



Department
for Transport

Duncan Price
Head of Road Freight Regulation
Department for Transport
3rd Floor, Great Minster House
33 Horseferry Road
London
SW1P 4DR

Web Site: www.dft.gov.

Date: 4 January 2023

To: Jean-Louis Colson
Head of Unit and Co-Chair of EU/UK Specialised
Road Transport Committee
Directorate-General for Mobility and Transport
European Commission

Implementation in UK of certain road transport access requirements further to the EU-UK Trade and Co-operation Agreement

Changes in UK domestic law came into force on 24 December 2022 connected with the implementation of some aspects of the UK – UK Trade and Co-operation Agreement (TCA). These are set out in a statutory instrument entitled “the Drivers’ Hours, Tachographs, International Road Haulage and Licensing of Operators (Amendment) Regulations 2022”, published at <https://www.legislation.gov.uk/ukxi/2022/1260/contents/made>.

I have received some questions about the changes. I should like to set them out again clearly, including for your Member States and their road haulage operators. There are three access issues affecting road haulage operators established in any EU Member State.

The first two relate to specific rights that EU operators had for road legs within the UK prior to the UK’s departure from the EU. The first is the specific right for EU operators for road legs within Great Britain classified as “combined transport” in EU Directive 92/106/EEC. The second is the cabotage right in the UK following unladen entry. Neither is provided for in the TCA. Neither right is in effect anymore. I emphasise international journeys by coupled combinations of vehicles using the Eurotunnel shuttle or roll-on/roll off ferries are **not affected** by the lack of combined transport rights. The right of two cabotage journeys within seven days of the unloading of an international arrival is set out in the TCA and not a subject of this statutory instrument.

Thirdly, triangular traffic between the UK and other non-EU Member States (including the EFTA States - in mainland Europe Switzerland, Norway and Liechtenstein) requires the use of the European Conference of Ministers of Transport (ECMT) scheme for EU operators. I emphasise no transit movements involving the UK are affected. The access requirements relate to the international journey of the motor vehicle, or if it is part of a coupled combination the motor vehicle and trailer together. This is as opposed to the ultimate origin and destination of the load, container or trailer (if hauled by another motor vehicle). As an illustrative example, for a product from China transported from China to the EU by road and re-loaded within the EU for road transport to the UK, access to the UK is via a bilateral EU to UK road transport, not via a triangular road transport.

There is more information available at the UK page of the International Transport Forum website at: <https://www.itf-oecd.org/country-licences>, in particular the notes of 2 and 23 December 2022 and 27 September 2021.

The UK approach to enforcing these requirements is intended to be similar to the previous enforcement of cabotage rules, being mainly by roadside checks by the Driver and Vehicle Standards Agency (DVSA).

Until 1st April 2023, the DVSA will not apply sanctions (such as prohibiting onward transport or financial penalties) other than oral or written warnings, in relation to the three types of access for EU operators outlined in this letter. This includes if the requirement for an ECMT permit for EU operators for transports between the UK and non-EU countries is not met. This is provided there is a valid Community Licence in the vehicle. The maximum cabotage of two journeys within seven days of unloading of an international arrival is being enforced as usual.

I am copying this note to the International Road Transport Union. I request it be brought to the attention of the relevant representatives of EU Member States.



Duncan Price
Deputy Director
Road Freight Regulation

Copy to: International Road Transport Union
Hannah Tooze, Katherine MacDivitt, UK Co-Chairs, EU/UK Specialised
Road Transport Committee