



Policy rule of the Dutch National and International Road Haulage Organisation (NIWO) on allocation of the available ECMT permits for road haulage for hire or reward to the United Kingdom (UK) after leaving the European Union on 29 March 2019 (Policy rule NIWO on allocation of the ECMT permits in 2019 to the United Kingdom)

NIWO

Having regard to Article 4:81 of the General Administrative Law Act and Article 2.3 of the Goods Road Transport Law;

Whereas it is necessary to further indicate the execution of applications for an ECMT permit with regard to a (possible) 'no-deal' Brexit on 29 March 2019;

adopts the following policy rule:

Article 1 Definitions

ECMT: the European Conference of Ministers of Transport;

ECMT-licence: permit issued by the Secretariat of the European Conference of Ministers of Transport (ECMT) to perform international road haulage;

Community licence: Community licence as referred to in the Regulation for road haulage; issued to any haulier carrying goods by road for hire or reward;

haulier: the natural person, the legal person, the company without legal personality or the partnership on whose account road haulage is performed as referred in Article 1.1 of the Goods Road Transport Law.

Vehicle: a motor vehicle or a coupled combination of vehicles, used exclusively for the carriage of goods as referred in Article 1.1 of the Goods Road Transport Law of which the motor vehicle at least is Dutch registered.

Law: Goods Road Transport Law.

Article 2 Applications

1. NIWO only examines applications submitted between 28 January 2019 and 16 February 2019 using the enterprise counter and the application form designated for this purpose.
2. NIWO shall decide on the application not later than 1 March 2019.
3. NIWO shall allocate (an) ECMT permit(s) after receiving the compensation due as referred in Article 4.6, paragraph 1, point a of the law.
4. The number of the ECMT permits to be provided to an undertaking cannot exceed the number of certified copies issued to a haulier.

Article 3 Admissibility of an application

1. NIWO refuses the granting of an ECMT permit if this permit probably will not be used or will be used insufficiently.
2. The undertaking must explain the usefulness and necessity of the ECMT permit based on the following information:
 - a. the number of realised transports in 2018 to the United Kingdom with Dutch registered motor vehicles per subdivision as mentioned in Article 4;
 - b. sort of transport, grouped into the subdivisions as mentioned in Article 4;
 - c. the existence of transport of seasonal products or a peak month, and if so for which month(s);
 - d. the number of vehicles that usually simultaneously made journeys to the United Kingdom in 2018, and
 - e. type EURO-category of the vehicles that carry out the transport and the licence plate of those vehicles.
3. Only transports carried out by vehicles of the EURO V and VI emissions standards are eligible for an ECMT permit.
4. An application will be examined if an undertaking has suggested the usefulness and necessity and also which qualifies for an ECMT permit, provided that the requirements as mentioned in Article 2 have been fulfilled.

Article 4 Subdivisions

1. NIWO allocates the available basic quota of ECMT permits on basis of the figures of the Central Statistics Office of 2017 between the following subdivisions:

Subdivision	Percentage export VK	Number of ECMT permits
Agricultural products and live animal	24.1%	360
Other food products and animal feed	11.5%	173
Solid mineral fuels, oil and petroleum products, ores, metal scrap, roasted iron, iron, steel and non-ferrous metal (semi-finished products included)	0.5%	8
Raw minerals and raw manufactured goods; building materials	1.6%	24
Fertiliser	0.4%	6
Chemicals	4.3%	65
Transport goods, machinery and other goods (including general cargo)	57.6%	864
Total:	100%	1,500

Article 5 Allocation

1. The total number of journeys declared of all the applicants within a subdivision shall be added and based on that the percentage per undertaking shall be determined.

2. The number of ECMT permits available per subdivision as shown in the table of the previous article shall be allocated in proportion to the percentage as mentioned in the previous article, whereby only the number of journeys of Dutch registered vehicles will be taken into account.

3. The thus determined number of ECMT permits can not exceed the specified number of journeys carried out simultaneously to the United Kingdom in 2018 and can not exceed the number of issued certified true copies of the Community licence.

4. If the available number of ECMT permits are not allocated completely within a subdivision, the remaining number of permits will be allocated to those subdivisions within which the number of ECMT permits applied for exceeds the available number of ECMT permits.

Article 6 Investigation

1. Prior to granting an ECMT permit an investigation can be initiated, whereby information will be requested in support of the number of journeys.

2. For the duration of an ECMT permit an investigation can be initiated at any time within an undertaking to examine if the picture submitted during the application procedure is in accordance with the reality.

3. If it is established that during the application procedure untrue information is provided or that an undertaking no longer fulfils the requirements, an ECMT permit can be withdrawn.

Article 7 Objection

Under Chapter 6 of the General Administrative Law Act an appeal may be submitted against a decision of NIWO.

Article 8 Entry into force

This policy rule shall enter into force on the day following its date of issue of the Official Journal in which the policy rule will be published and shall expire on 1 January 2020.

Article 9 Short title

This policy rule is cited as: 'Policy rule NIWO on allocation of the ECMT permits in 2019 to the United Kingdom'.

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