



European Commission proposal for no deal Brexit International Road Haulage Access

20 December 2018

Background

1. On the 19 December the European Commission published a Contingency Action Plan for dealing with a no deal Brexit on the 29th March 2019.
2. The Action Plan includes proposals for a time limited arrangement for international road haulage between the UK and the European Union. The plan is limited in scope and does not directly copy what happens now with the Community Licence. Introduction is also conditional on the UK Government introducing reciprocal arrangements.
3. Broadly the proposal is to allow UK and EU operators to carry goods between the UK and the 27 EU Member States until the end of December 2019.
4. The proposal contains a draft Regulation to implement the Commissions plan. This Regulation will need to be approved through the European Legislative Process, including the European Council and the European Parliament. Like all legislation it may be subject to amendment before it is enacted.

Proposal – What it does and what it does not do

5. The proposal is subject to the UK Government allowing a reciprocal arrangement for EU hauliers carrying goods between the UK and the EU.
6. The EU legislation proposes to allow UK hauliers (Standard International, Restricted Licence Holders and vans) to move goods between the UK and EU member states until 31 December 2019 (in either direction). The proposal would allow collections and deliveries to multiple EU States (e.g. a delivery of UK goods to both Germany and France in a single lorry trip).
7. In the advice given by the Commission, they have specifically excluded any possibility of UK operators conducting cabotage in the EU.

8. Cross-trade by UK hauliers moving goods between EU Member States is not covered by the proposed legislation or any supporting information. Given that such movements are EU to EU we believe, like cabotage, that this will not be permitted. (To undertake such work would require working under an ECMT permit).
9. Goods moving between the UK and non-EU States are not covered by the proposed legislation as currently drafted. (For example carrying goods between the UK and Switzerland). Such movements may require the use of ECMT permits. This may well be an oversight by the Commission – the RHA will urge the Commission and the UK Government to address this issue as restricting such movements will impact both UK and EU operators (in particular movements to and from Ireland).
10. The draft Regulations carry over the rules the industry is familiar with regarding drivers hours, tachographs, vehicles, roadworthiness and so on.
11. These Commission proposals are limited to road haulage access issues. They do not impact future customs arrangements, nor will these measure change requirements for Safety and Security Declaration.

Hauliers - Keep applying for ECMT Permits

12. The Commissions proposed Regulation has some controversial elements within it. (In particular Article 3 (3) which extends the “competency” of the Commission regarding EU Member States ability to engage in bilateral agreements regarding road transport.
13. Given this, and the possibility of major amendments, or the possibility of it not passing the EU legislative processes, the RHA urges all members to keep applying for ECMT permits.
14. Applications for annual ECMT permits close on the 21st December 2018. Applications must be made online and can be made [here](#)).
15. Applications for monthly ECMT permits are expected to open in February 2019.

Early next year

16. There may well be additional paperwork requirements for operators working internationally. At this time such requirements are unknown.



The Road Haulage Association

17. The RHA will keep members informed of any requirements or any actions operators will have to take.

Notes.

- The RHA is the leading trade association representing road haulage and distribution companies, which operate HGVs as profit centres. Our 7,000 members, operating near to 250,000 HGVs, range from single-truck firms to those with thousands of vehicles.
- We proactively encourage a spirit of entrepreneurship, compliance, profitability, safety and social responsibility. We do so through a range of advice, representation and services, including training.
- Largely taken for granted, these companies provide an essential service on which the people and businesses of the UK depend. The food we eat, the clothes we wear, the houses we live in and the places where we work all depend upon road haulage working to get goods to where they need to be.

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