



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MOBILITY AND TRANSPORT

Directorate C - Land
C.1 - Road Transport

Mobility Package I

Rules on cabotage

as applicable from 21 February 2022

Questions and Answers – DRAFT

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Target audience: Road transport undertakings, professional drivers,
enforcers

Regulation (EC) No 1072/2009 as amended by Regulation (EU) 2020/1055

General comment: this is intended for internet publication. It could be translated and contain hyperlinks to the relevant articles and legislation.

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I. Incoming international carriage

1.	When can a haulier perform cabotage?	Article 8(2), first subparagraph
	A haulier for hire or reward who is a holder of a Community licence and whose driver, if he or she is a national of a third country, holds a driver attestation, is only allowed to start performing cabotage operations in a Member State if he or she has previously carried out an incoming international carriage, i.e. cross-border transport. This carriage may have its origin in a different Member State or in a third country.	
2.	Must all goods carried in the context of an incoming international transport have been delivered in order to start performing cabotage operations?	Article 8(2), first subparagraph
	<p>All goods carried in the course of the incoming transport preceding the cabotage operations must have been delivered in order to start performing those cabotage operations. In case the incoming carriage consists of several consignments, cabotage can only start once all consignments have been delivered. The prior international loaded operation therefore has to be fully unloaded to permit cabotage operations in the host Member State.</p> <p>Cabotage can start immediately after the last unloading of the goods carried in the international transport, including on the day of unloading.</p>	
3.	Does a transport of empty containers, pallets or packaging account for an international carriage?	Article 8(2), first subparagraph
	<p>When empty containers, pallets or packaging are transported under the coverage of a transport contract (such as a consignment note) from one Member State to another, the carriage should be considered as a carriage of goods by road for hire or reward accounting for an international carriage. This is because in those cases, the transport of the empty containers, pallets or packaging is either the object or forms an integral part of the transport contract.</p> <p>Reciprocally, when empty containers, pallets or packaging are not transported under the coverage of a transport contract the carriage, in principle, should not be considered as a carriage of goods by road for hire or reward. However, if those empty containers, pallets or packaging are owned by the haulier, and if the international carriage complies with the conditions for own account carriage under Article 1(5)(d) of Regulation (EC) No 1072/2009, the carriage should be considered as an incoming international carriage and the haulier is permitted to carry out cabotage operations following that international carriage.</p>	

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II. The concept of "cabotage operation"

	Can there be several loading and/or unloading points in a cabotage operation?	Article 8(1), 8(2) and 8(2a)
4.	<p>Up to 3 cabotage operations following an international carriage can be performed, at the maximum. A cabotage operation can in principle involve several loading points, several delivery points or even several loading and delivery points.</p> <p>The number of loading and/or unloading points in a cabotage operation can however be limited by Member States by excluding operations with both multiple loading points and multiple unloading points, so as to ensure compliance with the restrictions on time and number of operations imposed on cabotage under Regulation (EC) No 1072/2009¹.</p> <p>The implementing measures of Member States need to comply with the principle of proportionality. Allowing non-resident hauliers to carry out cabotage operations with an unlimited number of loadings points and an unlimited number of unloading points could render meaningless the limitations on the maximum number of cabotage operations and could run counter to the temporary nature of cabotage as allowed under Regulation (EC) No 1072/2009. At the same time, establishing excessively restrictive limitations on the number of loading and unloading points could go, depending also on the number of consignment notes allowed for a single cabotage operation, beyond what is necessary to attain the objective pursued by that Regulation with regard to cabotage².</p> <p>The measures implemented by Member States can vary on this issue and the precise national rules should always be checked. In any case, the definition of the cabotage operation needs to ensure that its temporary nature is preserved at all times.</p>	
	Can there be several consignment notes for a single cabotage operation?	Article 8(1), 8(2) and 8(2a)
5.	<p>A cabotage operation can include one or more consignment notes³.</p> <p>The measures implemented by Member States can vary on this issue and the precise national rules should be checked. In any case, the definition of the cabotage operation needs to ensure that its temporary nature is preserved at all times.</p> <p>In that context, it is to be noted that allowing non-resident hauliers to carry out cabotage operations with an excessive number of consignment notes could render meaningless the limitations on the maximum number of cabotage operations, and could run counter to the temporary nature of cabotage as allowed under Regulation (EC) No 1072/2009⁴.</p>	
	Does the transport of empty containers, pallets or packaging account for a cabotage operation?	Article 8(1), 8(2) and 8(2a)
6.	<p>When empty containers, pallets or packaging are transported on a temporary basis in a host Member State, in conformity with Regulation (EC) No 1072/2009, under the coverage of a transport contract (such as a consignment note), the carriage should be considered as a cabotage operation. This is because in those cases, the transport of the empty containers, pallets or packaging is either the object or forms an integral part of the transport contract.</p>	

¹ Judgment of the Court of 12 April 2018, Case C-541/16 – *Commission v Denmark*, ECLI:EU:C:2018:251, paragraphs 49-61.

² Judgment of the Court of 12 April 2018, Case C-541/16 – *Commission v Denmark*, paragraphs 49-61.

³ Judgment of the Court of 12 April 2018, Case C-541/16 – *Commission v Denmark*, paragraphs 49-61.

⁴ Judgment of the Court of 12 April 2018, Case C-541/16 – *Commission v Denmark*, paragraphs 49-61.

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	<p>When empty containers, pallets or packaging are transported with no coverage of a consignment note, that carriage, in principle, should not be considered as a carriage of goods by road for hire or reward. In that context, the concept of ‘cabotage operations’ is defined in Article 2(6), for the purposes of Regulation (EC) No 1072/2009, as ‘national carriage for hire or reward carried out on a temporary basis in a host Member State’. It results that when empty containers, pallets or packaging, which are owned by the carrier, are transported with no coverage of a consignment note or of any other transport contract, such transport should not account for a cabotage operation.</p>	
7.	<p>Which vehicle should be taken into account for the purpose of the cabotage operation, in the case of a coupled combination?</p>	<p>Article 8(2), first subparagraph and Article 8(2a)</p>
	<p>According to Article 2(1) of Regulation (EC) No 1072/2009, for the purposes of that Regulation, a ‘vehicle’ means either a motor vehicle registered in a Member State, or a coupled combination of vehicles the motor vehicle of which at least is registered in a Member State, used exclusively for the carriage of goods.</p> <p>The motor vehicle should always be the one taken into consideration for the purpose of cabotage, including in the case of a coupled combination. The cabotage operations can only be performed with the motor vehicle that has performed the international carriage under Article 8(2), first subparagraph of the Regulation. This motor vehicle should therefore have been involved in a delivery of goods as part of an incoming international carriage to be able to perform cabotage operations. Nevertheless, such cabotage operations may be performed with another trailer.</p> <p>The motor vehicle carrying out the cabotage operations is prohibited from carrying out cabotage operations in the same Member State within 4 days following the end of its cabotage operation in that Member State under Article 8(2a).</p>	
<h3>III. Timeframe of cabotage</h3>		
8.	<p>When does the 7 day-period start and end and how is it calculated?</p>	<p>Article 8(2), first subparagraph</p>
	<p>"Days" as contained in the Regulation refers to calendar days and not just to a period of 24 hours. Therefore the overall period of 7 days referred to in Article 8(2) starts from 0h00 of the day following the performance of the incoming international carriage. The cabotage operation must consequently end, at the latest, at 23h59 of the seventh day.</p> <p>In practice, that means that if the incoming international carriage is performed at any time on a given Monday, the cabotage operations must end at the end of the following Monday.</p> <p>Because calendar days are the ones taken into account, in Member States where the period includes public holidays or days in which traffic is limited or forbidden,” , the possibility to perform cabotage operations may, in practice, be more limited in time (see however below question 11 on how public holidays are taken into account).</p>	
9.	<p>How is the 7 day-period calculated when the incoming international carriage or the cabotage operations contain several unloading operations?</p>	<p>Article 8(2), first subparagraph</p>
	<p>Where the incoming international carriage contains several unloading operations, the performance of the incoming international carriage refers to the last unloading. The rule should be identical for the end of the cabotage operations: the last unloading in the course of the final</p>	

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	cabotage operation must take place at 23h59 of the seventh day following the day of the last unloading of the incoming international carriage, at the latest.	
	How is the 4 days ‘cooling off’ period calculated?	Article 8(2a)
10.	<p>Under Article 8(2a), a haulier is not allowed to carry out cabotage operations in the same Member State within four days following the end of a cabotage operation in that Member State. During this ‘cooling off’ period it is however possible to perform cabotage operations in another Member State. It is also possible for a haulier to carry out one or several cross border operations from or to the Member State where cabotage took place (respectively to or from another Member State or a third country) within the preceding 4 days,, or to stay in the Member State where cabotage took place without performing cabotage operations.</p> <p>The cooling off period of 4 days applies each time a cabotage operation has been completed, even if only one cabotage operation has been performed. It results that the cooling off period starts applying individually for each Member State in which cabotage took place.</p> <p>In practice, if a haulier performs a cabotage operation in Member State A following an international transport, then performs another cabotage operation in Member State B, it cannot perform a cabotage operation in Member State A within four days following the end of its cabotage operation in Member State A.</p> <p>When there are several unloading points within a single cabotage operation, the last unloading should be the one taken into consideration. Also in this case it is calendar days that should be taken into account, not just a period of 24 hours. Therefore, the counting of the 4 days cooling off period starts from 0h00 of the day following the performance of the last cabotage operation in the Member State concerned – or of the last unloading where there are multiple unloading points – and ends at 23h59 of the fourth subsequent day.</p> <p>In practice, that means that if the last cabotage operation is performed at any time on a given Monday, the cooling off period ends at the end of the following Friday, and cabotage operations can resume on Saturday from 0h00.</p>	
	How are public holidays and weekends taken into account as regards the calculation of the periods set out in Regulation No 1072/2009?	
	Articles 8(2) and 8(2a)	
	<p>According to the EU rules on the calculation of periods, dates and time limits⁵, if the last day of a period expressed in days is a public holiday, Sunday or Saturday, the period ends with expiry of the last hour of the following working day. Moreover, any period of two days or more shall include at least two working days.</p> <p>As a result, if after performing an international transport to a Member State a haulier enters into another Member State on a Thursday, the period of three days foreseen in Article 8(2), second subparagraph of Regulation (EC) No 1072/2009 starts at 00h00 of Friday, and would end at 23h59 of Sunday. But as the last day of that period is a Sunday, the period is considered to end at 23h59 of the next working day, namely Monday.</p> <p>If, additionally, the Friday following the entry of that haulier into another Member State is a public holiday in that Member State, the period is further extended to Tuesday at midnight, given</p>	

⁵ Regulation (EEC, Euratom) No 1182/71 of the Council of 3 June 1971 determining the rules applicable to periods, dates and time limits (OJ L 124, 8.6.1971, p. 1).

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	<p>the fact that any period of two days or more must include at least two working days, and public holidays, Saturdays and Sundays are not considered as working days.</p> <p>Finally, if after performing an international transport to a Member State, a haulier enters into another Member State on a Tuesday, but Friday is a public holiday in that Member State, the same period of three days foreseen in Article 8(2), second paragraph ends at 23h59 of the next working day, which will be Monday.</p> <p>The same rules apply to the period of 7 days referred to in Article 8(2), first subparagraph (see questions 8 and 9), and to the 4 day ‘cooling off’ period under Article 8(2a) (see question 10).</p> <p>However, the rule according to which if the last day of the period is a public holiday, Sunday or Saturday, the period ends with expiry of the last hour of the following working day does not apply to periods calculated retroactively such as the period of four days preceding the international carriage set under Article 8(3) during which the haulier should provide clear evidence of all operations carried out (see question 16). This period falls under the exemption for periods calculated retroactively from a given date or event under Article 3(4), second subparagraph of Regulation No 1182/71.</p>		
IV. Cabotage in another Member State			
12.	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 80%;">Can cabotage take place in more than one Member State?</td> <td style="width: 20%;">Article 8(2), second subparagraph</td> </tr> </table>	Can cabotage take place in more than one Member State?	Article 8(2), second subparagraph
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<p>Within the 7 day-period set out in the first subparagraph of Article 8(2), up to 3 cabotage operations can be performed, at the maximum. A haulier may decide to carry out one, two or all three cabotage operations in Member States other than the one of the incoming international transport. Hauliers can then either perform cabotage in one Member State only or in one or more Member States, but only one cabotage in each Member State that is not the Member State of the incoming international transport (see below the reply to question 13).</p> <p>As an example, if the haulier has performed an international carriage into France, it can then perform a cabotage operation in France, then go to Germany to perform one more cabotage, and then go to Belgium to perform a last cabotage operation or return to France to perform a second cabotage operation there.</p>			
13.	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 80%;">How many cabotage operations can be performed by a haulier in a Member State other than the one of the incoming international transport?</td> <td style="width: 20%;">Article 8(2), second subparagraph</td> </tr> </table>	How many cabotage operations can be performed by a haulier in a Member State other than the one of the incoming international transport?	Article 8(2), second subparagraph
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No more than one cabotage operation is allowed in a given Member State which is not the Member State of the incoming international transport.			
14.	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 80%;">What is meant by the 3 day-limit for the cabotage operation in a Member State other than the one of the incoming international transport?</td> <td style="width: 20%;">Article 8(2), second subparagraph</td> </tr> </table>	What is meant by the 3 day-limit for the cabotage operation in a Member State other than the one of the incoming international transport?	Article 8(2), second subparagraph
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	<p>The cabotage operation performed in a Member State other than the one of the incoming international transport has to be carried out within 3 days of the unladen entry of the haulier into that Member State. As regards the calculation of the 3 day-period the same explanations given above under Section III for the 7 day-period applies.</p>	
V. Documents		
15.	<p>How is the provision of Article 8(4) to be read saying that no additional document is required?</p>	Article 8(4)
	<p>Hauliers are required to keep documentation of every carriage carried out in connection with their cabotage operations. This must comprise all the details listed in Article 8(3), second subparagraph. These details are contained in the consignment note or bill of lading, normally in the CMR format. No additional document is required in order to prove that the cabotage rules have been respected.</p>	
	<p>This provision, however, does not mean that control authorities cannot use other evidence required by road transport legislation, e.g. the tachograph data, to establish whether a cabotage operation is carried out according to the rules.</p> <p>The elements contained in the second subparagraph of Article 8(3) must be presented or transmitted to the authorised inspecting officer of the host Member State on request and within the duration of the roadside check. Documents can be presented or transmitted electronically, for example using an electronic consignment note (e-CMR). During the roadside check, the driver is allowed to contact the head office, the transport manager or any other person or entity in order to provide, before the end of the roadside check, any necessary evidence.</p>	
16.	<p>How should the rule on the period of four days preceding the international carriage to provide clear evidence of all operations carried out during that period be understood?</p>	Article 8(3)
	<p>Hauliers are required to produce clear evidence of all operations that were carried out during the period of four days preceding the international carriage into the host Member State in the event that the vehicle has been in the territory of that host Member State within this period of four days.</p>	
	<p>This requirement is only applicable when the haulier is performing a cabotage operation in the host Member State. The rule therefore only applies when the vehicle is carrying out national road haulage services in the host Member State, and has been in that same host member state within a period of four days preceding the incoming international carriage.</p> <p>In these cases, hauliers should produce evidence comprising all the details listed in Article 8(3), second subparagraph. The value of the evidence produced is assessed by the national authorities concerned. It is to be noted that the registration of border crossing by the smart tachograph version 2 can be used to determine the presence of the truck in a given Member State.</p> <p>The four days referred to in the second subparagraph of Article 8(3) are calendar days. Therefore, if the vehicle has left the host Member State on, for example, 6 June and is now re-entering the same host MS on 10 June, the haulier is re-entering the same host Member State within 4 days</p>	

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	and must produce, when performing a cabotage operation in the host Member State, clear evidence of all operations that were carried out during this period of four days.	
VI. OTHER		
17.	Do cabotage rules apply to light commercial vehicles (LCV)?	Article 1(5)(ca)
	Cabotage rules apply to LCV – from 2,5 to 3,5 tonnes – as from 21 May 2022.	
18.	Do cabotage rules apply to combined transport operations?	Article 10(7)
	Where it is necessary to avoid the misuse - through the provision of unlimited and continuous initial or final road legs within a Member State - of Article 4 of Council Directive 92/106/EEC concerning combined transport, Member States have the possibility, after notifying the Commission, to apply the cabotage rules to road legs of a combined transport operation as defined in Directive 92/106/EEC, provided these road legs do not cross a border. When adopting those measures, Member States can apply a longer period than the 7 days provided for in Article 8(2) of Regulation (EC) No 1072/2009 and a shorter cooling-off period than the 4 days provided for in Article 8(2a) of that same Regulation.	