

Regulation (EC) No 1072/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market (recast) (Text with EEA relevance)

CHAPTER III

CABOTAGE

Article 10

Safeguard procedure

1 In the event of serious disturbance of the national transport market in a given geographical area due to, or aggravated by, cabotage, any Member State may refer the matter to the Commission with a view to the adoption of safeguard measures and shall provide the Commission with the necessary information and notify it of the measures it intends to take as regards resident hauliers.

2 For the purposes of paragraph 1:

‘serious disturbance of the national transport market in a given geographical area’ means the existence on the market of problems specific to it, such that there is a serious and potentially enduring excess of supply over demand, implying a threat to the financial stability and survival of a significant number of hauliers,

‘geographical area’ means an area covering all or part of the territory of a Member State or extending to all or part of the territory of other Member States.

3 The Commission shall examine the situation on the basis in particular of the relevant data and, after consulting the committee referred to in Article 15(1), shall decide within 1 month of receipt of the Member State’s request whether or not safeguard measures are necessary and shall adopt them if they are necessary.

Such measures may involve the temporary exclusion of the area concerned from the scope of this Regulation.

Measures adopted in accordance with this Article shall remain in force for a period not exceeding 6 months, renewable once within the same limits of validity.

The Commission shall without delay notify the Member States and the Council of any decision taken pursuant to this paragraph.

4 If the Commission decides to adopt safeguard measures concerning one or more Member States, the competent authorities of the Member States involved shall be required to take measures of equivalent scope in respect of resident hauliers and shall inform the Commission thereof. Those measures shall be applied at the latest as from the same date as the safeguard measures adopted by the Commission.

5 Any Member State may refer to the Council a decision taken by the Commission pursuant to paragraph 3 within 30 days of its notification. The Council, acting by a qualified majority may, within 30 days of that referral, or, if there are referrals by several Member States, of the first referral, take a different decision.

Changes to legislation: There are outstanding changes not yet made to Regulation (EC) No 1072/2009 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

The limits of validity laid down in the third subparagraph of paragraph 3 shall apply to the Council's decision. The competent authorities of the Member States concerned shall be required to take measures of equivalent scope in respect of resident hauliers, and shall inform the Commission thereof. If the Council takes no decision within the period referred to in the first subparagraph, the Commission decision shall become final.

6 Where the Commission considers that the measures referred to in paragraph 3 need to be prolonged, it shall submit a proposal to the Council, which shall take a decision by qualified majority.

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There are outstanding changes not yet made to Regulation (EC) No 1072/2009 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations.

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Changes and effects yet to be applied to :

- Art. 10 para. 7 addition by [EUR 2020/1055 Regulation](#) (This amendment by the EU not applied to legislation.gov.uk because it is brought into force after IP completion day.)
- Art. 10 para. 3 Unnumbered Paragraph 1 replacement by [EUR 2020/1055 Regulation](#) (This amendment by the EU not applied to legislation.gov.uk because it is brought into force after IP completion day.)
- Art. 10(1) substituted by [S.I. 2019/708 reg. 13\(11\)\(a\)](#)
- Art. 10(2) words substituted by [S.I. 2019/708 reg. 13\(11\)\(b\)](#)
- Art. 10(3) words omitted by [S.I. 2019/708 reg. 13\(11\)\(c\)\(ii\)](#)
- Art. 10(3) words substituted by [S.I. 2019/708 reg. 13\(11\)\(c\)\(i\)](#)
- Art. 10(4) substituted by [S.I. 2019/708 reg. 13\(11\)\(d\)](#)
- Art. 10(5) omitted by [S.I. 2019/708 reg. 13\(11\)\(e\)](#)
- Art. 10(6) omitted by [S.I. 2019/708 reg. 13\(11\)\(g\)](#)

Changes and effects yet to be applied to the whole legislation item and associated provisions

- Annex 1 words substituted by [S.I. 2019/708 reg. 13\(19\)](#)
- Annex 1 heading words substituted by [S.I. 2019/708 reg. 13\(19\)](#)
- Art. 1(5)(c) word substituted by [S.I. 2022/293 reg. 13](#)
- Annex 23 substituted by [S.I. 2019/708 Sch. 2](#)
- Art. 2(1) words inserted by [S.I. 2019/708 reg. 13\(3\)](#)
- Art. 2(2)(a)-(f) substituted for Art. 2(2)(a)-(d) by [S.I. 2019/708 reg. 13\(3\)\(b\)](#)
- Art. 2(2)(b) words inserted by [S.I. 2022/1260 reg. 4\(2\)](#)
- Art. 2(2)(e) word omitted by [2020 c. 29 s. 24\(2\)\(a\)](#)
- Art. 2(2)(g) and word inserted by [2020 c. 29 s. 24\(2\)\(b\)](#)
- Art. 2(3) substituted by [S.I. 2019/708 reg. 13\(3\)\(c\)](#)
- Art. 2(4) word omitted by [S.I. 2019/708 reg. 13\(3\)\(d\)](#)
- Art. 2(6) word omitted by [S.I. 2019/708 reg. 13\(3\)\(d\)](#)
- Art. 2(7) words inserted by [S.I. 2019/708 reg. 13\(3\)\(e\)\(ii\)](#)
- Art. 2(7) words substituted by [S.I. 2019/708 reg. 13\(3\)\(e\)\(i\)](#)
- Art. 2(8)-(14) inserted by [S.I. 2019/708 reg. 13\(3\)\(f\)](#)
- Art. 4(7) inserted by [S.I. 2019/708 reg. 13\(5\)\(f\)](#)
- Art. 5(1A) inserted by [S.I. 2019/708 reg. 13\(6\)\(a\)](#)
- Art. 5(2A) inserted by [S.I. 2019/708 reg. 13\(6\)\(b\)](#)
- Art. 5(8) inserted by [S.I. 2019/708 reg. 13\(6\)\(e\)](#)
- Art. 7(2)(b) words substituted by [S.I. 2019/708 reg. 13\(8\)\(c\)\(ii\)](#)
- Art. 10(5A) inserted by [S.I. 2019/708 reg. 13\(11\)\(f\)](#)
- Art. 10(7)-(9) inserted by [S.I. 2019/708 reg. 13\(11\)\(h\)](#)
- Art. 10a addition by [EUR 2020/1055 Regulation](#) (This amendment by the EU not applied to legislation.gov.uk because it is brought into force after IP completion day.)
- Art. 12(7) inserted by [S.I. 2019/708 reg. 13\(13\)\(h\)](#)
- Art. 14(2) words substituted by [S.I. 2019/708 reg. 13\(15\)](#)
- Art. 14a addition by [EUR 2020/1055 Regulation](#) (This amendment by the EU not applied to legislation.gov.uk because it is brought into force after IP completion day.)
- Art. 14b addition by [EUR 2020/1055 Regulation](#) (This amendment by the EU not applied to legislation.gov.uk because it is brought into force after IP completion day.)

– Art. 15A15B inserted by [S.I. 2019/708 reg. 13\(17\)](#)