



Brussels August 12, 2009

Subject: Regulation (EEC) no 3118/93 of 25 October 1993 – Definition of the temporary nature of cabotage on Belgian territory

Madam, Sir,

The first article of regulation (EEC) no 3118/93 of 25 October 1993 laying down the conditions under which non-resident carriers may operate national road haulage services within a member state stipulates that a road haulage carrier is only entitled to operate on a temporary basis national road haulage services in another member state.

Until today neither the Council nor the Commission has issued clear rules about this temporary nature.

Pending the entry into force of these community rules, Belgium will introduce, by royal decree of August 10, 2009, clear and practical rules which should enable to verify the temporary nature of cabotage transport on Belgian territory. These rules are largely based on the principles of the rules on which an agreement was reached at the level of the European Union.

From the entry into force of this royal decree, cabotage transport in Belgium is only allowed under the following cumulative conditions:

1. cabotage is only allowed consecutive to an international carriage;
2. maximum 3 cabotage operations are allowed;
3. these cabotage transports need to be executed within a period of 7 calendar days from the last unloading at the end of the international transport.

In conformity with article 306 of the EC-Treaty this measure does not apply to carriers established on the territory of the Netherlands and the Grand Duchy of Luxembourg.

These measures are checked on the basis of the CMR waybill, which must be drawn up for each carriage. These CMR waybills should be present in the vehicle for each international transport and for each single cabotage transport and should be submitted at the request of control officers.

When an illegally performed cabotage transport is established, the control officer can opt for the immediate collection of a sum of EUR 1800 per cabotage transport. At the same time the organizer of the illegal cabotage transport can also be held responsible for the infringement.

The royal decree of August 10, 2009 will be published in the Belgian State Gazette of August 19, 2009. The measures come into force on August 19, 2009.

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