

COMMISSION OF THE EUROPEAN COMMUNITIES

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Proposal for a
COUNCIL REGULATION (EEC)
laying down the definitive system under which
non-resident carriers may operate
domestic road haulage services
within a Member State

REPORT TO THE COUNCIL

ON THE USE OF 1990/91 ROAD CABOTAGE AUTHORISATIONS

(presented by the Commission)

EXPLANATORY MEMORANDUM

I. GENERAL CONSIDERATIONS

1. Council Regulation (EEC) No 4059/89 laying down the conditions under which non-resident carriers may operate national road haulage services within a Member State¹ (cabotage), as amended by Regulation (EEC) No 296/91,² establishes a transitional system of Community cabotage. This system expires on 31 December 1992. It must be replaced, under Article 9 of the said Regulation, by a definitive system to enter into force on 1 January 1993. The purpose of this proposal is to enable the Council to establish this definitive system.

2. The definitive system should comply with the following general principles:
 - it should be a general system, i.e. it should apply uniformly throughout the Community;

 - it should be compatible with the Single Market;

 - it should conform to the general principles of the Treaty regarding equal treatment (freedom to provide services) and to the relevant judgments of the Court of Justice;

 - it should be tailored to the actual situation of the road haulage industry.

3. It would not be sufficient merely to continue applying the cabotage quota system laid down in Regulation (EEC) No 4059/89, even if the number of cabotage authorizations were greatly increased. This would not satisfy the Council's obligation to introduce complete freedom to provide services, as laid down in the Treaty and referred to by the Court of Justice in its judgment No 13/83 of 22 May 1985.

1 OJ No L 390, 30.12.1989, p. 3.

2 OJ No L 36, 8.2.1991, p. 8.

4. Nor can the problem be solved by simply referring to the national rules in force in the Member State where a cabotage service is operated. Such a solution would have the following disadvantages:

- given the diversity of national rules on access to the domestic haulage market, the Community market would, in fact, be divided into twelve separate markets - the very opposite of a Single Market; and
- it would create imbalances between Member States, since those States in which resident carriers have quota-free access to the national market must completely open up their market to other Community carriers while other States, in which resident carriers' access to the national market is governed by quotas, may restrict access for other Community carriers.

5. Complete harmonization of all the national rules governing domestic haulage seems unrealistic and far too ambitious in the short to medium term. On the basis of the subsidiarity principle, it might even be deemed unnecessary.

6. Accordingly, the Commission advocates a solution whereby:

- access to the cabotage market will be free of all quotas;
- cabotage operations will be subject to certain national rules applicable in the State in which the operation is carried out;
- harmonization of certain national rules will be continued at Community level, with particular regard to:

- * technical standards for vehicles (action being considered);
- * duty payable on fuel (political agreement reached); and
- * vehicle taxation taking account of tolls (phased action currently being taken);

- a safeguard clause will be introduced.

All carriers undertaking cabotage operations will thus be given identical treatment in all twelve Member States as regards market access. This meets the obligation not to discriminate between operators, and accords with the nature of the Single Market. Moreover, those Member States which so desire may maintain quantitative restrictions on their resident carriers' access to the national market. In such a case the unequal treatment as between resident and non-resident carriers is justified by the difference between a temporary activity (non-resident carriers) requiring no quotas and a permanent activity (resident carriers) which may need to be regulated by quotas.

Finally, a Community safeguard mechanism is to be introduced so that action can be taken should a national market be seriously disturbed by the presence of non-resident carriers.

II. PARTICULAR CONSIDERATIONS

Article 1

This Article introduces the principle of non-discrimination between Community carriers with regard to domestic transport operations within a Member State: in other words, such operations may be undertaken by carriers from other Member States.

The Community is, quite rightly, concerned to ensure that domestic transport services within the Member States are operated by properly qualified carriers. Accordingly, only those Community carriers authorized to operate international road haulage services should be allowed to operate domestic transport services within a Member State other than the State in which they are established. This proposal is no different, in that respect, from the abovementioned Regulation (EEC) No 4059/89, currently in force.

It is, moreover, recommended that cabotage operations be exempt from any quantitative restrictions on market access, even where such restrictions are imposed on resident carriers. Such exemption is justified by the considerations set out in point 6 above and by the judgment of the Court of Justice which states that, although Article 60(3) of the Treaty requires equal treatment for residents and non-residents, "it does not mean that all national legislation applicable to nationals of that State and usually applied to the permanent activities of undertakings established therein may be similarly applied in its entirety to the temporary activities of undertakings which are established in other Member States".¹ It follows that, in a Member State which has a national quota system, the system will be applicable to resident carriers for as long as the State maintains it, but will not be applicable to non-resident carriers since their activity is presumed to be temporary and occasional.

Article 2

This Article lays down the conditions governing the registration of vehicles used for cabotage operations and the conditions under which such vehicles may have been hired. In general, these are the rules in force in the Member State of establishment, except in the case of:

¹ The Webb judgment, Case 279/80, Court Reports for 1981, p. 3305.

- trailers and semi-trailers which, under existing Community rules, may also be registered or put into circulation in international transport in another Member State; and

- vehicle hire, which may also take place under the rules in force in the host Member State for its own residents, since discrimination between resident and non-resident carriers in this respect would be quite unjustifiable.

It should also be borne in mind that, in the context of the discussions underway on the proposal for a Council Directive supplementing the common system of value added tax (VAT)¹ and amending Directive 77/388/EEC² on the abolition of tax frontiers and transitional arrangements for taxation with a view to establishment of the internal market, it is not envisaged to consider as an acquisition or a transfer of a good to another Member State the temporary use of the good, on the territory of the Member State of its arrival or the transport of the good needed for providing services by the taxable person established within the Member State of departure of the good or the transport of the good.

1 OJ No C 176, 17.7.1990, p. 8, (COM(90) 182 final).

2 OJ No L 145, 13.6.1977, p. 1.

Article 3

The contents of this Article resemble those of Article 5 of Regulation (EEC) No 4059/89 referred to above. The following points should be noted:

- in light of the present situation on the road networks of the Member States, as well as of the relevant legislation, and in order to establish the conditions for fair competition between resident and non-resident carriers, the weights and dimensions of road vehicles are governed by the rules in force in the host Member State, regardless of the rules which may be applicable in the carrier's Member State of establishment. It goes without saying, however, that the technical standards set out in the vehicle's certificate of conformity may under no circumstances be exceeded. The Commission is nevertheless continuing its efforts to harmonize the technical standards for vehicles engaged in domestic transport services and will shortly be presenting proposals to this effect;
- with regard to the technical standards governing the construction and equipment of road vehicles, the national rules applicable in the host Member State cannot impose restrictions on vehicles which comply with Community or international rules governing the carriage of dangerous goods, perishable foodstuffs, live animals or exceptional loads;
- V.A.T. on transport operations is governed by the rules of the host Member State, as is laid down in Directive 77/388/EEC¹ on abolition of tax frontiers and transitional arrangements for taxation with a view to establishment of the Internal Market, as amended by Directive 89/465/EEC².

1 OJ No L 145, 13.6.1977, p. 1.

2 OJ No L 226, 3.8.1989, p. 21.

In general, it should be noted that the national rules of the host Member State may only be applied to cabotage operations on the basis of the principle of proportionality, so that an excessive burden is not imposed which would limit the freedom to provide services.

Article 4

Regulation (EEC) No 4059/89 already contains a safeguard clause enabling action to be taken in the event of serious disturbance of the market. This clause has been:

- amended to take account of the elimination of quantitative restrictions on access to the cabotage market;
- supplemented by a definition of what constitutes a market crisis; and
- strengthened by a decision-making procedure based on Article 2(5) of Regulation (EEC) No 4059/89 and the provisions of Regulation (EEC) No 3916/90 on measures to be taken in the event of a crisis in the market in the carriage of goods by road.¹

Furthermore, a temporary provision has been introduced (up to 1995) in order to avoid disturbances in the market between 1993 and 1995. This provision is necessary for the healthy operation of the market and is justifiable for the following reasons. Before 1 July 1990 cabotage was strictly forbidden. After that date, these operations were authorized on the basis of a limited cabotage quota. The transport sector (carriers, forwarders, users) are busy adapting to the new situation that has been created, which is totally different to the previous position (before 1.7.90).

1 OJ No L 375, 31.12.1990, p. 10.

This major adaptation¹ is underway but it seems certain that it will not have been completed by 31 December 1992. From the statistical information that the Commission has for the first year of the introduction of cabotage (1990-1991), cabotage represents on average 0.1 % of the total of national operations in the Member States (0.5 % in FRG). Even if this figure of 0.1 % were to increase rapidly and substantially in the coming year, it is best, in order not to endanger the considerable efforts made at adaptation by the transport sector and in order to avoid disequilibria, abuses or market disturbances, to lay down a system for Community intervention in the market. This mechanism will include the possibility, provided the Commission agrees, of making cabotage operations subject to prior notification and of limiting these operations to a certain percentage of the national transport operations in the Member State concerned (5 % in 1993, 6 % in 1994 and 7 % in 1995).

In order to ensure that decisions are taken on good grounds and that the Member States are closely involved in investigations and other preparatory work, the Advisory Committee set up under Regulation (EEC) No 3916/90 must be consulted whenever a Member State requests the Commission to take action to resolve a market crisis.

The Committee is thereby made responsible for giving advice on all aspects of crisis situations on the Community road haulage market, thus signalling the unified nature of the internal market.

Article 5

Article 5 lays down the conditions under which the Member States should grant each other mutual assistance with a view to the sound application of the definitive cabotage system. This Article is virtually identical to Article 6 of Regulation (EEC) No 4059/89.

1 including, in particular, the acquisition of knowledge of the rules applicable to cabotage in the twelve Member States, the implementation of a commercial transfrontier strategy, modifications to the operation and/or the structure of the company, training of drivers, etc.

Article 6

This article forbids checks at frontiers within the Community, in accordance with Community legislation. The provisions of Regulation (EEC) No 4060/89¹ apply to checks carried out on cabotage operations.

Articles 7 and 8

No comments.

1 OJ No L 390, 30.12.1989, p. 18.

Proposal for a
COUNCIL REGULATION
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THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,
and in particular Article 75 thereof,

Having regard to the proposal from the Commission,¹

Having regard to the opinion of the European Parliament,²

Having regard to the opinion of the Economic and Social Committee,³

Whereas, pursuant to Article 75(1)(b) of the Treaty, the establishment of a
common transport policy entails, inter alia, laying down the conditions
under which non-resident carriers may operate transport services within a
Member State;

Whereas the freedom to provide national transport services implicit in this
provision entails the removal of all restrictions against the person
providing the services in question on the grounds of his nationality or the
fact that he is established in a different Member State from the one in
which the service is to be provided;

1 OJ No C

2 OJ No C

3 OJ No C

Whereas the transitional cabotage system laid down in Council Regulation (EEC) No 4059/89⁴ as amended by Regulation (EEC) No 296/91⁵, expires on 31 December 1992; whereas, under Article 9 of that Regulation, the Council must adopt a Regulation laying down the definitive cabotage system, to enter into force on 1 January 1993;

Whereas, in accordance with the general principles of the Treaty concerning equal treatment and with the judgments of the Court of Justice on the subject, non-resident carriers must be allowed to provide national transport services under the same conditions as those imposed by the Member State concerned on its own carriers;

Whereas only those carriers authorized to operate international road haulage services may operate domestic transport services within a Member State other than the State in which they are established;

Whereas the provisions of the host Member State applicable to cabotage services should be fixed except where Community legislation applies, so as to take into account the temporary nature of the services provided and the need to ensure fair competition between Community carriers;

Whereas, in this context, only the internal legislation of a host Member State which is justifiable on account of a major public interest may apply, and it should only apply in so far as the interest being protected is not already safeguarded by rules to which the carrier is subject in the Member State of establishment and provided that any restrictions are the minimum necessary for achieving their objective; whereas vehicles whose technical characteristics as regards construction and equipment meet the Community or international rules in force must be allowed to carry out cabotage;

4 OJ No L 390, 30.12.1989, p. 3.

5 OJ No L 36, 8.2.1991. p. 8.

Whereas provisions should be adopted so that action can be taken as regards the transport market affected, in the event of a serious disturbance in a specific geographical area having a substantial impact on this market; whereas, for this purpose, the necessary statistics should be collected and a suitable decision-making procedure introduced;

Whereas it is desirable that Member States grant each other mutual assistance with a view to sound application of the system introduced, particularly in respect of monitoring and of penalties applicable in the event of infringements; whereas penalties must be non-discriminatory and proportional to the gravity of the infringement,

HAS ADOPTED THIS REGULATION:

Article 1

1. With effect from 1 January 1993, any road haulage carrier for hire and reward who, in accordance with the legislation of a Member State and with Community legislation:

- is established in that Member State, hereinafter referred to as "Member State of establishment", and
- is authorized, in that State, to operate international road haulage services by virtue of holding an authorization as referred to in Article 3 of Council Regulation (EEC) No⁶ (doc. COM(91) 293 presented to the Council on 27 August 1991)

shall be entitled, under the conditions laid down in this Regulation, to operate, on a temporary basis and without quantitative restrictions on market access, domestic road haulage services in a Member State other than the State in which he is established, hereinafter referred to as the "host Member State", without having a registered office or other establishment therein.

2. The domestic road haulage services referred to in paragraph 1 are hereinafter referred to as "cabotage services".

Article 2

1. Cabotage services shall be operated using a vehicle:

- registered or put into circulation in international transport in the carrier's name and in accordance with the rules applicable in the Member State of establishment; or

- hired by the carrier:

- * under the conditions laid down in Council Directive 84/647/EEC of 19 December 1984 on the use of vehicles hired without drivers for the carriage of goods by road,⁷ or

- * under the same conditions as those applicable to carriers resident in the host Member State, which are permitted by virtue of Article 4 of Directive 84/647/EEC.

2. In the case of a road train, the trailer or semi-trailer may be registered or put into circulation in international transport in a name other than that of the carrier, or in another Member State.

⁷ OJ No L 335, 22.12.1984, p. 72.

Article 3

1. The performance of cabotage transport operations shall be subject, save as otherwise provided in Community regulations, to the laws, regulations and administrative provisions in force in the host Member State in the following areas:

- (a) binding legal provisions concerning the transport contract;
- (b) weights and dimensions of road vehicles; such weights and dimensions may, where appropriate, exceed those applicable in the carrier's Member State of establishment, but they may under no circumstances exceed the technical standards set out in the certificate of conformity;
- (c) requirements relating to the carriage of certain categories of goods, in particular dangerous goods, perishable foodstuffs, live animals, abnormal loads, etc.; technical restrictions based on the national legislation of the host Member State may not be imposed on a road vehicle registered in another Member State if the vehicle complies with current Community or international rules in respect of the technical standards relating to its construction and equipment;
- (d) driving and rest time for drivers;
- (e) traffic laws and the highway code.

2. The provisions referred to in paragraph 1 shall be applied to non-resident transport operators on the same conditions as those which that Member State imposes on its own nationals, but taking account of the principle of proportionality, so as effectively to prevent any open or hidden discrimination on grounds of nationality or place of establishment.

Article 4

1. In the event of a serious disturbance of the domestic transport markets in a particular geographical area due to cabotage operations, any Member State may request the Commission to take action, or the Commission may act on its own initiative.
2. A serious disturbance shall mean the appearance, on the market referred to in paragraph 1, of problems specific to that market and which:
 - are likely to lead to a serious and potentially lasting excess of supply over demand;
 - are due to cabotage operations; and
 - pose a serious threat to the financial stability and survival of a significant number of road haulage underakings,

provided that the short-term and medium-term forecasts for the market in question do not indicate any substantial and lasting improvements.

3. The Commission shall collect the data necessary to monitor the market and to establish whether a crisis exists. For this purpose, Member States shall cooperate with the Commission in communicating and processing data which are available or can readily be obtained.
4. Where a Member State believes a crisis exists, it may request the Commission to investigate. To enable the Commission to assess the situation, the Member State concerned shall provide substantive and quantified information.

Following such a request from a Member State or acting on its own initiative, the Commission shall consult the Member States within the Advisory Committee set up under Article 5 of Regulation (EEC) No 3916/90 of 21 December 1990 on measures to be taken in the event of a crisis in the market in the carriage of goods by road,⁸ or by written telecommunication. The purview of that Committee is hereby extended for the purposes of applying this Article.

5. If the Commission concludes that a crisis exists, it may, by decision, take any necessary safeguard measures where appropriate within 30 days of receipt of the request from the Member State.

These measures may remain in force for a period not exceeding twelve months, renewable once for a period not exceeding twelve months.

6. The Commission shall notify the Council and the Member States of any decision taken pursuant to paragraph 5 or, where appropriate, of its decision not to take measures.
7. Any Member State may refer the Commission's decision to the Council within 30 days of its notification. The Council, acting by a qualified majority, may take a different decision within 30 days following referral by the Member State or States concerned.

8 OJ No L 375, 31.12.1990, p. 10.

Notwithstanding the provisions of Article 4, between 1 January 1993 and 31 December 1995 and where cabotage operations amount to 5% of its national transport operations calculated in tonne-kilometres, a host Member State may require prior notification of cabotage operations and may limit such operations to 5% of its national road transport operations calculated in tonne-kilometres in 1993, to 6% in 1994 and to 7% in 1995, subject to approval being given by the Commission within 15 days of receipt of the application by the State concerned.

Carriers must send the prior notification via the competent authorities of the Member State of establishment to the competent authorities of the host Member State.

Article 6

1. The Member States shall assist one another with a view to implementing this Regulation and the laws, regulations and administrative provisions governing cabotage transport.
2. Any infringements committed by a non-resident carrier shall, without prejudice to any criminal proceedings to which they expose that carrier in the host Member State, be communicated to the competent authorities of the carrier's Member State of establishment.

The competent authorities shall communicate to one another all information in their possession on the penalties imposed in respect of such infringements.

3. The competent authorities of the host Member State may, in the event of serious or repeated infringements, ask the competent authorities of the Member State of establishment to impose penalties.

Those penalties may in particular consist of:

- a warning,
 - a temporary or permanent ban on operating national transport services within the host Member State; this ban will be noted in the Community authorization laid down in Article 3 of Regulation (EEC) ... (doc. COM(91) 293) presented to the Council on 27 August 1991,
 - a withdrawal of the Community authorization.
4. In the event of an infringement, the competent authorities of the Member State of establishment shall be obliged either to impose the penalty agreed upon with the authorities of the host Member State or to arraign the carrier concerned before a competent national court or tribunal.

The competent authorities of the host Member State shall be informed immediately of any penalty imposed.

5. The penalties referred to in paragraphs 2, 3 and 4 shall be applied in a non-discriminatory fashion and shall be proportional to the seriousness of the offence.

Article 7

The carrying out of checks at the internal frontiers of the Community to implement this Regulation is forbidden. The checks necessary for the implementation of this Regulation shall be made in accordance with the conditions laid down in Council Regulation (EEC) No 4060/89⁹.

9 OJ No L 390, 30.12.1989, p. 18.

Article 8

The Member States shall adopt in good time and communicate to the Commission the laws, regulations and administrative provisions relating to the implementation of this Regulation.

Article 9

This Regulation shall enter into force on 1 January 1993.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the Council
The President

REPORT TO THE COUNCIL
ON THE USE OF 1990/91 ROAD CABOTAGE AUTHORISATIONS

1. Introduction

Under Regulation 4059/89, 15,000 2-month cabotage authorisations were issued to the Member States for the period 1st July 1990 - 30th June 1991; such authorisations permitted the holder of the authorisation to make journeys which were entirely within any one of the other Member States. The distribution of the authorisations between Member States was pro-rata to the number of Community Quota authorisations. Under Regulation 296/91 the number of cabotage authorisations was increased by 298 for the period 1st January 1991 - 30th June 1991 to allow for the extension of the German national market following the adhesion of the 5 länder of the former German Democratic Republic. The number of authorisations valid for the period 1st July 1990 - 30th June 1991 was thus 15,298 (D, 2170; F, 1793; I, 1795; NL, 1869; B, 1322; L, 616; UK, 1124; IRL, 595; DK, 1282; GR, 584; E, 1371; P, 777).

2. Provision of data

Under Regulation 4059/89, Member States are to provide to the Commission within 3 months of the end of each quarter, a summary table giving the number of days, number of tonnes and number of tonne-kilometres performed by their own hauliers in cabotage operations in each of the other Member States. Such information enables the Commission to monitor the impact of cabotage operations in relation to movements by hauliers in their own national markets and to check whether there is undue concentration of cabotage operations in a particular Member State as required under Article 2.5 and 3.3 of the Regulation.

The Regulation does not require Member States to inform the Commission of the number of cabotage authorisations valid in a particular quarter. Such information would have been useful for calculating average utilisation rates (days, tonnes or tonne-kilometres) in each quarter and for estimating total use in the whole first year of operation, mid-1990 - mid-1991, on the assumption that all cabotage authorisations were eventually issued. An assumption that the cabotage authorisations were issued uniformly over the (first) year would almost certainly be misleading as it is thought that, in most Member States, the initial demand for cabotage authorisations was rather low.

3. Data available

Despite a reminder being sent to the Member States on 4 April 1991 and a further reminder being given at the meeting with national experts on 15 July 1991, the provision of data to the Commission has been much slower than prescribed under the Regulation. According to the Regulation, data should have been received as follows:

3rd Quarter 1990 (III-90) 1 January 1991
4th Quarter 1990 (IV-90) 1 April 1991
1st Quarter 1991 (I-91) 1 July 1991

At the time of preparing this report (29.7.1991) the data had been received from Reporting Member States as follows:

III-90: 9/12 (D, F, I, NL, B, UK, DK, E, P)
IV-90 : 8/12 (D, F, NL, B, UK, DK, E, P)
I-91 : 5/12 (F, UK, DK, E, P)

Since the main objective is to establish the level and concentration of cabotage authorisations in each Member State, it is evident that this can only be examined approximately even for III-90 since data relating to hauliers from all Member States are not available. The figures in this report must thus be regarded as preliminary estimates; it should be possible to update these estimates while this Report is being examined in parallel with the proposal for the road cabotage regime post-1992.

4. Choice of variable for the analysis

Three variables, days, tonnes and tonne-kilometres are provided in the cabotage statistics and of these two, days and tonne-kilometres, are specified in Article 3.3 of the Regulation for consideration for the measurement of concentration of cabotage operations in a particular Member State. Before proceeding to analyse the data received, some comments will be made about each of the variables.

Days

Although the concept of the number of days on which cabotage authorisations are used is very straightforward, there are number of difficulties of using this criteria, namely:

- (i) the number of authorisations issued per quarter is not known (see section 2 above) so that the number of days during which the cabotage authorisations could have been used is also unknown, at least on a quarterly basis. It follows that the concentration criteria as to "whether the number of days used in a particular Member State exceeds 30% of the number of days that those same authorisations could have been used" cannot be calculated on a quarterly basis. From the results received so far, it seems improbable that cabotage authorisations were used on more than 30% of the days that they could have been used, so that even if all the cabotage operations were concentrated in one Member State, the 30% limit would not be reached.

- (ii) information on the number of days vehicles are used in national markets is not available under the road statistics directive (78/546 modified by 89/462) so that it is not possible to compare days of use of cabotage authorisations with days of use of vehicles on national markets which would give an indication of the penetration of cabotage. Further, even if such information on days was available for national markets, the interpretation would be misleading due to the large number of small goods vehicles, especially in some Member States, whereas those performing cabotage operations are generally larger vehicles (average performance is about 4000 tkm per day).

Tonnes

Information on tonnes carried in national markets is available under the road statistics directive so that it is possible to compare tonnes carried under cabotage operations with tonnes carried on national markets. Examination of the results received so far indicates, not surprisingly, that the average distance that each tonne moves under a cabotage operation (250 km) is much longer than the average distance that each tonne moves on national markets (80 km) where, for road, very short journeys predominate. It follows that the variable, tonnes, will underestimate the impact of cabotage operations.

Tonne-kilometres

The second criteria specified in the Regulation regarding concentration relates to 30% "trigger" for tonne-kilometres being performed in a particular Member State. There are no difficulties in calculating this criteria in a particular quarter once the cabotage statistics have been received from all Member States.

Additionally, information on tonne-kilometres carried in national markets is also available under the road statistics directive so that it is possible to compare tonne-kilometres carried under cabotage operations with tonne-kilometres carried on national markets.

Conclusion

Tonne-kilometres is the preferred variable and the detailed analysis of the cabotage statistics will concentrate on this variable especially where comparisons are made with the national markets.

5. Total use of cabotage authorisations by quarter

The first part of the analysis examines the use of cabotage authorisations according to the Reporting Member State (i.e. the Member State of the haulier) and irrespective of the Member State in which the cabotage is carried out. The results for all three variables, days, tonnes and tonne-kilometres are set out by quarter in Annex 1; the results for tonne-kilometres are shown in Table 1 below which also shows the ratio of tonne-kilometres in a quarter to that of the previous quarter.

Table 1

Tonne-kilometres according to Reporting Member State

(000's)

Reporting Member State	III-90	IV-90	I-91	II-91	$\frac{IV-90}{III-90}$	$\frac{I-91}{IV-90}$	$\frac{II-91}{I-91}$
D	7831	12530			1.60		
F	6274	19738	24706		3.15	1.25	
I	0						
NL	11934	25870			2.17		
B	17605	23976			1.36		
L							
UK	915	2529	7681		2.76	3.04	
IRL							
DK	5234	9642	13178		1.84	1.37	
GR							
E	599	1414	2221		2.36	1.57	
P	0	57	129		-	2.26	
EUR 12 est	54000	108000	156000	190000	2.00	1.44	1.22
EUR 9	50392						
EUR 8	50392	95756			1.90		
EUR 5		33380	47915			1.44	

3rd Quarter 1990 (III-90)

The observed total cabotage (based on 9 Reporting Member States) is 50.4 million tkm and these 9 Member States have 13503 out of the 15298 authorisations, or 88%. If the remaining 3 Member States had the same average use as the observed 9, then the estimated total cabotage in III-90 would be 57.1 million tkm; this is likely to be too high as 2 of the 3 Member States who have not reported are peripheral Member States who can be expected, at least initially to have a lower utilisation of cabotage authorisations. The revised estimate for III-90 is 54 million tkm with the observed figures from the 9 Member States accounting for 93% of the total.

4th Quarter 1990 (IV-90)

The observed total cabotage (based on 8 Reporting Member States) in IV-90 is 95.8 million tkm, some 90% more than in III-90. The estimate for all 12 Member States is 108 million tkm in IV-90.

1st Quarter 1991 (I-91)

The observed total cabotage (based on 5 Reporting Member States) in I-91 is 47.9 million tkm, 44% more than in IV-90 for the same 5 Member States. The estimate for all 12 Member States is 156 million tkm in I-91.

2nd Quarter 1991 (II-91)

While there is no observed data for II-91, the steadily increasing use in the first three quarters of cabotage operations suggests an estimate of about 190 million tkm in II-91.

1st Year of operation, mid 1990 - mid 1991

Since data is only available for 22 of the 48 possible Member State/Quarter combinations, the estimated use of cabotage authorisations is necessarily very provisional. Based on the sum of the estimates for the 4 separate quarters, total cabotage is estimated at 508 million tkm for the period mid 1990 - mid 1991. Because of the large amount of missing data, it would be more prudent to say that cabotage is likely to have been in the range 450 to 600 million tkm for the period mid 1990 - mid 1991. This is much smaller than that forecast in the 1989 Analysis and Forecasts Report in the EUROPATRANSPORT series which was for the use to rise to 3000 million tkm.

Comparison with national markets

The sum of the 12 national markets (hire and reward only) can be estimated at 117640 million tkm per quarter for the period mid 1990 - mid 1991 (see Table 3), some 5% above the observed size of the 12 national markets in 1989, it follows that cabotage is estimated to correspond to 0.046%, 0.092%, 0.133% and 0.162% of national markets in the first 4 quarters of operation and 0.108% in the first year of operation.

6. Total use of cabotage authorisations by Reporting Member State

Because of the limited amount of data available, as shown in Table 1, tables showing the share of cabotage operations performed by hauliers from different Reporting Member States are hard to interpret and may be misleading. At this stage it is preferable to limit comments to rather general remarks, based on tonne-kilometres performed.

NL and B hauliers accounted for almost half of the tonne-kilometres performed in III-90 and IV-90 (after allowing for estimates for the Member States who have not reported) even though they have only just over 20% of the cabotage authorisations.

F hauliers accounted for about 10% of tonne-kilometres in III-90 (compared with 12% of the cabotage authorisations), but their share has increased, 17% in IV-90 and (roughly) 15% in I-91.

D hauliers accounted for about 13% of tonne-kilometres in III-90 (compared with 14% of the cabotage authorisations), but their share fell to 11% in IV-90.

DK hauliers have held steady with about 8% of tonne-kilometres (they also have 8% of the cabotage authorisations).

UK hauliers started quietly with 1.5% of tonne-kilometres in III-90 (compared to 7% of the cabotage authorisations), but their share exceeded 2% in IV-90 and reached (roughly) 4.5% in I-91.

E hauliers started very quietly with 1% of tonne-kilometres in III-90 (compared to 9% of the cabotage authorisations), their share has increased slowly but steadily to 1.25% in IV-90 and (roughly) 1.35% in I-91.

P hauliers had an exceptionally slow start recording 10 tonne-kilometres in III-90 (compared to 5% of the cabotage authorisations), a small number of tonne-kilometres were performed in IV-90 and I-91 but still accounted for less than 0.1% of all tonne-kilometres under cabotage operations.

I hauliers also had an exceptionally slow start as distribution of authorisations did not start till the very end of October; consequently no tonne-kilometres were recorded in III-90.

L, IRL, GR hauliers: no information received so far.

7. Concentration of cabotage operations in a particular Member State

Whereas the first part of the analysis examined "who does the cabotage ?", the second part of the analysis examines the politically more interesting question "where is the cabotage performed ?".

Again, because of incomplete data, the analysis is provisional. However for III-90 and IV-90 the 9 (or 8) Reporting Member States are thought to account for about 90% of the tonne-kilometres so that the other 3 (or 4) Member States would need to have a completely different pattern of cabotage operations for the results to be materially affected.

The full results, in the form of matrices, showing the cabotage operations performed by each of the Reporting Member States in each other Member State is set out in Annex 2 for each of the variables, days, tonnes and tonne-kilometres and for each quarter separately.

The analysis again concentrates on tonne-kilometres and the results are summarised in table 2 which shows the percentage of tonne-kilometres performed in each Member State; 2 columns have been included for III-90 and IV-90 so that fair comparisons can be made between one quarter and the next as well as showing the distribution for the largest number of Member States in a given quarter.

Table 2

% of tonne-kilometres according to Member State in which
cabotage is performed

Cabotage performed in	III-90 (9 M.S.)	III-90 (8 M.S.)	IV-90 (8 M.S.)	IV-90 (5 M.S.)	I-91 (5 M.S.)
D	49%	49%	53%	66%	68%
F	14%	14%	9%	5%	10%
I	18%	18%	20%	10%	8%
NL	4%	4%	4%	0%	1%
B	5%	5%	5%	2%	1%
L	0%	0%	0%	0%	0%
UK	4%	4%	5%	6%	5%
IRL	0%	0%	0%	1%	2%
DK	1%	1%	1%	0%	0%
GR	0%	0%	0%	0%	0%
E	3%	3%	4%	9%	4%
P	0%	0%	0%	1%	0%
TOTAL	100%	100%	100%	100%	100%

3rd Quarter 1990 (III-90)

49% of the observed total cabotage (based on 9 Member States) is performed in D in III-90, i.e. 24.8 million tkm. Even if none of the (estimated) 7% of the cabotage operations performed by the other 3 Member States were performed in D, cabotage operations in D would still account for 46% of the observed total cabotage, i.e. well beyond the 30% "trigger point" specified in the Regulation for an investigation. If, on the other hand, the other 3 Member States had a typical pattern of distribution and also accounted (as above) for 7% of all cabotage operations, then the total cabotage in D would be close to 27 million tkm in III-90.

The D national market (for hire and reward hauliers) is estimated at 17100 million tkm per quarter during the period mid 1990 - mid 1991 so that the cabotage operations performed in D correspond to 0.16% of the D national market. It follows that while concentration in the D market is high the effect on the D national market is small because the total amount of cabotage performed in III-90 is so small.

4th Quarter 1990 (IV-90)

53% of the observed total cabotage (based on 8 Member States) is performed in D IV-90, i.e. a slightly higher percentage than in III-90. Combined with the higher amount of cabotage reported by the 8 Member States, this leads to 50.4 million tkm of cabotage being reported in D, a figure likely to increase to about 60 million tkm when data from the other 4 Member States is available.

It is even more certain that the 30% trigger will be reached for D in IV-90, but even with the increased amount of cabotage operations it is likely only to correspond to 0.35% of the D national market.

1st Quarter 1991 (I-91)

While 68% of the observed total cabotage is performed in D in I-91, a comparison of this figure with IV-90 is unfair as it is only based on 5 Member States; the corresponding figure for the same 5 Member States in IV-90 is 66%, so that the preliminary indications are for a further slight increase in concentration of cabotage in D. A very preliminary estimate for all cabotage operations in D in I-91 is 90 million tkm; this would correspond to 0.53% of the D national market.

Summary

The results received so far indicate that about 50% of cabotage operations are being performed in D on a tonne-kilometres basis and that this may be rising slowly. However because cabotage operations are on such a limited scale, the impact on the D national market is small though increasing corresponding to 0.16%, 0.35% and 0.53% (provisional) of the D national market in the first 3 quarters when cabotage operations have been permitted.

8. Impact of cabotage operations in each Member State

As was seen in the previous Section, about 50% of the cabotage operations are concentrated in D (on a tonne-kilometres basis). D, however, has one of the largest national markets and it is possible, although unlikely, that some other national market will have attracted sufficient cabotage operations for it to correspond to a larger share in their national market. This is examined in Table 3 where the tonne-kilometres performed in each Member State in the second half of 1990 under cabotage operations are compared with an estimate of national road transport in the same period. In this table which is for comparative purposes, no adjustment has been made for those Member States who have not reported cabotage operations, the results for D are thus slightly lower than given in the previous section.

The results show that the impact of cabotage operations on the B market are of a similar intensity as the D market, but that for all other Member States except L the impact is much lower. In the very small national L market, the penetration of cabotage is quite high, being about 1% in IV-90. It is interesting to note that no cabotage operations have yet been reported in GR.

Table 3

Comparison of cabotage operations performed in each Member State
with corresponding national market

(millions tkm)

performed in	<u>Cabotage</u>		<u>National</u>	<u>Cabotage/National in %</u>	
	III-90 (9 M.S.)	IV-90 (8 M.S.)	estimate per quarter	III-90	IV-90
D	24.8	50.4	17100	0.15	0.30
F	7.1	8.4	17100	0.04	0.05
I	9.1	18.9	26100	0.03	0.07
NL	2.2	3.7	3730	0.06	0.10
B	2.5	4.4	1730	0.14	0.25
L	0.04	0.1	10	0.40	1.0
UK	2.1	4.4	25400	0.008	0.02
IRL	0.2	0.4	530	0.04	0.08
DK	0.6	1.0	1790	0.03	0.06
GR	0	0	2530	0	0
E	1.6	3.8	20800	0.008	0.02
P	0.1	0.3	820	0.01	0.04
EUR 12	50.3	94.8	117640	0.04	0.08

Cabotage performed

Cabotage effectué

Kabotagefahrten

Days / Jours / Tage		III - 90	IV - 90	I - 91	II - 91
Reporting Member State	D	3780	5374		
	F	1724	4773	7207	
	I	0			
	NL	2259	4068		
	B	2748	3523		
	L				
	UK	245	660	2028	
	IRL				
	DK	1001	1694	2118	
	GR				
	E	86	208	325	
	P	0	5	49	
	total	11843	20305	11727	0

TONNES		III - 90	IV - 90	I - 91	II - 91
Reporting Member State	D	45238	85922		
	F	21440	57541	81077	
	I	0			
	NL	48889	101816		
	B	71078	96822		
	L				
	UK	4115	9462	32737	
	IRL				
	DK	26898	35121	38857	
	GR				
	E	1290	3014	4641	
	P	0	65	182	
	total	218948	389763	157494	0

1000 TKM		III - 90	IV - 90	I - 91	II - 91
Reporting Member State	D	7831	12530		
	F	6274	19738	24706	
	I	0			
	NL	11934	25870		
	B	17605	23976		
	L				
	UK	915	2529	7681	
	IRL				
	DK	5234	9642	13178	
	GR				
	E	599	1414	2221	
	P	0	57	129	
	total	50392	95756	47915	0

	Number of authorizations				Nombre d'autorisations				Anzahl der Genehmigungen				
90 - 91	D	F	I	NL	B	L	UK	IRL	DK	GR	E	P	EUR
	2170	1793	1795	1869	1322	616	1124	595	1282	584	1371	777	15298
	14%	12%	12%	12%	9%	4%	7%	4%	8%	4%	9%	5%	100%

III - 90		Cabotage performed in :				Cabotage effectué en :				Kabotagefahrten in :				EUR
Days/Jours/Tag		D	F	I	NL	B	L	UK	IRL	DK	GR	E	P	
Reporting Member State	D		707	2295	258	71	0	77	0	244	0	106	22	3780
	F	893		140	71	77	28	322	0	0	0	188	5	1724
Etat	I	0	0		0	0	0	0	0	0	0	0	0	0
	NL	1210	48	198		620	0	100	0	45	0	37	1	2259
Membre déclarant	B	1317	687	161	485		34	57	0	0	0	7	0	2748
	L													0%
Mitglied-Staat der Unternehmer	UK	33	63	18	33	38	0		56	0	0	4	0	245
	IRL													0%
Mitglied-Staat der Unternehmer	DK	773	74	126	4	0	0	1	0		0	0	23	1001
	GR													0%
Mitglied-Staat der Unternehmer	E	30	51	1	0	0	0	0	0	0	0		4	86
	P	0	0	0	0	0	0	0	0	0	0	0		0
total		4256	1630	2939	851	806	62	557	56	289	0	342	55	11843

III - 90			
3780	32%		
1724	15%		
0	0%		
2259	19%		
2748	23%		
	0%		
245	2%		
	0%		
1001	8%		
	0%		
86	1%		
0	0%		
11843	100%		

III - 90	4256	1630	2939	851	806	62	557	56	289	0	342	55	11843
	36%	14%	25%	7%	7%	1%	5%	0%	2%	0%	3%	0%	100%

		Number of authorizations				Nombre d'autorisations				Anzahl der Genehmigungen				
90 - 91		D	F	I	NL	B	L	UK	IRL	DK	GR	E	P	EUR
		2170	1793	1795	1869	1322	616	1124	595	1282	584	1371	777	15298
		14%	12%	12%	12%	9%	4%	7%	4%	8%	4%	9%	5%	100%

		Cabotage performed in :				Cabotage effectué en :				Kabotagefahrten in :				
TONNES		D	F	I	NL	B	L	UK	IRL	DK	GR	E	P	EUR
Reporting Member State	D		7043	30073	2977	933	0	939	0	2117	0	1047	109	45238
	F	9873		2218	695	1274	1018	4071	0	0	0	2168	123	21440
Etat	I	0	0		0	0	0	0	0	0	0	0	0	0
	NL	24036	845	4501		16228	0	1620	0	855	0	802	2	48889
Membre déclarant	B	33904	17671	4286	11828		1981	1277	0	0	0	131	0	71078
	L													0
Mitglied-Staat der Unternehmer	UK	459	771	277	477	771	0		1299	0	0	61	0	4115
	IRL													0
Mitglied-Staat der Unternehmer	DK	22346	713	3700	33	0	0	3	0		0	0	103	26898
	GR													0
Unternehmer	E	483	714	15	0	0	0	0	0	0	0		78	1290
	P	0	0	0	0	0	0	0	0	0	0	0		0
total		91101	27757	45070	16010	19206	2999	7910	1299	2972	0	4209	415	218948

III - 90			
45238	21%		
21440	10%		
0	0%		
48889	22%		
71078	32%		
	0%		
4115	2%		
	0%		
26898	12%		
	0%		
1290	1%		
0	0%		
218948	100%		

III - 90	91101	27757	45070	16010	19206	2999	7910	1299	2972	0	4209	415	218948
	42%	13%	21%	7%	9%	1%	4%	1%	1%	0%	2%	0%	100%

		Number of authorizations					Nombre d'autorisations				Anzahl der Genehmigungen			
90 - 91		D	F	I	NL	B	L	UK	IRL	DK	GR	E	P	EUR
		2170	1793	1795	1869	1322	616	1124	595	1282	584	1371	777	15298
		14%	12%	12%	12%	9%	4%	7%	4%	8%	4%	9%	5%	100%

		Cabotage performed in :					Cabotage effectué en :				Kabotagefahrten in :					
1000 TKM	III - 90	D	F	I	NL	B	L	UK	IRL	DK	GR	E	P	EUR	III - 90	
Reporting Member State	D		1390	5017	404	130	0	244	0	320	0	308	18	7831	7831	16%
	F	3336		638	102	67	32	1146	0	0	0	936	17	6274	6274	12%
	I	0	0		0	0	0	0	0	0	0	0	0	0	0	0%
	NL	7177	432	1282		2100	0	355	0	254	0	334	0	11934	11934	24%
Etat	B	9712	4493	1265	1703		9	385	0	0	0	38	0	17605	17605	35%
Membre déclarant	L													0	0	0%
	UK	188	290	39	27	164	0		184	0	0	23	0	915	915	2%
	IRL													0	0	0%
Mitglied-Staat der Unternehmer	DK	4215	98	901	7	0	0	0	0		0	0	13	5234	5234	10%
	GR													0	0	0%
	E	198	356	6	0	0	0	0	0	0	0		39	599	599	1%
	P	0	0	0	0	0	0	0	0	0	0	0		0	0	0%
	total	24826	7059	9148	2243	2461	41	2130	184	574	0	1639	87	50392	50392	100%

III - 90	24826	7059	9148	2243	2461	41	2130	184	574	0	1639	87	50392
	49%	14%	18%	4%	5%	0%	4%	0%	1%	0%	3%	0%	100%

	number of	D	F	I	NL	B	L	UK	IRL	DK	GR	E	P	EUR
90 - 91	authorizations	2170	1793	1795	1869	1322	616	1124	595	1282	584	1371	777	15298
		14%	12%	12%	12%	9%	4%	7%	4%	8%	4%	9%	5%	100%

IV - 90		Cabotage performed in :				Cabotage effectué en :				Kabotagefahrten in :				EUR
Days/Jours/Tag		D	F	I	NL	B	L	UK	IRL	DK	GR	E	P	
Reporting Member State	D		900	3612	307	96	4	75	0	189	0	168	23	5374
	F	3124		411	18	256	164	440	0	0	0	349	11	4773
	I													
	NL	2294	128	332		914	8	200	1	148	0	41	2	4068
	B	1743	760	224	658		82	49	0	0	0	7	0	3523
	L													
	UK	227	169	15	40	64	0		122	0	0	23	0	660
	IRL													
	DK	1394	99	152	2	0	0	3	0		0	6	38	1694
	GR													
	E	46	131	4	0	0	0	0	0	0	0		27	208
Unternehmer	P	0	0	0	0	0	0	0	0	0	0	5		5
	total	8828	2187	4750	1025	1330	258	767	123	337	0	599	101	20305

IV - 90	
5374	26%
4773	24%
	0%
4068	20%
3523	17%
	0%
660	3%
	0%
1694	8%
	0%
208	1%
5	0%
20305	100%

IV - 90	8828	2187	4750	1025	1330	258	767	123	337	0	599	101	20305
	43%	11%	23%	5%	7%	1%	4%	1%	2%	0%	3%	0%	100%

	number of	D	F	I	NL	B	L	UK	IRL	DK	GR	E	P	EUR
90 - 91	autho-	2170	1793	1795	1869	1322	616	1124	595	1282	584	1371	777	15298
	rizations	14%	12%	12%	12%	9%	4%	7%	4%	8%	4%	9%	5%	100%

		IV - 90	Cabotage performed in :										Cabotage effectué en :			Kabotagefahrten in :				EUR
TONNES			D	F	I	NL	B	L	UK	IRL	DK	GR	E	P						
Reporting Member State	D			7446	67210	4769	2010	97	1102	0	1620	0	1554	114					85922	
	F	30640			5995	217	3839	5011	6575	0	0	0	4994	270					57541	
Etat	I																		0%	
	NL	52071	2404	8637		29746	136	5139	2	2667	0	965	49					101816		
Membre déclarant	B	47566	18019	6042	18870		4908	1277	0	0	0	140	0					96822		
	L																		0%	
Mitglied-Staat der Unternehmer	UK	3010	1553	298	623	1142	0		2465	0	0	371	0					9462		
	IRL																		0%	
	DK	28686	1527	4374	39	0	0	37	0		0	125	333					35121		
	GR																		0%	
	E	717	1828	53	0	0	0	0	0	0	0			416					3014	
	P	0	0	0	0	0	0	0	0	0	0	0	65						65	
total		#####	32777	92609	24518	36737	10152	14130	2467	4287	0	8214	1182					389763		

IV - 90	
85922	22%
57541	15%
	0%
101816	26%
96822	25%
	0%
9462	2%
	0%
35121	9%
	0%
3014	1%
65	0%
389763	100%

IV - 90	#####	32777	92609	24518	36737	10152	14130	2467	4287	0	8214	1182	389763	
		42%	8%	24%	6%	9%	3%	4%	1%	1%	0%	2%	0%	100%

90 - 91	number of authorizations	D	F	I	NL	B	L	UK	IRL	DK	GR	E	P	EUR
		2170	1793	1795	1869	1322	616	1124	595	1282	584	1371	777	15298
		14%	12%	12%	12%	9%	4%	7%	4%	8%	4%	9%	5%	100%

IV - 90		Cabotage performed in :					Cabotage effectué en :					Kabotagefahrten in :				IV - 90	
1000 TKM		D	F	I	NL	B	L	UK	IRL	DK	GR	E	P	EUR			
Reporting Member State	D		829	10069	604	134	6	333	0	239	0	291	25	12530	12530	13%	
	F	12459		2229	25	425	63	2016	0	0	0	2499	22	19738	19738	21%	
Etat	I															0%	
	NL	15489	1128	2717		3649	28	1604	2	774	0	474	5	25870	25870	27%	
Membre déclarant	B	12851	4653	2941	3011		7	452	0	0	0	61	0	23976	23976	25%	
	L															0%	
Mitglied-Staat der Unternehmer	UK	912	691	41	47	174	0		420	0	0	244	0	2529	2529	3%	
	IRL															0%	
	DK	8415	179	881	4	0	0	9	0		0	131	23	9642	9642	10%	
	GR															0%	
	E	286	917	21	0	0	0	0	0	0	0		190	1414	1414	1%	
	P	0	0	0	0	0	0	0	0	0	0	57		57	57	0%	
	total	50412	8397	18899	3691	4382	104	4414	422	1013	0	3757	265	95756	95756	100%	

IV - 90	50412	8397	18899	3691	4382	104	4414	422	1013	0	3757	265	95756
	53%	9%	20%	4%	5%	0%	5%	0%	1%	0%	4%	0%	100%

90 - 91	number of authorizations	D	F	I	NL	B	L	UK	IRL	DK	GR	E	P	EUR
		2170	1793	1795	1869	1322	616	1124	595	1282	584	1371	777	15298
		14%	12%	12%	12%	9%	4%	7%	4%	8%	4%	9%	5%	100%

Days/Jours/Tag	I - 91	Cabotage performed in :				Cabotage effectué en :				Kabotagefahrten in :				EUR	
		D	F	I	NL	B	L	UK	IRL	DK	GR	E	P		
Reporting Member State	D														
	F	5490		288	53	321	234	530	0	0	0	290	1	7207	
	I														
	NL														
	B														
Etat Membre déclarant	L														
	UK	730	509	97	84	132	0		454	0	0	22	0	2028	
	IRL														
Mitglied-Staat der Unternehmer	DK	1724	132	173	12	1	0	7	0		0	2	67	2118	
	GR														
	E	42	259	3	0	0	0	0	0	0	0		21	325	
	P	0	7	0	0	0	0	0	0	0	0	42		49	
	total	7986	907	561	149	454	234	537	454	0	0	356	89	11727	

I - 91		
	0%	
7207	61%	
	0%	
	0%	
	0%	
2028	17%	
	0%	
2118	18%	
	0%	
325	3%	
49	0%	
11727	100%	

I - 91	7986	907	561	149	454	234	537	454	0	0	356	89	11727
	68%	8%	5%	1%	4%	2%	5%	4%	0%	0%	3%	1%	100%

90 - 91	number of authorizations	D	F	I	NL	B	L	UK	IRL	DK	GR	E	P	EUR
		2170	1793	1795	1869	1322	616	1124	595	1282	584	1371	777	15298
		14%	12%	12%	12%	9%	4%	7%	4%	8%	4%	9%	5%	100%

1000 TKM	I - 91	Cabotage performed in :				Cabotage effectué en :				Kabotagefahrten in :				EUR	
		D	F	I	NL	B	L	UK	IRL	DK	GR	E	P		
Reporting Member State	D														
	F	18232		1778	92	448	36	2340	0	0	0	1774	6	24706	
	I														
	NL														
	B														
Etat	L														
Membre déclarant	UK	2179	2881	952	129	258	0		1187	0	0	95	0	7681	
	IRL														
Mitglied-Staat der Unternehmer	DK	11750	279	1041	22	2	0	15	0		0	15	54	13178	
	GR														
	E	269	1794	17	0	0	0	0	0	0	0		141	2221	
	P	0	15	0	0	0	0	0	0	0	0	114		129	
	total	32430	4969	3788	243	708	36	2355	1187	0	0	1998	201	47915	

I - 91		
	0%	
24706	52%	
	0%	
	0%	
	0%	
7681	16%	
	0%	
13178	28%	
	0%	
2221	5%	
129	0%	
47915	100%	

I - 91	32430	4969	3788	243	708	36	2355	1187	0	0	1998	201	47915
	68%	10%	8%	1%	1%	0%	5%	2%	0%	0%	4%	0%	100%

IMPACT ASSESSMENT

IMPACT OF THE PROPOSAL ON BUSINESSES AND, IN PARTICULAR, ON SMALL AND MEDIUM-SIZED ENTERPRISES (SMEs)

Title of the proposal: proposal for a Council Regulation laying down the definitive system under which non-resident carriers may operate domestic road haulage services within a Member State.

The proposal

1. In view of the subsidiarity principle, why is Community legislation necessary in this field and what are its main objectives?

Community legislation is needed to introduce a common and uniform system of access for non-resident carriers to national road haulage markets.

The proposal has the following major features:

- it ensures complete freedom to provide services (equal treatment for all carriers) in the transport market herein referred to;
- it lays down the rules and procedures under which non-resident carriers may have access to national transport markets;
- it abolishes the cabotage quota system and the quantitative restrictions which that system entails.

Impact on businesses

2. Who will be affected by the proposal?

- Which sectors of business?

Principally haulage firms and, secondarily, firms upstream (consignors and commercial agents) and downstream (end users) of the haulage industry.

- What size of firms?

A considerable proportion (some 80%) of road haulage firms are SMEs.

- Are there any particular geographical areas within the Community where such firms are established?

No.

3. What steps must firms take to comply with the proposal?

They must meet the qualitative conditions for access to the international road haulage market and must hold a Community haulier's authorization, but this single authorization is not subject to quotas and it replaces the cabotage quota authorizations.

4. What economic effects is the proposal likely to have:

- on employment?

None.

- on investment and the creation of new firms?

None.

- on the competitiveness of businesses?

A more accessible market will help improve the competitiveness and efficiency of road haulage.

5. Does the proposal contain any measures intended to take account of the specific situation of SMEs (reduced or different requirements, etc.)?

No.

Consultation

6. List the organizations which have been consulted on the proposal and summarize their main points of view:

Haulage associations were consulted on 15 July 1991. Their views may be summarized as follows:

- The International Road Transport Union (IRU) was in favour of maintaining the cabotage quota and of increasing it annually, circumstances permitting, in line with market requirements. In parallel with this step-by-step approach, progress should be made on harmonizing the conditions of competition.
- The European Liaison Committee of Common Market Forwarders (CLECAT) and the Chambers of Commerce and Industry (EUROCHAMBRES) take the view that the definitive cabotage system must be compatible with the obligations imposed by the Treaty. They consider that, before quota-free cabotage is introduced, there should be a short period (of a few years) during which there would be a gradual transition to the definitive system and conditions of competition would be harmonized.
- UNICE (representing the consignors) is in favour of liberalizing cabotage as from 1 January 1993.

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