upcoming evaluation, we find that this will be a pertinent occasion to improve the current provisions to a less ambiguous framework for cabotage. In relation hereto we notice that further liberalisation of the market has to be excluded at this time.

We hope for swift action.

Best regards,



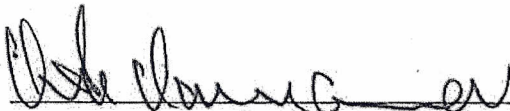
Mr Melchior Wathelet

Secretary of State for the Environment, Energy and Mobility

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Federal Public Service
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Dr Peter Ramsauer

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Bundesministerium
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und Stadtentwicklung



Ms Pia Olsen Dyhr

Minister for Transport

Denmark



Transportministeriet



Ms Ana Pastor Julián

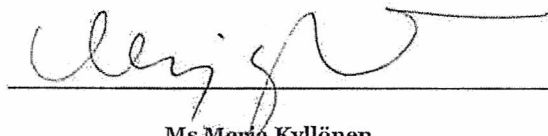
Minister of Public Works and Transport

Spain



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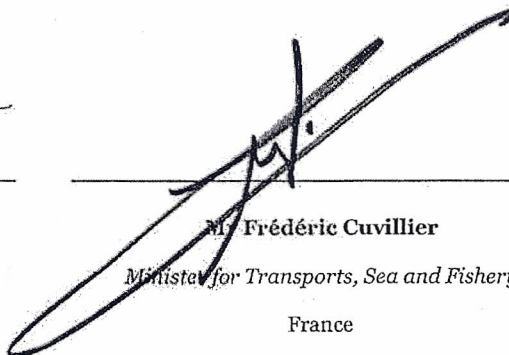
Ms Merja Kyllönen

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Ministry of Transport
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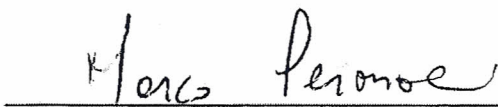
Mr Frédéric Cuvillier

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