



**INTERNATIONAL TRANSPORT FORUM  
TRANSPORT MANAGEMENT BOARD**

**ITF/TMB/TR/RD(2019)1/REV  
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**Group on Road Transport**

**PRACTICAL QUESTIONS RAISED BY MEMBER COUNTRIES**

**Question on application of ECMT licences for transport of unaccompanied third-country trailers / semi-trailers in the EU Area**

*This note was amended following the written procedure after the meeting of the Group held in The Hague, the Netherlands on 14-15 March 2019.*

*It is submitted under the Draft Agenda Item 13 of the meeting of the Group to be held on 14-15 October 2019 in Baku, Azerbaijan.*

*The Countries are invited to note the conclusions.*

**JT03451478**

*This document, as well as any data and map included herein, are without prejudice to the status of or sovereignty over any territory, to the delimitation of international frontiers and boundaries and to the name of any territory, city or area.*

## QUESTION ON APPLICATION OF ECMT LICENCES FOR TRANSPORT OF UNACCOMPANIED THIRD-COUNTRY TRAILERS / SEMI-TRAILERS IN THE EU AREA

The Secretariat was contacted by several Member countries regarding the application of ECMT licences for transport of unaccompanied third-country trailers/ semi-trailers in the EU area.

Questions received from Spain and Romania more recently (attached in the Annexes) describe the situation as follows:

1. The Turkish semitrailers are carried by ferry from Turkey to Trieste, Italy. The transport operation in Turkey is performed by the Turkish company, CMR is established in Turkey (non –EU Member Country). In Trieste, the Romanian lorries take these trailers and carry them to Hungary.
2. The Turkish trailers are carried by train from Turkey to Plovdiv, Bulgaria. The transport operations in Turkey are performed by the Turkish company, CMR are established in Turkey (non – EU Member Country). In Plovdiv, the Spanish lorries take these trailers and carry them to Spain.
3. A Turkish trailer has been shipped from Turkey to Bari (Italy) by ship. The transport operation in Turkey is performed by the Turkish company, CMR is established in Turkey (non –EU Member Country). At the navy terminal in Bari, the trailer is taken by Spanish truck (motor vehicle) and towed to Spain.

### Clarification by the Secretariat

- Loaded semi-trailer/trailer of non-EU Member country arrives by ferry to EU port

A semi-trailer/trailer represents an *Intermodal transport unit (ITU)* as defined by ITF/Eurostat/UNECE Glossary for Transport Statistics; B.II.B-02 (cf. <https://www.itf-oecd.org/sites/default/files/docs/09gloststat.pdf> , page 52)

- The EU registered tractor takes a semitrailer/trailer from the port located in the EU Member country (place of loading) to the another EU Member country (place of unloading),

Place of loading and unloading defined by ITF/Eurostat/UNECE Glossary for Transport Statistics; B.V-33 and B.V-34 (cf.<https://www.itf-oecd.org/sites/default/files/docs/09gloststat.pdf> , page 65)

#### **B.V-33 Place of loading**

The place taken into account is the place where the goods were loaded on a goods road motor vehicle or where the road tractor has been changed.

#### **B.V-34 Place of unloading**

The place taken into account is the place where the goods were unloaded from a goods road motor vehicle or where the road tractor has been changed.

Referring to the above-mentioned definitions by the Unified Transport Glossary, as well as to the provisions of the Guide on Multilateral quota 2014,

<https://www.itf-oecd.org/sites/default/files/docs/13mqguide.pdf> , specifically:

- article 4.2 of the Guide which indicates that the country of loading of the vehicle may be different from the country of origin of the goods loaded;

- article 3.11 of the Guide which indicates that when the journey is undertaken by the coupled combination of the vehicles, the licence is obtained from the competent authority the country in which the tractor is registered. This licence covers the coupled combination of the vehicles, even if the trailer or semi-trailer is not registered in the name of the holder of the licence, or is registered in another Member country;
- articles 3.6 and 4.6, which indicated that ECMT licences are issues to road transport undertakings by the competent Authority of the country in which they are established and that the ECMT licences may not be transferred by the undertaking to a third party;

**The Secretariat would like to conclude the following**

- A) According to the rules of the Guide one single ECMT licence cannot be used for the consecutive transport operations, which are performed by two different companies (whether from the same country of registration or not), even if the trailer remains unchanged during these consecutive trips.
- **Consequently, use of the ECMT licence for the above described consecutive transport operations, involving hauliers from the different Member countries of the ECMT would be in direct breach of the ECMT rules.**
- B) In all above cases the place of loading would be a port / or rail terminal where an unaccompanied semitrailer / or a trailer (i.e. intermodal transport unit) was discharged, notwithstanding its origin (non-EU Member country-Turkey, in the above cases).

In all above cases both, the places of loading and unloading are located in the EU area and the transport is performed by the EU hauliers.

- **Therefore, the above described transport operations are not subject to the ECMT Multilateral Quota. They are to be performed by the EU Community licences and are subject to EU provisions (Reg. 1072/2009).**

*To facilitate checks by the control authorities, the companies involved in comparable transport operations are advised to carry on board a vehicle a copy of the Ro-Ro (or, Ferry) waybill of the semitrailer to or from the Ro-Ro (or, Ferry) terminal.*

*The hauliers are also advised that the successive steps and corresponding successive carriers are duly reflected in the CMR, accompanying the trailer / or semi-trailer.*

## ANNEXES

### **A) Question from Spain**

Spain consulted the ITF Secretariat on the following two cases.

#### Case 1

The first one is a service where in the first place a Turkish trailer has been shipped from Turkey to Plovdiv (Bulgaria) by train.

There, at the railway terminal in Plovdiv, the trailer had to be moved to Spain by a Spanish truck (motor vehicle). In such railway terminal, the private company that manages it requires an ECMT licence to carry out such service, claiming that the Community licence covered by the Regulation (CE) 1072/2009 is not valid for this case (as you may know, the Community licence is valid for the transport of goods between EU members by road).

As the previous transport of this trailer has taken place using a different means of transport (train in this case) our position is that there is no need for a ECMT licence for the transport of this trailer, from Bulgaria to Spain, but a Community licence.

#### Case 2

The second one is a service where in the first place, a Turkish trailer has been shipped from Turkey to Bari (Italy) by ship.

There, at the navy terminal in Bari, the trailer had to be moved to Spain by a Spanish truck (motor vehicle). In such navy terminal, the private Company that manages it requires an ECMT licence to carry out such service, claiming again that that the Community licence covered by the Regulation (CE) 1072/2009 is not valid for this case.

Like in the previous case, as the prior transport of this trailer has been developed, using a different conveyance (ferry in this case) our position is that there is no need for a ECMT licence for the transport of this trailer, from Italy to Spain, but a Community licence.

The Italian Police Service stated its position as follows: *“As referred to this company by the Ministry of Infrastructure and Transport, a Spanish company can carry out an international road transport operation in Italy with a Spanish truck and a trailer shipped from Turkey, using the Community licence for the Spanish truck, providing that the final destination is an EU country.”*

### **B) Question from Romania**

Romania consulted the ITF Secretariat on the following two cases:

A Romanian haulier carries semitrailer from Turkey in Hungary in the following way:

The semitrailers are carried by ferry from Turkey to Trieste and from Trieste the Romanian lorries get them and carried them in Hungary.

On the ECMT licence is mentioned all itinerary of the semitrailer from Turkey to Hungary and the Romanian trailer, as well.

The Hungarian control officers requested to mention only the run from Trieste to Hungary, despite the fact that the semitrailer is loaded in Turkey.

At the previous run, the Hungarian border officers requested to mention the run from Turkey to Hungary.

What is the opinion of the Secretariat of the in this issue?