Dealing With Brexit

Open Conversations #10

XTRAX Presentation 1st March 2023

Main Points to cover

- Cabotage & Cross Trades
- Operators Licence requirements
- ATA Carnet process
- EU Weight and size regulations for vehicles
- Current EU Pre Notification requirements
- ICS2 New EU Pre Notification Rules

Operators Licence

Whether you need a licence depends on:

- the weight of your vehicle or your vehicle and trailer together
- whether you are carrying goods for hire or reward in Europe

There are 3 different types of licence - what you need depends on the work you do.

You must also make sure that any drivers you use or employ have the correct licence and training. All vehicles that you use should be correctly taxed and kept safe and in good condition at all times.

Three Types of Licence

Standard national licence

This licence means you can carry:

- your own goods in the UK and internationally
- other people's goods in the UK

Standard international licence

This licence means you can carry your own goods, and other people's goods, both in the UK and on international journeys.

After you get a standard international licence, you can also request the issue of a UK Licence for the Community.
A UK Licence for the Community allows:

- trips between all EU member countries
- transit traffic through EU member countries
- cabotage (a journey entirely within one EU country)

Restricted licence

- This licence allows you to carry your own goods, but not other people's goods in the UK only.
- Your licence will continue to be valid as long as you pay your continuation fee every 5 years and operate within the terms of your licence. You'll be contacted every 5 years to make sure that your licence shows the correct information.

UK Haulage jobs in the EU

If you're a UK goods vehicle operator (haulier) working in the EU, you need both of the following:

- a standard international licence
- a UK Licence for the Community

You must have a certified copy of the UK Licence for the Community with you in the vehicle when you're working in the EU.

You can carry out a limited number of cabotage and cross-trade jobs in an EU country if you're a UK haulier with an UK Licence for the Community. The jobs must follow a journey where goods were transported from the UK.

What Vehicles Require a licence

Motor vehicles

You need a licence to carry goods in a lorry, van or other vehicle with either:

- a gross plated weight (the maximum weight that the vehicle can have at any one time) of over 3,500 kilograms (kg)
- an unladen weight of more than 1,525 kg (where there is no plated weight)

Motor vehicles and trailers

You need a licence for a motor vehicle and trailer combination if:

- the motor vehicle and the trailer(s) are plated and the total of their gross plated weights is more than 3,500 kg
- the total unladen weight of the vehicle and trailer combination is more than 1,525 kg
- You do not need an operator's licence if your trailer's unladen weight is less than 1,020 kg and you only carry your own goods.

Vehicles carrying goods for hire or reward in Europe

You'll need a standard international licence if you're carrying other people's goods for hire or reward (such as working as a courier or freight transport business) in Europe when using:

- vehicles that meet the weight limits for motor vehicles or motor vehicle and trailer combinations
- vans with a maximum authorised mass (MAM) over 2,500 kg
- vans towing a trailer with a gross train weight (GTW) over 2,500 kg
- cars towing a trailer with a GTW over 2,500 kg

This applies in:

- the EU
- Iceland
- Liechtenstein
- Norway
- Switzerland

Cabotage & Cross trades

Cabotage is loading and unloading goods within one country, with a vehicle registered in another country.

Cross-trade is loading goods in one country and unloading them in another country, with a vehicle registered in a third, different country.

Unless on the exceptions list, all Cross-trade or cabotage jobs must be notified or ‘posted’ in advance on the EU system. https://www.postingdeclaration.eu/landing

There is no fee for this, but you must register for an account in order to notify.

When and where UK hauliers can carry out cabotage and cross-trade jobs

You can carry out up to 2 haulage jobs within the EU after dropping off goods from the UK.
Only one of the jobs can be cabotage. You must complete the cabotage job:

- within 7 days of dropping off the goods you brought from the UK
- in the same EU country where you dropped off the goods from the UK

If you're transporting your own goods (also called 'own account' journeys), you need to follow the cabotage and cross-trade rules in EU countries unless you're:

- driving an empty trailer from one EU country to another
- dropping off goods in the EU that you're transporting from the UK
- picking up goods in the EU and dropping them off in the UK
- transporting goods for a non-commercial purpose

Documents you need for cabotage jobs

When you’re carrying out cabotage jobs in the EU you must have documents with you to show the following:

- the name, address and signature of the sender and haulier
- the place and the date you picked up the goods
- the place you are delivering to
- the name, address and signature of the international consignee with the date of delivery
- a description of the goods, the method of packing, the number of packages and their special marks or numbers
- the gross mass of the goods or their quantity
- the number plates of the vehicle and trailer

A CMR (consignment note) and ATA carnet will cover all of these requirements.

Declaring Cross-trade and cabotage jobs

Types of journeys you must declare

You must declare:

- cabotage jobs (loading goods in one of these countries and unloading them at another point in the same country using a UK-registered vehicle)
- cross-trade jobs (loading goods in one of these countries and unloading them in another of these countries using a UK-registered vehicle)
- moving goods for your own business' use inside these countries, including if your business is not mainly about moving goods

You must make a declaration when you use any of these vehicles to transport the goods:

- heavy goods vehicles (HGVs)
- HGVs towing trailers
- vans of any size or other light goods vehicles (sometimes called 'light commercial vehicles')
- vans towing trailers
- cars towing trailers

Declaring Cross-trade and cabotage jobs

What you do not need to declare

You do not need to declare when your drivers are using an empty vehicle.

You also do not need to declare when your driver is transporting goods:

- from the UK to one place in Europe, where you can both unload and load goods
- from the UK to Europe, and you unload goods at more than one place in Europe (but you cannot load goods in Europe)
- from Europe to the UK, and you load goods at more than one place in Europe (but you cannot unload goods in Europe)
- from the UK to a non-European country (but you cannot load or unload the goods while you’re in Europe)

Regulations

- Driver Hours-
  The main EU rules on driving hours are that you must not drive more than:
  9 hours in a day - this can be extended to 10 hours twice a week.
  56 hours in a week. 90 hours in any 2 consecutive weeks.

- Maximum vehicle dimensions and weights for road transport in the EU:
  16.5 metres (m) in length, 2.6 m in width, 4 m in height and 40 tonnes (t) in weight

ATA Carnet Process

- General Movement Reference to be raised linking the ATA Carnet number to the vehicle registration
- Carnet to be presented at an inland border facility for checking and stamping prior to exit of the UK
- Check in to ferry/tunnel crossing using GMR number/barcode
- Upon arrival in EU, proceed to nearest inland border facility to have the carnet stamped into the EU before proceeding to first delivery point.

Important points to ATA Carnets

- Signature in box J (Holder) **must** match any authority letters in the carnet.
- Authority letters should have authority names typed and not written by hand.
- Some EU countries are now asking for photos of anything that does not have serial numbers.

Safety and Security (ENS) Declarations

Safety and security declarations into the EU are currently not required for any goods covered under ATA Carnet.

Safety and Security declarations for goods into the UK from the EU is currently on hold, but likely to be not required for ATA Carnet shipments.

Pre notification for entry into Spain

An ENS declaration must be lodged for all consignments.

The ferry operator must be satisfied that this requirement has been met before loading will be authorised.

- For accompanied freight, the haulier makes the ENS declaration entry (using EDI only) into the Spanish ICS. For unaccompanied freight, the ferry operator makes the ENS declaration entry into the Spanish ICS.
- The ferry operator sends the manifest (including references to previous ENS declarations) to the operatives in the Spanish ports. The operatives then send the documents to Aduanas (Spanish customs).

Similar requirements are in place for import into Belgium and Holland.

Using a customs broker service for this is suggested.

Pre Notification into/out from Ireland

Pre-boarding notification – should be made in advance of arrival at the port of departure in the UK.

The details of customs declarations or carnet for all goods to be carried on a vehicle need to be recorded in the pre-boarding notification (PBN). This can be done online at :

https://www.revenue.ie/en/customs/businesses/electronic-systems/roro-service/pre-boarding-notification.aspx

The customs authority will provide a single instruction to be followed by the driver on arrival at an Irish port, regardless of the number of consignments on board the vehicle.

Pre Notification into Northern Ireland

The deal is only in draft state currently, but the revised NI Protocol will require the pre notification of shipments going into Northern Ireland from the rest of the UK.

Shipments from Northern Ireland to the rest of the UK will still not need any declaration.

Deal yet to be confirmed and accepted.

ICS2 – EU Pre notification requirements

A new EU system for the pre notification and approval of shipments inbound to the EU is starting from 1st March 2023

ICS2 requires shipments to be pre notified to the EU and authority to proceed given before a shipment can travel to the EU.

Currently the requirements only apply to airfreight shipments, but they will be expanding the program to include road shipments from March 2024

Not a concern currently, just something to bear in mind coming up for next year.

Resources

Operator Licence info :
https://www.gov.uk/being-a-goods-vehicle-operator

Cabotage info :
https://www.gov.uk/guidance/international-road-haulage-jobs-inside-an-eu-country-or-between-eu-countries

Cabotage declarations :

https://www.gov.uk/guidance/declare-youre-transporting-goods-inside-the-eu#types-of-journeys-you-must-declare

Brexit Team – Useful advice and reference material
https://brexit.team

UK Inland Border Facilities
https://inlandborderfacilities.uk/

Ireland Pre Boarding Notification
https://www.revenue.ie/en/customs/businesses/electronic-systems/roro-service/pre-boarding-notification.aspx

Blair Consular Services (VISAs and work permits)

https://www.blairconsular.com/en-gb/