

Regulation (EC) No 1072/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market (recast) (Text with EEA relevance)

CHAPTER I

GENERAL PROVISIONS

Article 1

Scope

1 This Regulation shall apply to the international carriage of goods by road for hire or reward for journeys carried out within the territory of the Community.

2 In the event of carriage from a Member State to a third country and vice versa, this Regulation shall apply to the part of the journey on the territory of any Member State crossed in transit. It shall not apply to that part of the journey on the territory of the Member State of loading or unloading, as long as the necessary agreement between the Community and the third country concerned has not been concluded.

3 Pending the conclusion of the agreements referred to in paragraph 2, this Regulation shall not affect:

- a provisions relating to the carriage from a Member State to a third country and vice versa included in bilateral agreements concluded by Member States with those third countries;
- b provisions relating to the carriage from a Member State to a third country and vice versa included in bilateral agreements concluded between Member States which, under either bilateral authorisations or liberalisation arrangements, allow loading and unloading in a Member State by hauliers not established in that Member State.

4 This Regulation shall apply to the national carriage of goods by road undertaken on a temporary basis by a non-resident haulier as provided for in Chapter III.

5 The following types of carriage and unladen journeys made in conjunction with such carriage shall not require a Community licence and shall be exempt from any carriage authorisation:

- a carriage of mail as a universal service;
- b carriage of vehicles which have suffered damage or breakdown;
- c carriage of goods in motor vehicles the permissible laden mass of which, including that of trailers, does not exceed 3,5 tonnes;
- d carriage of goods in motor vehicles provided the following conditions are fulfilled:
 - (i) the goods carried are the property of the undertaking or have been sold, bought, let out on hire or hired, produced, extracted, processed or repaired by the undertaking;
 - (ii) the purpose of the journey is to carry the goods to or from the undertaking or to move them, either inside or outside the undertaking for its own requirements;
 - (iii) motor vehicles used for such carriage are driven by personnel employed by, or put at the disposal of, the undertaking under a contractual obligation;

Status: This is the original version as it was originally adopted in the EU. This legislation may since have been updated - see the latest available (revised) version

- (iv) the vehicles carrying the goods are owned by the undertaking, have been bought by it on deferred terms or have been hired provided that in the latter case they meet the conditions of Directive 2006/1/EC of the European Parliament and of the Council of 18 January 2006 on the use of vehicles hired without drivers for the carriage of goods by road⁽¹⁾; and
- (v) such carriage is no more than ancillary to the overall activities of the undertaking;
- e carriage of medicinal products, appliances, equipment and other articles required for medical care in emergency relief, in particular for natural disasters.

Point (d)(iv) of the first subparagraph shall not apply to the use of a replacement vehicle during a short breakdown of the vehicle normally used.

6 The provisions of paragraph 5 shall not affect the conditions under which a Member State authorises its nationals to engage in the activities referred to in that paragraph.

Article 2

Definitions

For the purposes of this Regulation:

1. 'vehicle' means 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;
2. 'international carriage' means:
 - (a) a laden journey undertaken by a vehicle the point of departure and the point of arrival of which are in two different Member States, with or without transit through one or more Member States or third countries;
 - (b) a laden journey undertaken by a vehicle from a Member State to a third country or vice versa, with or without transit through one or more Member States or third countries;
 - (c) a laden journey undertaken by a vehicle between third countries, with transit through the territory of one or more Member States; or
 - (d) an unladen journey in conjunction with the carriage referred to in points (a), (b) and (c);
3. 'host Member State' means a Member State in which a haulier operates other than the haulier's Member State of establishment;
4. 'non-resident haulier' means a road haulage undertaking which operates in a host Member State;
5. 'driver' means any person who drives the vehicle even for a short period, or who is carried in a vehicle as part of his duties to be available for driving if necessary;
6. 'cabotage operations' means national carriage for hire or reward carried out on a temporary basis in a host Member State, in conformity with this Regulation;
7. 'serious infringement of Community road transport legislation' means an infringement which may lead to the loss of good repute in accordance with Article 6(1) and (2) of

Status: This is the original version as it was originally adopted in the EU. This legislation may since have been updated - see the latest available (revised) version

Regulation (EC) No 1071/2009 and/or to the temporary or permanent withdrawal of a Community licence.

Status: This is the original version as it was originally adopted in the EU. This
legislation may since have been updated - see the latest available (revised) version

(1) OJ L 33, 4.2.2006, p. 82.