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Mr Jean-Louis Colson
Deputy Director General
Head of Unit for Road Transport
Jean-Louis.Colson@ec.europa.eu

Copy:
Mr Walter Goetz
walter.goetz@ec.europa.eu

Ministry of Transport and Communications
of the Republic of Lithuania
sumin@sumin.lt

MOVE-C1-SECRETARIAT@ec.europa.eu

Regarding the Q&As on the Return Home of Trucks Requirement

The European Commission has recently published Q&As on the implementation of the return home of trucks requirement every eight weeks. It was long awaited document but unfortunately not as explicit and complete as expected. Moreover, some clarifications of the most relevant aspects pertained to the implementation of the requirement raise serious concerns in terms of both further limiting access to the EU market as well as making the implementation process not clearer but even more complex and uncertain.

The International Transport and Logistics Alliance (thereinafter – TTLA) is of the position that the European Commission's clarification on the scope of the rule by extending its application not only to trucks as motor vehicles but also to some number of trailers and semi-trailer (or not motor vehicles) cannot be accepted due to the following:

- First, the clarification runs counter to the common understanding demonstrated by the legislators and stakeholders throughout the whole process of the negotiations on the Mobility Package I. None of the EU Member State or institution has ever questioned or doubted the application of the rule only to trucks as motor vehicles.

- Second, even if trailers and semi-trailers fell under the scope of the rule its enforcement would be ineffective since trailers and semi-trailers would not have tachograph installed, etc.
- Third, a number of transport operations are being performed by a truck in combination with a trailer of different countries of registration respectively. This is to adapt transport capabilities to the market needs and enable the efficient functioning of the EU road transport. However, the European Commission's Q&As do not take these cases into consideration.
- Fourth, the European Commission's study on impacts of return home of truck requirement took into account only the expected effects on environment and Single Market of return home of trucks as a motor vehicle, and not the impacts of returning trailers or semi-trailers. Consequently, the study findings referring to as many as 2.9 million of extra CO2 emissions on a yearly basis due to obligatory return home of trucks would result in much higher numbers of negative impacts on environment and the Single Market if trailers and semi-trailers were taken into account as well.

Giving this worrying background, **the TTLA calls upon the European Commission to provide answers to the above-raised points as well as to explain the rationale behind the interpretation to put trailers and semi-trailers under the scope of return home of trucks requirement.**

In addition to our above-mentioned major concern, the TTLA would also appreciate the European Commission's clarification on other important aspects of implementation of the return home of trucks. These are as follows:

- Since the return home of trucks requirement is considered as one of the establishment criteria, the host country would not be able to impose sanctions on a company established in other EU Member State. However, the European Commission's Q&As is not enough clear and even consist of some contradictory guidelines on the matter. We call on the European Commission to explicitly clarify that only the country of company's establishment can impose sanctions. It is vital for unified and harmonised implementations of the requirement in all EU Member States.
- What is the maximum reference period the single inspection can cover, is it 8 weeks covering prior to the inspection?
- How cases when a vehicle cannot be returned due to objective circumstances (e.g., serious failure, accident, natural disasters etc.) shall be dealt with? There are many extraordinary situations every day and they should be also taken into account thoroughly by the European Commission.
- Even if the application to trucks can be somehow justified, how the exact number of trailers/semi-trailers that are subject to the obligation should be calculated and checked? According to the European Commission's Q&As, the rule applies to trailers and semi-trailers to the extent that they are at the disposal of the road haulage operators within the meaning of points (e) and (g) of Article 5 of Regulation (EC) No 1071/2009 and as such are registered or put into circulation and authorised to be used in conformity with the legislation of the Member State where the undertaking is established.

We are ready to provide you with additional information on the questions above as well as further cooperate on the implementation of the Mobility Package 1.

Secretary General

Povilas Drižas