

Warsaw, 24 June 2022

**Mr Henrik Hololei**  
**Director-General**  
European Commission  
Directorate General for  
Mobility & Transport

On behalf of employers association Transport and Logistics Poland (TLP) I would like to provide you with our comments on the Q&A on the rule on the return of the vehicle, published by the Commission on 7<sup>th</sup> June 2022 on its website:

[https://transport.ec.europa.eu/transport-modes/road/mobility-package-i/market-rules/rule-return-vehicle-applicable-21-february-2022\\_en](https://transport.ec.europa.eu/transport-modes/road/mobility-package-i/market-rules/rule-return-vehicle-applicable-21-february-2022_en)

First and foremost, we do not agree with inclusion of trailers/semi-trailers into vehicle return obligation. We are against such incomprehensible and broadened interpretation of the EU rules. It goes without saying that trailer/semi-trailer is only a part of vehicle unit. It is additional tool so as to perform road transport activities and as such it cannot be used for road transport without a motor vehicle. What is very important, trailers/semi-trailers are very often bought/leased by one company and then hired or put at the disposal of another company, usually in different country. Business relations not only between hauliers, but also between them and shipping companies or logistics operators are very close when it comes to mutual use of trailers/semi-trailers. Commission interpretation in this aspect results in breaking and demolishing those very complex business relations. What would be the reason behind that, especially during this extremely difficult times for all of us? This is nothing but just another step towards destabilization of the EU road transport systems.

It should be also noted there is no obligation for trailer/semi-trailer user to inform competent authorities about number of trailers/semi-trailers used. There is obligation to inform and acquire a certified true copy of the community licence for every single motor vehicle used for road transport operation. That means trailers/semi-trailers are not included in EU data on vehicles used by road transport operators. Moreover, according to the Commission's interpretation only hauliers with community licence would be forced to bring trailers/semi-trailers back to their home bases. However, it is very common, that big shipping companies or logistic operators do have thousands of trailers/semi-trailers that are used by other hauliers. At the same time those shipping companies nor logistics operators do not possess community licence nor trucks since they are simply not hauliers. Hence, they would not need to comply with such interpretation. Would that make any sense?

Another important issue that should be raised is that the Commission ordered a study that was performed by Ricardo company. The study was based on the analysis of the return of trucks home, not trailers/semi-trailers. The Commission is fully aware of the results of this study and its negative

impact to environment. Yet, providing such interpretation on the return of trailers/semi-trailers means even more damage to the EU climate and environment as a whole. It is obvious that truck with a trailer/semi-trailer consume much more fuel than the truck alone.

It is worth mentioning that during whole Mobility Package preparation period that lasted 3 years, during negotiations and discussions between involved parties, TLP raised those issues many times, both to the EC and the EP. Namely, that provisions proposed by Mobility Package are extremally complex, not precise in many cases, and foremost, they would be very difficult to apply in practice. Interpretation problems were simply inevitable. Yet, here we are.

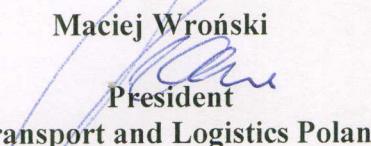
In our opinion, official interpretation of the EU complex provisions made by the Commission should be narrowed not expanded, if necessary. Broadening the EU rules for such specific sector of the economy as road transport is simply not possible to apply in real life. Moreover, it brings a lot of harm and damage to all road transport sector users and participants, and at the same time to the EU ambitious climate protection goals.

The other thing is the Commission once again refers to the regulation (EEC, EURATOM) No 1182/71 when it comes to the calculation of 8-week period. We would like to point out one more time this regulation was published over 50 years ago and is not suitable for road transport at all. Regulation 1071/2009 do not refer to working days, weekends or holidays. Only calendar days should be taken into account, not public holidays or weekends. That makes only more confusion for calculation purposes.

Given the above into account, as well as Green Deal goals to be reached in the nearest future, it would be desirable and very much appreciated if the Commission would re-consider its approach and amend the Q&A on the return of the vehicle accordingly, with no delay. In particular, trailers/semi-trailers should be deleted and never mentioned there.

**For the attention of:**  
**Mr Raffaele Mauro Petriccione**  
Director-General  
European Commission  
Directorate-General  
for Climate Action

Yours sincerely,

  
**Maciej Wroński**  
President  
Transport and Logistics Poland