

Letter re: Brexit contingency measures
Attn.: ESTA Members / Special Members

Dear Member,

This morning, it was announced that by Sunday night, it should be known whether the EU and UK can come to an agreement on their future relationship. Negotiations are still ongoing. In case of no-deal, the EU and UK will have to issue contingency measures to ensure a continuity of business after 1 January 2021.

This morning, the European Commission published a [new communication](#) (in addition to the text of the communication, there is an annex containing all European Commission contingency measures and an annex on outreach to society) announcing the tabling of a proposal for a contingency regulation for goods and passenger transport by road. This proposal (see document on this website) will still have to be approved by the Member States and the European Parliament.

Once approved, it will apply from 1 January 2021 onwards in case an EU-UK Agreement has not entered into force and in case the UK reciprocates the measures.

Content of the proposed regulation:

- The regulation will apply for six months. It shall cease to apply once an international agreement governing road transport concluded between the EU and the UK has entered into force.
- It applies to the carriage of passengers and goods with motor vehicles and vehicle combinations registered in the UK.
- Companies holding the UK equivalent of a Community Licence will be allowed to carry out road goods and passenger transport.
- For the carriage of goods, bilateral market access (associated transit of Member States and third countries is foreseen) and limited transit rights are foreseen (only transit of the EU for a journey between two UK territories). Own account, the carriage of mail, broken down vehicles, medical equipment for emergency relief in case of disasters and carriage with vehicles below 3.5 tonnes will be allowed without licence.
- For the carriage of passengers by bus and coach, bilateral market access (associated transit of Member States and third countries is foreseen) and limited transit rights are foreseen (only transit of the EU for a journey between two UK territories) for special regular and regular services. Picking up and setting down rights in the border areas of the Republic of Ireland are also foreseen. There is a time limit for the applicability of authorisations (30 June 2021). Once the special regular and regular services protocol to the Interbus Agreement enters into force, this regulation will cease to apply. Own account services will be possible without a licence.
- Member States are prohibited to conclude bilateral agreements with the UK on the measures contained in this regulation. Member States are prohibited to grant more rights to UK established operators than those foreseen in the regulation.

- In terms of social and technical rules, the EU rules on working time, driving and rest times, tachograph, driver training, weights and dimensions, speed limiters, seat belts, posting of workers and passenger rights will apply.
- Provisions on equivalence of rights and fair competition foresee a monitoring mechanism and the possibility for the European Commission to adopt delegated acts which could limit the rights foreseen by the regulation.
- For the carriage of passengers or goods by EU-established companies to, from and in transit through the UK which emanate from rights granted by the UK, Regulations EU 1073/2009 and EU 1072/2009 will respectively apply to the part of the journey on EU territory.

As an ESTA member you are invited to examine these contingency measures and use this information in your activities to prepare your member companies for the changing situation on 1 January 2021.

It should be noted that the measures in the proposal will only be final after having been reviewed by the Member States and the European Parliament.

ESTA will endeavour to keep members informed of new developments, including about similar measures announced by the UK.

Please do not hesitate to contact me if you have any questions.

Best regards,

Kind regards,
Ton Klijn

ESTA Director