



# Brexit – RHA Member Consultation

Proposal for a UK/EU Land Transport Agreement

Road Haulage Association

05 May 2017



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## Proposal for a UK/EU Land Transport Agreement

### Introduction

1. The RHA has been examining the implications of Brexit on the international movement of large goods vehicles. We need to inform politicians, civil servants and others on our view of the type of agreement that our industry believes could, and should, be put in place post-Brexit to regulate the international road haulage market between the UK and the EU.
2. This paper makes three proposals on which we are seeking the view of our members.
3. We will consider member feedback, adjust our proposals accordingly and then formally promote our proposals.

### The International Road Haulage Sector

4. Currently, access to the market and the occupation for all international HGV traffic is authorised by the EU wide “community licence” system. UK operators are also governed by these rules<sup>1</sup>.
5. This system facilitates international road haulage throughout the EU. Hauliers with a “community licence” established in any EU member state are permitted to undertake any international road haulage in the EU – the international road haulage market in the EU is fully liberalised.
6. The European system allows cabotage - the legal right of hauliers based in one EU member state to undertake domestic haulage the territory of another State. The right to cabotage is common throughout the EU and is limited by the rules laid down in article 8 of EC 1072/2009. There also rules that allow operators to undertake some types of domestic road haulage in other member states under the provisions of the Combined Transport Directive 92/106/EEC.
7. There are numerous other EU and International agreements that cover obligations in respect of road haulage including drivers’ hours legislation, tachographs, vehicle standards and roadworthiness standards.

1. As per Regulations EC 1071/2009 and EC 1072/2009. (Passenger transport is regulated by EC 1073/2009

## RHA Draft Proposals

### Proposal 1.

**For the purpose of international road haulage, the EU rules governing vehicles and drivers including driver's hours regulations, tachographs, vehicle standards and roadworthiness standards will apply to UK vehicles and drivers operating in the EU, and to EU vehicles and drivers operating in the UK.**

1. Members should bear in mind that this would commit the UK sector to accept EU and other internationally agreed rules for UK vehicles entering the EU. These rules may change over time. Compliance would apply equally to UK and EU road haulage operators.
2. Members are asked for views on whether Proposal 1 is acceptable and are invited to share any requests for clarification, concerns or comments with us.

### Proposal 2.

**We propose that the UK and EU enters into a Land Transport Agreement for international road haulage that maintains the basic structure of the current community licence system. This Land Transport Agreement would allow UK operators with international operator licences to undertake unlimited international road haulage to, from and through all EU Member States. It would allow operators from all EU Member States with community licences to undertake unlimited international road haulage to, from and through the UK.**

1. The administrative details on how the agreement will be put into effect will need to be determined, but a similar model already exists between the EU and Switzerland. The simplest solution would be for the UK to continue to issuing UK Community Licences as now, these would be recognised for the purpose of international road haulage in the EU. The UK would mutually recognise Community Licences issued in all other EU Member States so that international road haulage is permitted regardless of the Member State where goods are originating or destined.
2. Such an arrangement would allow transit through the UK and the EU for all international road haulage activity. The agreement would need to allow cross trade to continue as now (for example, a Romanian or Irish operator would be able to collect goods in the UK and deliver them to Germany, and a UK operator would be able to collect goods in Germany and deliver them to France or Ireland).
3. We propose that a Land Transport Agreement should allow transit to and from third countries (in order that vehicles are not impeded if travelling outside the EU).
4. In broad terms, this model follows the current arrangement between the EU and Switzerland. It is likely to be the case that Proposal 1 above would have to be agreed to for Proposal 2 to be acceptable to all parties.
5. Current cabotage arrangements will end. The RHA is proposing that cabotage (and combined transport) is excluded from any land transport agreement. The RHA does not believe that an agreement including cabotage and/or combined transport will be possible as we expect a number of EU Member States will oppose any continuation of cabotage rights.

6. Any arrangement to allow cabotage would fall outside of the UK – EU Land Transport Agreement. The RHA does not believe that the loss of cabotage rights for UK international operators in the EU will create a significant problem. The UK would retain the right to allow cabotage for the transport of specified goods or bilaterally with any other State if it wished.
7. Members are asked if they consider proposal 2 to be acceptable. Members are invited to share any requests for clarification, concerns or comments with us.

### **Proposal 3.**

**We propose that the land transport agreement makes provision for movements by operators who are undertaking specific transport movements, such as the movements of circuses, concert tours, film crews and similar where the goods transported are used temporarily in EU member states or the UK and the goods are re-exported after use.**

1. The RHA is putting this proposal forward to accommodate the particular needs of a number of entertainment sectors that need to move equipment around other States. While not significant in volume, it would be very useful to allow these cultural and business activities to continue without significant added bureaucracy.
2. Such operations are distinct from cabotage as the goods are not originating in the country where haulage is taking place.
3. Movement under the “Community Licence” would be ideal; if not possible a special permit may need to be introduced under an agreement.
4. Members are asked if Proposal 3 is acceptable. Members are invited to share any requests for clarification, concerns or comments with us.
5. We have not considered what arrangements might be needed to facilitate own account operations. Members are asked for comments and suggestions on how own account movements may be facilitated post Brexit.

### **Responding**

RHA members can respond by emailing comments or requests for further information to [brexit@rha.uk.net](mailto:brexit@rha.uk.net)

While this consultation is focused on responses from RHA members, we would also be interested in hearing from non-members in the haulage sector and from shippers and consignees who may also have views and concerns.

Please respond to the Brexit email address above

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