

## Article 2.-

# Cabotage and “cooling period”: Two new features of Regulation 2020/1055, within the framework of the *European Union Mobility Package*

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The so-called **Mobility Package** of the European Union, community legislation approved on July 15, 2020 intended to regulate road transport for the countries of the European Union, is configured through three basic rules: Regulation (EU) 2020/1054; Regulation (EU) 2020/1055 and Directive (EU) 2020/1057. A regulation that has been coming into force progressively, taking shape in 2020 and modifying different aspects of road transport.

These measures refer to the work and rest regime of drivers; to the movement of drivers between EU countries and third countries; the minimum wage requirement; access to the profession and the transport market; the limitation of cabotage and the registration of border crossings.

These changes, regardless of their transposition by the Member States, force transport companies to adapt their structure and operations, with the consequent economic impact; and the opposition, not without controversy, by the Eastern countries that understand that this regulation implies greater control of the competition carried out by the international transport companies of these countries.

One of these rules is **Regulation 2020/1055**, applicable since February 21, 2022, which introduces three restrictions on transport: On the one hand, with regard to cabotage operations (provision of a transport service within a country by a transport company without headquarters in that country), incorporates the so-called “*cooling period*” of four days, which prevents cabotage operations from being carried out consecutively within the same State and with the same vehicle.

Therefore, up to three cabotage transports can be carried out in a maximum of seven days, after carrying out international transport in an EU country with complete unloading of the merchandise, but, now, with the limitation that, at the end of Within this seven-day period, the truck must leave the country and cannot re-enter the country for 4 days.

Secondly, it establishes the obligation for vehicles to return every eight weeks to one of the operations centers located in the Member State where the company has its establishment. This obligation is added to the existing obligation of drivers to return every 3-4 weeks from the date of departure from the country of origin. These requirements are intended to prevent drivers from continuing to travel permanently outside their country of origin.

Finally, the third restriction incorporated by the *Regulation* has to do with international transport of goods by road on behalf of others carried out within the EU, with vehicles whose authorized laden mass does not exceed 3.5 tonnes. In these cases, and as of May 21, 2022, they require a community license and will no longer be exempt from transport authorization, and the rules on access to the profession of international road transport will apply to them. This is intended to guarantee a minimum level of professionalization of the sector, and thus approximate the conditions of competition between all transporters.