



**Mrs. Violeta Bulc**  
**Commissioner for Mobility and Transport**  
**European Commission**

**Dear Mrs. Bulc,**

The below signed associations, which are the leading organizations in their countries, represent interests of international road transport sector. We would like to bring to your attention the problem, which concerns the intra-EU road transports and more precisely problems, which hauliers of our organization encounter in Italy.

In the European Union the basic legislation which regulates haulage of goods within the European Union (and in this particular case between Italy and other members of European Union) and applies to the EU hauliers is the Regulation (EC) no. 1072/2009 of the European Parliament and of Council on common rules of access to the international road haulage market, and the Geneva convention of 1956 – Convention on the Contract for the International Carriage of Goods by Road (CMR). According to this regulation, the international haulage of goods between two members states is carried out on basis of Community license. Therefore the documents presented by hauliers to the Italian enforcing authorities in our opinion should be sufficient to prove that the haulage of goods is performed between Italy and some other member state of EU. Therefore the necessary information for classifying the transport operation is specified in CMR consignment note boxes: 'Place and date of taking over the goods', 'Place of delivery of goods' (which is located in the EU), and 'Sender's instruction'.

Italian enforcement authorities classify bilateral transport operations (transport operations from Italy to other European Union countries) as third countries transport operations for which a special third country permit is required. For Italian authorities the decisive factor is not the place of unloading goods as specified in the CMR consignment note, but the final consignee specified in the CMR consignment note, which in those problematic cases are consignees from third countries.

In some cases Italian control authorities also qualify type of transport operations on the basis of commercial documents, which accompany the transport and not on the basis of place of taking over the goods and the place of unloading of goods. As a result of such practices purely bilateral transport operations are classified by Italian authorities as to/from third countries.

Freight operations by road carried out by our hauliers from Italy to other members states of the EU are often part of a multimodal chain of delivery of goods, which are delivered to logistics centers in the EU countries where the process of its storage, packing and consolidation takes place. These goods are transported further according to an international distribution plans and related transport contracts concluded by manufacturer or trader concerned to other countries. From the logistics hubs

the goods are later transported to the third countries by other hauliers, not only EU hauliers, and often by other means of transport. Road transport haulier is only one actor among all professional actors in the whole transport chain.

However it should be emphasized that the pure transport operation is exclusively the one between two European Union member countries and such transport operation has nothing to do with the related commercial/financial processes conducted before loading goods in Italy. Moreover according to the provisions in paragraph 1 part 1 of the CMR Convention – Convention is applied only for the part of the route by road.

Therefore, in our opinion, the demand of the Italian authorities to present the permit for journeys to/from third countries while the mentioned haulage is carried out from Italy to other EU member states possibly does not comply with the provisions of the Regulation (EC) No 1072/2009. In our opinion final qualification of the transport operation should be based solely on transport documents that is the CMR consignment note.

We would also like to emphasize that after our countries joined the European Union Italy did not agree to provide our countries with third countries permits. Therefore in cases when Italian authorities classify bilateral transport operation as third country transport operation it is only possible to perform such operations on the basis of ECMT authorization. It also should be noted that in other EU countries our hauliers do not have any similar requirement at all.

Our associations have been trying to solve this problem for already some years and also contacted national authorities responsible for transport matters, however till now no solution has been reached. Therefore, we are kindly asking you Madame Bulc, to help us in finding a solution so that the international haulage could be carried out in accordance with commonly set legislation. As situation became very worrying we should search for compromise solution and therefore we would be grateful for your help in solving this problem.

Signed associations:

Association of Polish International Road Carriers ZMPD

President Jan Buczek

Lithuanian National Road Carriers Association (LINAVA)

President Erlandas Mikenas

Road Carriers Association "LATVIJAS AUTO"

President Valdis Trezins

Association of Estonian International Road Carriers (ERAA)

Secretary General Toivo Kuldkepp