



EUROPEAN COMMISSION

*Brussels, 23.1.2018
C(2018) 272 final*

Dear President,

The Commission would like to thank the Bundesrat for its opinion on the proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1071/2009 and Regulation (EC) No 1072/2009 with a view to adapting them to developments in the sector {COM(2017) 281 final}.

This proposal forms part of a broader package of ambitious measures designed to improve the conditions of competition as well as working conditions of drivers in the road transport sector, as well as to make road transport more environmentally sustainable and digitalised (the "Mobility Package").

The proposal to revise the Regulations on access to the profession and access to the market has a number of objectives, notably: to tackle the creation of fake establishments ("letterbox companies"), to simplify and clarify existing rules, to make enforcement more efficient and to reduce administrative burden.

As regards cabotage, and more specifically the requirements of Article 8 of Regulation (EC) No 1072/2009, the objective of the Commission's proposal is to ease enforcement, without opening or closing the market for cabotage as compared to the current status.

The new proposed rules contain elements of greater flexibility, i.e. the suppression of the maximum number of operations, but also restrictions compared to the current rules, i.e. the reduction of the overall number of days available for cabotage following an international transport operation and the limitation of cabotage operations to Member States which are contiguous to the Member State of destination of that international operation. As the impact assessment shows, the proposed rules are overall neutral in respect of the level of cabotage activity and should hence not lead to an increase thereof.

Those rules should be, as such, easier to enforce than the existing rules. Moreover, the proposal contains also other elements intended to improve the level of compliance, i.e.

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concerning enforcement of cabotage rules by Member States and co-responsibility of shippers and freight forwarders.

These clarifications are based on the initial proposal presented by the Commission, which is currently in the legislative process involving both the European Parliament and the Council.

Discussions have started in the Council Working Group under the Estonian Presidency, and the Commission is working closely with the Presidency to identify the main issues where Member States' opinions are divided and to facilitate discussions.

On the side of the European Parliament, the rapporteurs and shadow rapporteurs have been nominated. Discussions have started. The Commission remains hopeful that an agreement will be reached in the near future.

The Commission hopes that the clarifications provided in this reply address the issues raised by the Bundesrat and looks forward to continuing the political dialogue in the future.

Yours faithfully,

*Frans Timmermans
First Vice-President*

*Violeta Bulc
Member of the Commission*