Relevance of a pan-European status for freight forwarders

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Evolution of IRU Membership

1948: eight founder countries

2014: 170 Members in 75 countries

...and CRIPA: 27 Members + FESARTA in 38 countries
IRU Priority Issues

Sustainable Development
• Innovation
• Incentives
• Infrastructure

Facilitation
• Trade
• Tourism
• Road Transport

These are also the priorities of the IRU Academy
Current EU market situation

Market

- Crisis
- Social dumping
- Prices
- State-owned integrators
- Shippers
- Competition
- Forwarders
EU market opening – IRU Position

- No further EU market opening
- Enforcement of the current rules
- Alignment of national framework rules (social, fiscal, etc…)
- Shared liability for shippers/forwarders
Main Actors in EU logistics

- Shipper/Client
- Forwarder/Logistics provider
- Operator/logistics provider
The role of the freight forwarder?

- Important role the logistics chain. Handles 2/3 of goods carried by road in the EU.
- Many different definitions.
- Wide range of possible activities and services. Many hauliers combine transport with forwarding activities and vice versa.
- Some examples
  - handling the preparation of goods for the shipper.
  - document preparation.
  - warehousing/storage.
  - consolidating freight.
  - negotiating freight charges.
  - selecting transport providers.
Impact on the EU road haulage market

Negotiating prices/Choosing provider

Increased pressure on price and quality levels

Negative pressure on compliance levels – liability?

Distortion of competition!
Professional competence

Guarantees for professional competence?
Forwarder/operator versus Forwarder
Different National rules
Aligned EU rules on access to the profession for forwarders!
Haulier versus forwarder in the EU market

**Haulier**
- Access to the profession, EU rules on
  - Establishment.
  - Good repute.
  - Financial Standing.
  - Professional Competence.
- Access to the market, EU rules on
  - Access to the profession.
  - Community Licence

**Forwarder**
- No EU rules on access to the profession.
- No EU rules on access to the market.
Liability

- Haulier liability: in general the haulier is liable for compliance with the EU rules and regulations.

- According to CMR: Haulier liability for damage or loss when taking charge of the goods until their delivery. There are exceptions.

- No clarity on liability in case haulier does not comply with the rules due to instructions from the client/forwarder.

- In EU Law, some attempts have been made to introduce shared liability: driving and rest time rules.

- In several Member States, national rules exist on shared liability.

- Issues relating
  - Enforcement – provision of proof
  - Legal certainty
  - Potential distortion of competition
Result: No clarity and certainty

National rules prevail.

Scope of activity differs between countries.

What is allowed – what is not?

Liability and competitive position differ – potential for distortions

! Transparent, aligned and enforceable legal framework on shared liability!
CONCLUSIONS:

- **FORWARDER HAS AN IMPORTANT ROLE IN LOGISTICS.**
- **GUARANTEES FOR PROFESSIONAL COMPETENCE — LEGAL CERTAINTY.**
- **EU RULES ON ACCESS TO THE PROFESSION FOR FORWARDERS NEEDED.**
- **EU RULES ON SHARED LIABILITY OF THE CLIENT/FORWARDER NEEDED.**
- **POSSIBILITY TO APPROACH THIS FROM A WIDER PAN-EUROPEAN PERSPECTIVE.**