

Mobility Package 1 becomes the law of the European Union

Wednesday late night, the European Parliament's plenary session turned down with a two-thirds majority every amendment proposed to the trialogue agreement reached in December 2019¹ on Mobility Package 1. As the complete withdrawal of the legislative package has also been rejected earlier, Mobility Package 1 became the law of the European Union. The new rules will take effect from early 2022.

The three legislations contained in Mobility Package 1 fundamentally define how road freight transportation takes place in the Common Market of the European Union²:

- Access to the market and the profession;
- Working-time/resting-time rules and enforcement; and
- Special rules on the posting of transport workers.

Road transport is essential for Combined Transport both through the first- and last-mile road legs that it provides within CT chains, as well as through the comparison with longer-distance trucking used as a benchmark for prices. UIRR only raised its voice in relation to Mobility Package 1³ after the intransparent trialogue negotiations – held behind closed doors – were concluded. The trialogue talks gave birth to an optional provision that would allow Member States to unilaterally suspend Article 4 of the CT Directive on their territories. UIRR immediately protested this unusual provision.

During the past 7 months UIRR has effectively directed attention to the questionable legal solution, whereby a Regulation would authorize the suspension of a legal principle enshrined in an outstanding Directive. A principle of equal standing of a cross-border Combined Transport Operation with its matching cross-border road haulage forms the basis of many business models of European Combined Transport.

The European Commission has launched an impact assessment study of this new, optional provision, which may well result in a proposal to amend it even before it will take effect. UIRR has also commissioned a study that will systematically assemble data and develop the analysis needed to dissuade Member States governments from ever using the optional provision. Furthermore, a case for legal action at the Court of Justice of the European Union (CJEU), based on existing precedents, is being considered that would strike the provision from the amended Regulation 1072/2009.

* * *

¹ <http://www.uirr.com/en/media-centre/press-releases-and-position-papers/2020/mediacentre/1369-uirr-press-release-reclassification-of-ct-road-legs-should-not-be-accepted.html>

² <https://www.consilium.europa.eu/en/press/press-releases/2019/12/20/truck-drivers-reform-coreper-confirms-provisional-agreement-on-mobility-package/>

³ <http://www.uirr.com/en/media-centre/press-releases-and-position-papers/2020/mediacentre/1563-uirr-press-release-combined-transport-should-not-be-collateral-damage.html>



Ralf-Charley Schultze

"UIRR and its members will launch a campaign this Autumn to explain to Member State governments why they should refrain from using the optional provision to suspend Article 4 of the CT Directive. In parallel, the Combined Transport sector will contribute to the evaluation of the provision done by the European Commission with a view to amend the new provision even before it is set to take effect." - pointed out UIRR President Ralf-Charley Schultze.

Who is UIRR?

Founded in 1970, the **International Union for Road-Rail Combined Transport** (UIRR) represents the interests of European road-rail Combined Transport Operators and Transhipment Terminal Managers.

Road-Rail Combined Transport (CT) is a system of freight forwarding which is based on efficiently and economically inserting electric rail into long-distance (road) transport-chains through the use of intermodal loading units (ILU).