



# *Freight cabotage transport: the French regulation*



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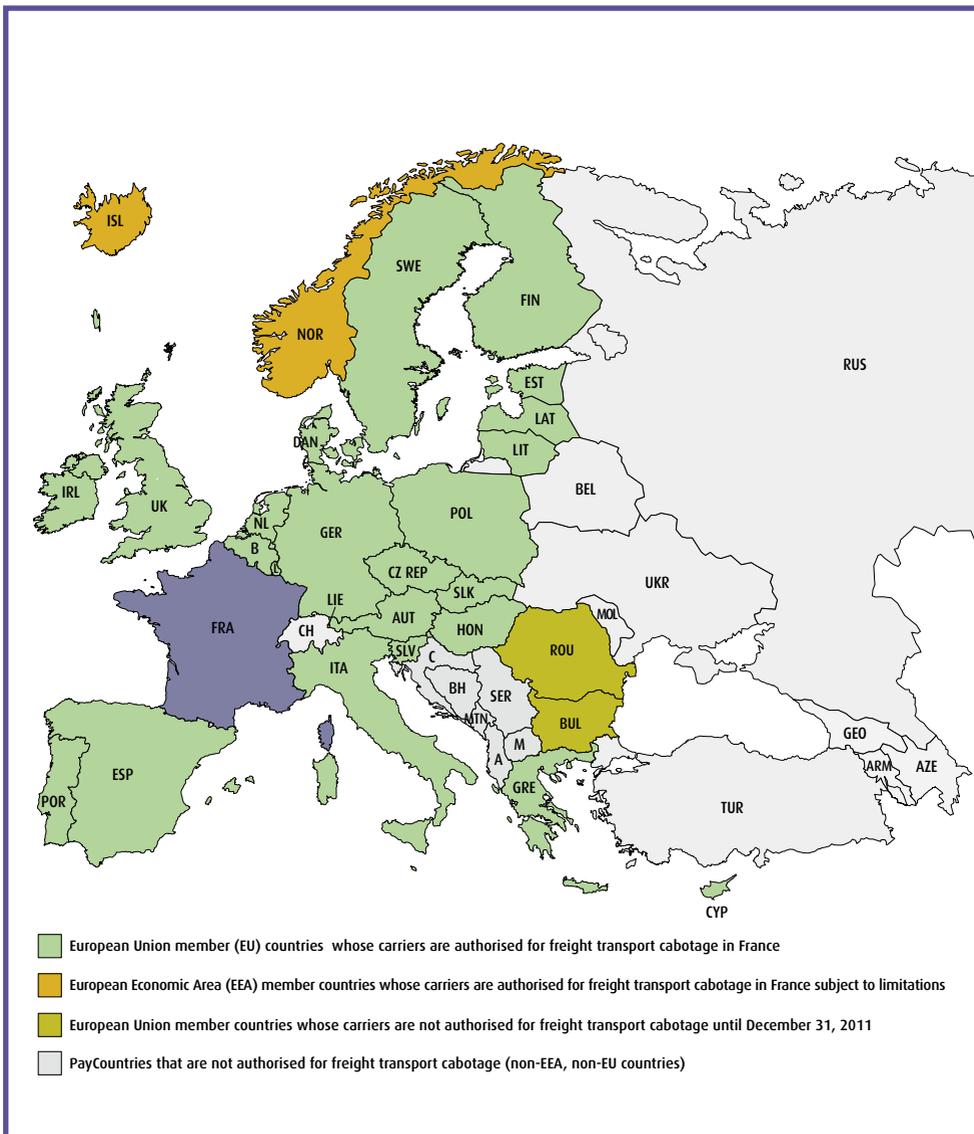


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■ The carriers of which countries are authorised to carry out cabotage transport operations in France?



**F**rance is at the heart of European freight transport networks making freight cabotage an issue of utmost importance. The 2009 “Road Transport Package” has meant that a balance has been found between opening markets and ensuring the perennity of the 40,000 French road freight transport companies.

The French government has also decided to more strictly regulate, monitor and sanction the cabotage activities of non-resident companies in France.

To maintain a level playing field, I promise that these new legal provisions will be continually controlled and enforced by state authorities.

**Dominique BUSSEREAU**  
Secretary of State for Transport

## ■ What is cabotage?

Cabotage is any type of road freight transport between two points within a given country, which is carried out by a non-resident foreign carrier. Foreign companies, legally established in a member state of the European Union or of the European Economic Area are authorised to carry out cabotage operations in France subject to certain conditions (see map). The regulation’s provisions aim to reduce the number of empty journeys by authorising cabotage operations as part of longer international transport operations.

## ■ What does the new French legislation include?

The new French legislation, which went into force on December 10th, 2009<sup>1</sup>, implements the provisions of Regulation n°1072/2009 of the European Parliament and the Council of October 21, 2009, published in the Official Journal (OJ) of the European Union (EU). The text sets forth common rules for access to the international road freight transport market.

French legislation on road freight transport cabotage is governed by articles 6-1 and 6-2 of law n° 82-1153 of December 30th, 1982 and by decree n° 2010-389 of April 19th, 2010<sup>2</sup>.

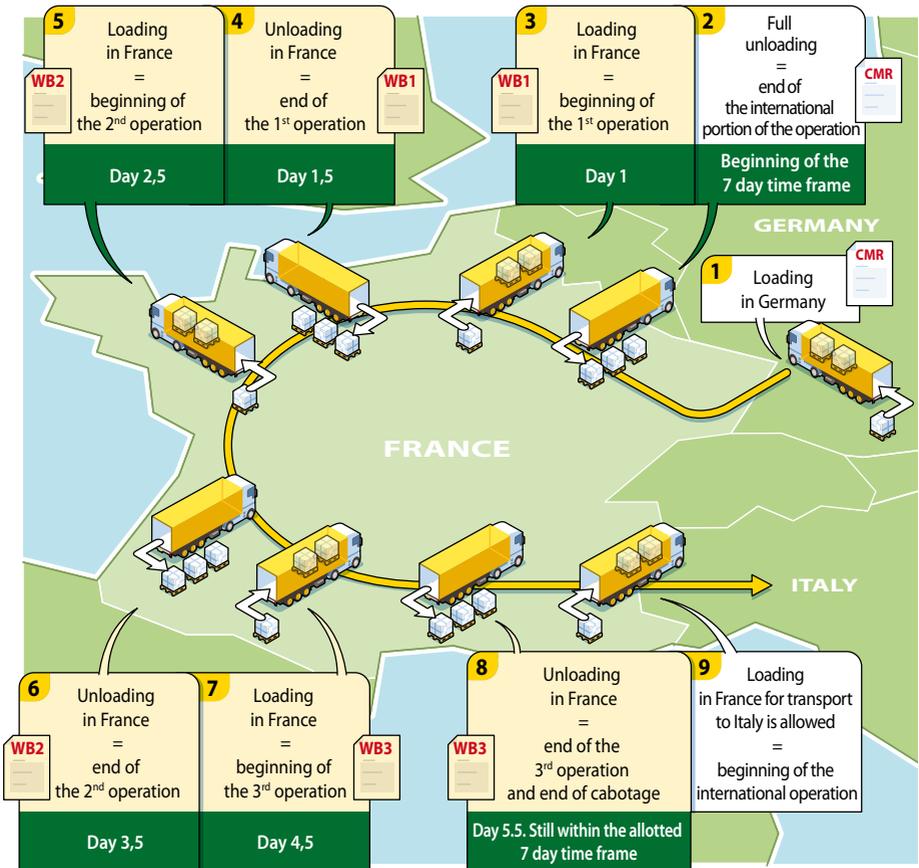
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<sup>1</sup> Article 33 of law n° 2009-1503 of December 8th, 2009 on the organisation and regulation of rail transport and on the various transport provisions, amending article 6-1 of law n° 82-1153 of December 30th, 1982 on domestic transport.

<sup>2</sup> Decree n° 2010-389 on road and water freight transport cabotage of April 19th, 2010.

## ■ What conditions apply to cabotage operations?

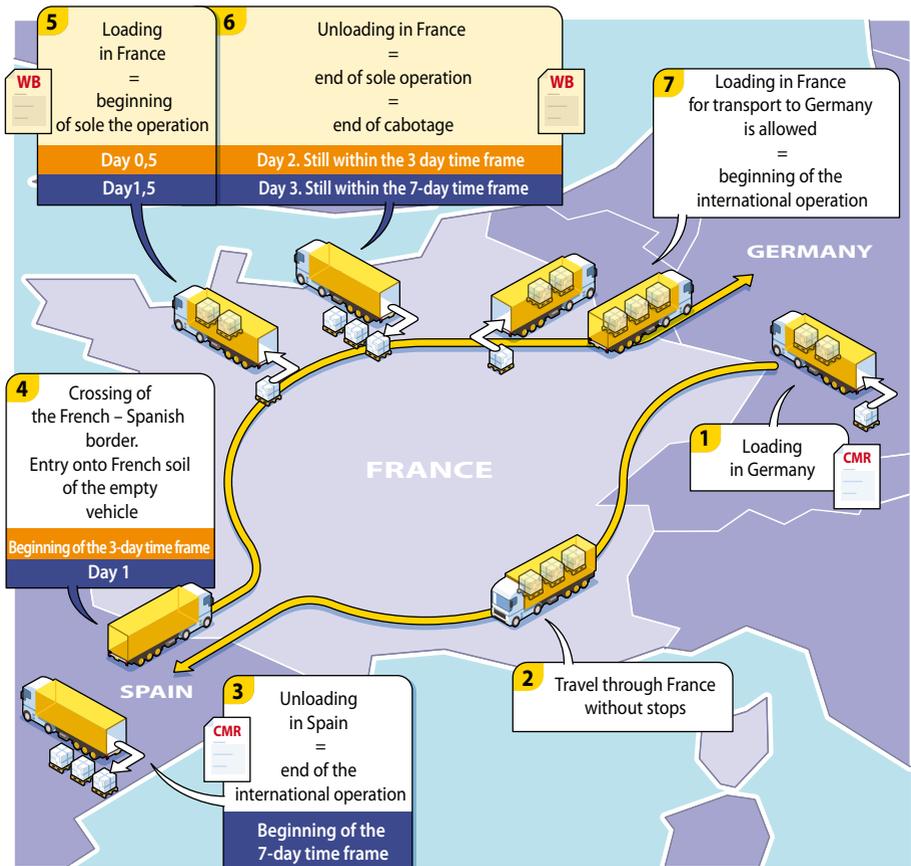
- Cabotage operations may only be carried out as part of an international journey.
- The cabotage operation must be carried out with the same truck as was used for the international transport journey or with the same truck tractor in the case of multiple vehicles.
- When the final destination of the international journey is France, road cabotage operations are allowed once all of the freight being transported internationally has been unloaded. A maximum of three cabotage operations, with three separate waybills, are allowed. The three cabotage operations must be done within seven days of unloading of the internationally transported freight.



Example 1 – International Transport with France as final destination: a maximum of three cabotage operations are allowed in France.



↳ If the final destination of the preceding international journey is a country other than France, a maximum of one cabotage operation in France is authorised within the three days following entry of the empty vehicle into the country. The cabotage operation must be completed within seven days of the unloading of the internationally transported freight.



Example 2 – France as a transit country in international transport: a maximum of one cabotage operation is allowed.

## ■ What documents are required for any cabotage operation?

All drivers of vehicles used in a cabotage operation must have the following documents in their possession<sup>3</sup>:

- ↳ An international waybill (CMR)<sup>4</sup> for the preceding international journey, which qualifies the vehicle to carry out a cabotage operation;
- ↳ A waybill (WB) for each cabotage operation carried out.

In addition to the standard compulsory information, each of the aforementioned documents must include:

- ↳ the date that the freight was unloaded;
- ↳ the registration number for the vehicle used for the cabotage operation.

This information may be filled in by hand.

Road freight transport cabotage activity is also checked through verification of the information recorded in the tachograph and the information pertaining to freight loading.

## ■ What are the penalties for failure to abide by the rules governing<sup>5</sup> cabotage operations?

Company vehicles that fail to abide by the cabotage regulation may be impounded until infringement has ceased and may be liable for a fine of 15,000 €.

Transporters of countries that are not authorised for cabotage operations may face up to a one-year prison sentence.

Failure to show the required documents or failure to show documents replete with all of the necessary information is punishable by a class 5 fine of up to 1,500 €.

## ■ Under what circumstances must a non-resident hauler be legally established in France?

Cabotage operations are temporary operations. A hauler must be legally established in France, and hold a community licence issued by the French authorities, if the hauler carries out the following activities on French soil:

- ↳ frequent, continued, and regular domestic transport;
- ↳ any activity which originates on a location or on infrastructure that is located in France, which is used, on a permanent, continued and regular basis, for the carrying out of said activity.

<sup>3</sup> In addition to all other documents required under the legislation in force (copy of community licences, driver's licence, etc.).

<sup>4</sup> In compliance with the Geneva Convention of May 19, 1956 on contracts related to international road freight transport.

<sup>5</sup> Article 25 – II of law n° 52-401 of April 14, 1952 on finance for the fiscal year 1952.



## ■ What liability does the prime contractor have in the area of cabotage operations?

The prime contractor must ensure that its contracted hauler does not carry out more than three cabotage operations in the seven-day period. The company does not need to verify that the requisite international transport journey has been carried out or if other cabotage operations have been made. The prime contractor must maintain a record of all documents of proof for two years.

Prime contractors that fail to abide by the provisions of the legislation may face a fine of 15,000 €<sup>6</sup>. Furthermore, failure to show the necessary documents of proof is punishable by a class 5 fine of up to 1,500 €.

## ■ VAT: what rules apply to cabotage operators?

In France, the client (with VAT registration in France) must pay all VAT, which applies to cabotage operations carried out on French soil. The client must pay the French VAT to the French tax authorities. Therefore, the foreign hauler must issue invoices exclusive of taxes to the client, which has a VAT registration in France.

Carriers that are legally established outside of France are not required to declare or pay VAT on cabotage operation services. If the aforementioned carriers do not carry out any other operations for which French VAT applies, they are not required to obtain VAT registration in France.



<sup>6</sup> Article 39 of law n° 2009-1503 of December 8th, 2009 on the organisation and regulation of rail transport and on various transport provisions.

**Publication:** April 2010

**Graphic design and realisation:** SG/DICOM/DIE/JP. Mareschal

**Ref:** DICOM/DGITM/BRO/09040 Uk

**Credit cover photo:** APRR (Autoroutes Paris Rhin Rhône)

**Illustration p 4-5:** Lorenzo Timon

**Printing:** MEEDDM/SG/SPSSI/ATL2/Atelier de reprographie

Brochure printed on European Ecolabel certified paper 

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