



**Ms Adina Vălean**  
Commissioner for Transport  
European Commission  
200 Rue de la Loi  
BE – 1049 Brussels  
Belgium

20 July 2022

Dear Commissioner,

**RE: Implementation of Mobility Package I - Rule on the return of the vehicle**

As raised during the discussion on and after adoption of the Mobility Package I, and with most of its proposals effective, concerns among the European business community grow immensely as the transport sector is facing extensive and major challenges in road transport across Europe, including the COVID-19 pandemic and post-covid economic recovery, global supply chain tensions and the war in Ukraine.

Whereas the Mobility Package I intends to prevent distortion of competition and prepare the ground for a more efficient road transport sector, BusinessEurope already expressed its concerns in terms of alignment of the Mobility Package I with the overall objectives, including those on the green transition, in our letter of 30 November 2021. Now with the Commission's guidance on implementation of the rule on the return of the vehicle, we strongly fear that the actual implementation could have the exact opposite effect. In its recently published [guidance](#) regarding the rule on the compulsory return of the vehicle to the Member State of establishment every eight weeks, the Commission extended the scope of application to cover also trailers and semi-trailers used for operations, a surprising development considering that the Commission has not included this provision in its initial proposal but now tabled an interpretation thereof in the widest sense possible.

The clarification provided by the Commission seems to not only jeopardise the operations of road hauliers and logistics companies within the Single Market but also add to the already heavy challenges at global level, further disturbing the playing field. We did already state that the return of a truck clause would contradict the ambitious climate goals of the European Union as laid down in the EU Green Deal and the 'Fit for 55' package, the published guidance of the Commission which includes trailers and semi-trailers in the scope makes the assessment even gloomier. Worryingly high numbers of up to 2.9 million additional tons of CO<sub>2</sub> emissions and an increase of international road freight emissions by 4.6% on a yearly basis caused by the return of trucks alone<sup>1</sup> would increase drastically with the obligation being extended to about 20 million trailers and semi-trailers.

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<sup>1</sup> Commission Final Report (2021), Assessment of the impact of a provision in the context of the revision of Regulation (EC) No 1071/2009 and Regulation (EC) No 1072/2009



Moreover, bearing in mind the number of trailers and semi-trailers being used in Europe, driver shortages and challenges in terms of capacity in the market as well as high costs for road transport both triggered by the COVID-19 crisis and the war in Ukraine are likely to come under even greater pressure in the coming months and years.

Aside from the above-mentioned issues, the Commission's broad interpretation of the return of the vehicle obligation seems to result also in more technical difficulties related to the enforcement of the provision and implementation of transport operations. In particular, the following questions arise:

1. Considering that trailers and semi-trailers are neither equipped with tachographs, nor have community licence identities or are registered in the respective company's records in the national register, the check of the return will be difficult to be carried out. How should undertakings provide proof of fulfilment of the obligation?
2. How to proceed with the obligation on the return of the vehicle in case of transport operations being carried out by a truck from one Member State of establishment in combination with a trailer or semi-trailer of a different Member State of establishment, or of a third country? How does the Commission intend to ensure a level playing between EU and third country operators, considering that the same obligations on the return of the vehicle do not apply to the latter?
3. Do undertakings (e.g., shipping companies or logistic operators) which neither hold a community license nor are in the possession of motor vehicles but have trailers and semi-trailers at their disposal used by other hauliers fall within the scope of the rule?

Efficient and sound EU road transport regulations are indispensable for strengthening the European transport sector's competitiveness, creating a level playing field and guaranteeing a functioning EU internal market. BusinessEurope welcomes the Commission's efforts to provide legal certainty and homogeneity of Single market rules, however, taking into account the development of the legislative negotiations, the legislators' intention in context of the original proposal and the need for effective enforcement across the EU, we strongly invite the Commission to review its interpretation of the rule on the return of the vehicle and the applicability of the obligation to trailers and semi-trailers.

We stand ready to discuss these issues further and would welcome any indications on the way forward from the European Commission.

Yours sincerely,

Markus J. Beyrer