



Council of the
European Union

Brussels, 1 June 2017
(OR. en)

**Interinstitutional File:
2017/0123 (COD)**

**9668/17
ADD 1**

**TRANS 212
CODEC 923
IA 100**

COVER NOTE

From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
date of receipt:	1 June 2017
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union
No. Cion doc.:	SWD(2017) 195 final
Subject:	COMMISSION STAFF WORKING DOCUMENT EXECUTIVE SUMMARY OF THE IMPACT ASSESSMENT Accompanying the document 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

Delegations will find attached document SWD(2017) 195 final.

Encl.: SWD(2017) 195 final



Brussels, 31.5.2017
SWD(2017) 195 final

COMMISSION STAFF WORKING DOCUMENT
EXECUTIVE SUMMARY OF THE IMPACT ASSESSMENT

Accompanying the document

**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}
{SWD(2017) 194 final}

Executive Summary Sheet

Impact assessment on the revision of Regulation (EC) No 1071/2009 on access to the occupation of road transport operator and of Regulation (EC) No 1072/2009 on access to the international road transport market

A. Need for action

What is the problem and why is it a problem at EU level?

The main problems identified are:

- Factors undermining fair competition between resident and non-resident transport operators.
- High costs for the industry and for the EU Member State (MS) enforcement authorities.

These problems derive from:

- Inconsistent and ineffective enforcement.
- Shortcomings of the rules.
- Different scope of application of the rules.

These problems affect mainly hauliers and their employees, but also others that are involved in the transport chain, such as shippers, freight forwarders and end users.

What should be achieved?

The general objectives of the intervention are to:

- Help achieve balanced conditions for competition between resident and non-resident hauliers.
- Reduce costs for businesses and ensure efficient enforcement of the rules.

The two specific objectives are to:

- Ensure coherent and consistent monitoring and enforcement of the existing rules in MS.
- Better specify the rules and reduce the options available for MS.

What is the value added of action at the EU level (subsidiarity)?

The shortcomings of the rules are unlikely to be solved in the absence of action by the EU. The only way to overcome them is through legislative intervention to further harmonise the rules. Enforcement is mainly a matter for the MS authorities. In order to achieve a more uniform level of enforcement and similar enforcement practices, the EU must set rules to make enforcement easier and more efficient and require a minimum common level of enforcement.

B. Solutions

What are the various options to achieve the objectives? Is there a preferred option or not? If not, why?

Option 1: Clarification of the legal framework: measures to clarify existing ambiguities and further specify the rules, without substantially changing them.

Option 2: Strengthening of enforcement: besides the measures in Option 1, this option includes measures to strengthen enforcement.

Option 3: Extensive revision of the rules: in addition to the previously mentioned measures, this includes further measures intended to substantially change the existing legal framework.

Option 4 - horizontal: Extension of the scope of the regulations: this option involves extending the application of one or both of the regulations to include light commercial vehicles (LCVs) fully or partly. It could be combined with any of the other options.

The preferred option is a combination of Option 3 and a partial extension of Regulation (EC) No 1071/2009 to LCVs.

What are different stakeholders' views? Who supports which option?

<p>There is broad agreement on most of the measures aimed at further clarifying and specifying existing concepts and strengthening enforcement of the rules. Positions are split on key measures which could alter the competitive positions of hauliers from different MS. High-wage MS, supported by trade unions tend to favour stricter rules on cabotage, whereas low-wage MS, supported by most of the hauliers' associations, tend to favour further liberalisation of the cabotage rules.</p>
<p>C. Impacts of the preferred option</p>
<p>What are the benefits of the preferred option (if any, otherwise of main ones)?</p>
<ul style="list-style-type: none"> - Savings for businesses through the use of electronic transport documents and clearer rules (EUR 3-5 billion for the EU-28 in 2020-2035). - More effective monitoring and enforcement of the rules and fewer infringements. An expected reduction of infringements of cabotage rules of up to 62 % and a reduction of the risk of letterbox companies of about 10 %. - Coherent application of rules across the EU-28. - Better working conditions for drivers.
<p>What are the costs of the preferred option (if any, otherwise of main ones)?</p>
<ul style="list-style-type: none"> - Increased implementation and enforcement costs for MS (EUR 65-166 million for the EU-28 in 2020 -2035). - The partial application of the rules to LCVs will trigger additional costs for businesses in the order of a 4-10 % increase in operating costs.
<p>What are the impacts on SMEs and competitiveness?</p>
<p>Most measures are not expected to have particular impacts on SMEs. However, the partial extension of the rules to LCVs may affect to a greater extent very small operators, given that they make greater use of LCVs.</p>
<p>Will there be significant impacts on national budgets and administrations?</p>
<p>As mentioned above, additional costs for MS to enforce the rules.</p>
<p>Will there be other significant impacts?</p>
<p>No significant environmental impacts or impacts on the overall level of jobs at the EU level. Synergies with the social initiative, namely:</p> <ol style="list-style-type: none"> 1) measures intended to improve enforcement; and 2) the combination of the new cabotage rules with the time-based approach for posting of workers envisaged under the social initiative will ease the enforcement of both sets of rules.
<p>Proportionality?</p>
<p>The preferred option does not exceed what is necessary to solve the original problem and meet the objectives of the initiative.</p>
<p>D. Follow up</p>
<p>When will the policy be reviewed?</p>
<p>An evaluation of the amending Regulation is envisaged for 2025, provided that it enters into force in 2020.</p>