

**Version 02**  
**Date: 31<sup>st</sup> May 2023**

## Guide on cabotage operations

This guide contains a description of the rules on cabotage operations in Regulation No. 1072/2009 on common rules for access to the international road haulage market,<sup>1</sup> as well as the Executive Order on Freight Transport,<sup>2</sup> and the Executive Order on Conditions for the Performance of Cabotage, the initial or final legs of combined transport and non-bilateral international transport.<sup>3</sup>

The guide replaces the Danish Road Traffic Authority's previous guide on cabotage operations and is based on the previous interpretations but is supplemented with guidance on the new rules for cabotage operations that follow from amending regulation 1055/2020 of 15th July 2020. The guide is addressed to operators in the road haulage sector and is an expression of the Danish Road Traffic Authority's interpretation of the rules. Any final decision on interpretation will fall within the jurisdiction of the courts.

The guide is based on relevant interpretations and will be updated as new interpretative aids are received for the application of the rules, including from the EU Commission, the European Court of Justice and the Danish courts.

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<sup>1</sup> Regulation No.1072/2009 of the European Parliament and of the Council of 21<sup>st</sup> October 2009 on common rules for access to the international road haulage market.

<sup>2</sup> Executive Order no. 1501 of 8<sup>th</sup> December 2022 on road haulage.

<sup>3</sup> Executive Order no. 115 of 30<sup>th</sup> January 2023 on conditions for the performance of cabotage, the initial or final leg of combined transport and non-bilateral international transport.

## 1. What is cabotage?

Cabotage is defined as national transport for hire or reward, which is carried out for a limited period of time in a host Member State in accordance with the Regulation. <sup>4</sup>

A cabotage operation is defined as a national transport of goods from loading of the goods to unloading at the consignee or consignees listed in the consignment note/ notes. A cabotage operation can therefore consist of either several loading points or several unloading points. <sup>5</sup>

## 2. Special requirements for international transport

International transport operations are transports from one Member State or a third country to another Member State or third country, with or without transit through one or more Member States or one or more third countries. Prior international transport is a precondition for cabotage operations. <sup>6</sup>

### **Examples of international transport operations giving access to the performing of cabotage operations in Denmark:**

a) a laden journey undertaken by a vehicle from the point of departure in a Member State to the point of arrival in another Member State, with or without transit through one or more Member States or third countries.

**Example:** *A German truck driving goods from Belgium to Denmark.*

b) a laden journey undertaken by a vehicle from a Member State to a third country or vice versa, with or without transit through one or more Member States or third countries.

**Example:** *A Belgian truck driving goods from Russia to Denmark.*

c) a laden journey undertaken by a vehicle between third countries, with transit through the territory of one or more Member States.

**Example:** *A Spanish truck transporting goods from Morocco to Russia via Spain, France, Germany, Denmark, Sweden and Finland.*

An international transport operation thus always presupposes that the vehicle is loaded with goods during the international transport, that it is a cross-border transport operation and that a Member State is either the transit country and/or the country of dispatch or recipient country.

### **2.a Concluded international transport**

It is a requirement for cabotage that the prior international transport has been terminated. If the international transport has several unloading points according to several consignment notes, cabotage can only be started after the last unloading.<sup>7</sup>

The international transport that precedes the cabotage operation must be of such a nature that it is not primarily intended to circumvent the cabotage rules. Thus, an international transport does not provide access to cabotage if it is not a real transport operation.

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<sup>4</sup> Art. 2, para. 1 (6) of Regulation No.1072/2009 of the European Parliament and of the Council of 21<sup>st</sup> October 2009 on common rules for access to the international road haulage market.

<sup>5</sup> Executive Order on road haulage, Section 36 and Art. 2 and 8, para. 2 of Regulation (EC) 1072/2009.

<sup>6</sup> Article 2, para. 1 (a) to (d) and Article 8, para. 2 of Regulation No.1072/2009 of the European Parliament and of the Council of 21<sup>st</sup> October 2009 on common rules for access to the international road haulage market.

<sup>7</sup> Art. 8, para. 2 of Regulation no.1072/2009 of the European Parliament and of the Council of 21<sup>st</sup> October 2009 on common rules for access to the international road haulage market.

### 3. Requirement for real transport

The transport of empty containers and returnable packaging (pallets, flower transport stands or similar) into Denmark does not provide access to legally carry out cabotage if the transport of the empty containers and returnable packaging are not a “real transport”.<sup>8</sup>

| Example of a real transport operation  | Example of a non-real transport operation   |
|--|---|
| A German truck transporting an empty container from Hamburg (DE) to Esbjerg. There is a consignment note for the transport where the container is either the subject of the transport agreement or forms an integral part thereof. | A German truck transporting an empty container from Hamburg (DE) to Esbjerg. No separate payment has been agreed for the transport. |

### 4. Special requirements for cabotage operations

Foreign transport operator’s transport of empty containers, empty semi-trailers, and returnable packaging (pallets, flower transport stands or similar) in Denmark, which are transported according to a transport contract and are the main subject of the freight agreement and/or payment, is considered as transportation of goods and thus counts as cabotage operations.

Transport of empty containers, empty semi-trailers, and returnable packaging (pallets, flower transport stands or similar) that constitute an integral part of a freight agreement and/or occur as an accessory to a preceding or subsequent cabotage operation does not count as a separate cabotage operation but is instead linked to a cabotage operation. This requires documentation, for example, through the CMR consignment note or its annotations. If the context is not clear, the default assumption is that it counts as a separate cabotage operation.

#### Example:

If 50 pallets of goods are transported between two points in Denmark, after unloading and at the unloading destination, 50 return pallets can immediately be loaded onto the same vehicle for unloading at a third point in Denmark. The transport between the three points is considered as one cabotage operation. The documentation should clearly indicate this in the freight document accompanying the 50 pallets of goods.

It should be noted that the transport of empty containers, empty semi-trailers, and returnable packaging in connection with an international transport to Denmark is not considered cabotage. For example, if a container with goods is transported from Germany to Denmark, the empty container can be transported to the destination after unloading the goods from the international transport, as per the freight agreement.

### 5. Who are the cabotage rules applicable to?

The cabotage rules apply to the specific vehicle or, in case of a coupled combination of vehicles, the motor vehicle thereof, which carries out transport services for hire or reward between two points in a Member State other than the Member State in which the company is established.

Inbound international transport and cabotage operations must be carried out by the same vehicle or, in the case of a coupled combination of vehicles, the motor vehicle thereof.<sup>9</sup>

#### **The cabotage rules apply to transport operators from the following EU and EEA countries:**

Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, and Sweden.

<sup>8</sup> Executive Order on road haulage Section 37 and Regulation No. 1072/2009, Art. 8, para. 2.

<sup>9</sup> Art. 8, para. 2 of Regulation no.1072/2009 of the European Parliament and of the Council of 21<sup>st</sup> October 2009 on common rules for access to the international road haulage market.

## 6. Rules for cabotage operations

### 6a. Time limitation

#### The 7-day rule

In connection with an incoming international transport, up to 3 cabotage operations may be undertaken within 7 days following delivery of all goods transported during the incoming international transport operation. Hence, the last cabotage operation must be completed within 7 days.

- The 7 days are understood as calendar days.<sup>10</sup>
  - The start time is calculated from 00.00 on the day after the completion of the last unloading of the goods transported by the inbound international transport operation.
  - If the unloading takes place at 12.00 on 1<sup>st</sup> January, the 7 days thus start from 00.00 on the night between the 1<sup>st</sup> and the 2<sup>nd</sup> of January.
- The last unloading in connection with the last cabotage operation must be completed no later than 23:59 on the 7<sup>th</sup> day.

It should be noted that cabotage operations may be commenced immediately after the termination of the inbound international transport operation. Hence, international transport and cabotage may be performed on the same day.

#### Example:

- Unloading of goods in connection with an international transport ends at 12:00, Monday, January 1<sup>st</sup>.
- The 7-day period starts at 00:00 hrs. on the night between Monday and Tuesday.
- The last cabotage operation must be terminated by Monday, January 8<sup>th</sup> at 23:59.

#### Example 2

A German truck transports fruit from Hamburg (DE) to Esbjerg. Unloading of the fruit in connection with the international transport is concluded on Monday 1<sup>st</sup> January.

| Date  | Course of events  | Characterization of the transport                          |
|---|---|--|
| <b>Monday, January 1<sup>st</sup> at 12:00</b>                                      | Unloading of fruit in Esbjerg   | International transport                                    |
| <b>Same day at 12:30</b>  | Meat is loaded in Esbjerg for transport to Odense                             | First cabotage operation                                   |
| <b>Monday 1<sup>st</sup> January/<br/>Tuesday 2<sup>nd</sup> January</b>            | The 7-day period starts at 00:00 hrs. on the night between Monday and Tuesday | 7-day period   |
| <b>From Tuesday, January 2<sup>nd</sup> through Tuesday, January 9<sup>th</sup></b> | The 7-day period expires on Tuesday 9 <sup>th</sup> January at 23:59          | The last cabotage operation must be concluded before 23:59 |

#### The 3-day rule

- If driving into Denmark without cargo in connection with an international transport concluded in another Member State, a single cabotage operation may be carried out with the vehicle within 3 days of entry into Denmark.
  - This cabotage operation must also be concluded no later than the 7<sup>th</sup> day after the goods transported by international transport by the vehicle in question have been delivered. This applies regardless in which Member State the international transport is concluded.
  - The 3 days are understood as calendar days.<sup>11</sup>

<sup>10</sup> Art. 3, para. 1 cf. para. 2 (b) of Council Regulation (EEC, Euratom) No. 1182/71 of 3<sup>rd</sup> June 1971 determining the rules applicable to periods, dates and time limits. Furthermore, see section 6d.

<sup>11</sup> *Ibid.*

- The start time is calculated from 00.00 on the day after the vehicle has entered the host Member State unladen.
- The last unloading in connection with this single cabotage operation must be concluded no later than 23.59 on the 3<sup>rd</sup> day.

**Example:**

A German truck transports fruit from Hamburg (DE) to Malmö (SE). Unloading of the fruit in connection with the international transport is concluded on 1<sup>st</sup> January in Sweden. The vehicle then drives to Denmark to perform a single cabotage operation.

| Date                                     | Course of events   | Characterization of the transport         |
|--|--|---|
| <b>Monday, 1<sup>st</sup> January</b>    | The vehicle unloads the fruit in Malmö (SE)  | The international transport is concluded  |
| <b>Tuesday, 2<sup>nd</sup> January</b>   | The vehicle drives (unladen) to Esbjerg. Furniture is loaded here, of which 1/3 is unloaded in Aalborg | First part of a single cabotage operation |
| <b>Wednesday, 3<sup>rd</sup> January</b> | The next 1/3 of the furniture is unloaded in Odense  | Second part of the cabotage operation     |
| <b>Thursday, 4<sup>th</sup> January</b>  | The driver rests in Nyborg   | Rest                                      |
| <b>Friday, 5<sup>th</sup> January*</b>   | The remaining 1/3 of the furniture is unloaded in Padborg  | Third part of the cabotage operation      |

- The 7-day period starts at 00:00 hrs. on the night between Monday and Tuesday.
- The 3-day period starts at 00:00 hrs. on the night between Tuesday and Wednesday.

\*The vehicle must have concluded the last unloading in connection with the cabotage operation no later than Friday 5<sup>th</sup> January at 23:59.

**Example 2:**

A German truck transports fruit from Hamburg (DE) to Helsinki (FI). Unloading of the fruit in connection with the international transport is concluded on 1<sup>st</sup> January at 12.00 in Finland.

| Date   | Course of events   | Characterization of the transport   |
|--|--|---|
| <b>Monday, 1<sup>st</sup> January</b>  | The vehicle unloads the fruit in Helsinki (FI)   | The international transport is concluded                                      |
| <b>Tuesday, 2<sup>nd</sup> January</b>                                       | The vehicle drives (unladen) through Sweden and to Copenhagen. Here, furniture is loaded | Transit through Sweden and cabotage in Denmark begins                         |
| <b>Wednesday, 3<sup>rd</sup> January</b>                                     | Night between Tuesday and Wednesday (00.00 hours)  | 3-day period starts in DK   |
| <b>Wednesday 3<sup>rd</sup> January/<br/>Thursday 4<sup>th</sup> January</b> | The driver rests in Odense   | Rest  |
| <b>Friday, 5<sup>th</sup> January</b>  | The vehicle drives to Padborg where the furniture is unloaded                            | The cabotage operation is concluded within the 3-day period (Friday at 23:59) |

When the 3-day and/or 7-day period expires, there is in principle no requirement for the vehicle to return to the Member State of establishment or leave the host Member State. Consequently, the foreign vehicle, after performing its third cabotage operation on the 7<sup>th</sup> day, may stay in Denmark and commence an international transport on the 8<sup>th</sup> day.<sup>12</sup>

<sup>12</sup> Art. 8, para. 2, subparagraph 2 of Regulation No.1072/2009 of the European Parliament and of the Council of 21<sup>st</sup> October 2009 on common rules for access to the international road haulage market. As a result of the establishment requirements, the vehicle must

**6b. Quantitative limitation**  
**3-journey limit**

Within 7 days after the completion of an international transport operation, it is allowed, by use of the same vehicle, to perform a total of 3 cabotage operations. The operator may carry out some or all 3 cabotage operations in the same Member State where the international transport ends or in other Member States, though the said operator may only carry out a single cabotage operation in each of the other Member States within 3 days if the vehicle has entered that particular Member State with an empty load.

Example:

A German truck transports meat in connection with an international transport from Hamburg (DE) – Esbjerg. Immediately afterwards, cabotage is commenced in Denmark.

| Course of events  | Characterization of the transport                     |
|---|---|
| In Esbjerg, furniture is loaded, of which half is carried to Odense   | First part of the 1 <sup>st</sup> cabotage operation  |
| The vehicle carries the remaining half of the furniture to Copenhagen | <b>1<sup>st</sup> cabotage operation is completed</b> |
| The vehicle is driven unladen from Copenhagen to Nyborg               | Empty journey <sup>13</sup>                           |
| In Nyborg, sportswear is loaded, of which 1/3 is carried to Svendborg | First part of the 2 <sup>nd</sup> cabotage operation  |
| The vehicle carries the next 1/3 of sportswear to Fredericia          | Second part of the 2 <sup>nd</sup> cabotage operation |
| The vehicle carries the final 1/3 of sportswear to Kolding            | <b>2<sup>nd</sup> cabotage operation is completed</b> |
| In Kolding, half of the wagon is loaded with meat                     | First part of 3 <sup>rd</sup> cabotage operation      |
| In Esbjerg, the other half of the wagon is loaded with wine           | Second part of 3 <sup>rd</sup> cabotage operation     |
| In Padborg, both meat and wine are unloaded at the same recipient     | <b>3<sup>rd</sup> cabotage operation is completed</b> |

**6c. The 4-day rule – Waiting period (cooling off period)**

Carriers may not carry out cabotage operations by use of the same vehicle or, in the event of a coupled combination of vehicles, by use of the motor vehicle thereof, in the same host Member State for 4 days from the completion of the last cabotage operation carried out in that Member State.<sup>14</sup>

- The 4 days are understood as calendar days.
- The start time for the waiting period is calculated from 00.00 hrs. the day after the vehicle has undertaken the last unloading in connection with its cabotage operation.<sup>15</sup>

The waiting period is triggered each time a cabotage operation is completed and if the vehicle leaves Denmark. This also applies even if the vehicle has only performed one cabotage operation.

Hence, if a foreign vehicle performs one cabotage operation in Denmark in connection with an international transport operation and then performs one cabotage operation in Sweden<sup>16</sup>, the said vehicle may not perform cabotage in Denmark within 4 days following the termination of the cabotage operation in Denmark.

Example 1:

Unloading of goods from the last cabotage operation takes place on Monday 1<sup>st</sup> January at 12:00.

- Thus, the 4 days start at 00:00 hrs. on the night between Monday and Tuesday.
- The waiting period expires on Friday 5<sup>th</sup> January at 23.59.

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return to the Member State of establishment within 8 weeks, cf. Art. 5, para. 1 (b) of Regulation No. 1071/2009. The provision, which is part of the establishment requirement, is not dealt with further in this guide.

<sup>13</sup> In this example, an empty journey is without a trailer or a semi-trailer, and therefore only the motor vehicle.

<sup>14</sup> The rules on the waiting period entered into force on 21<sup>st</sup> February 2022, cf. Art. 4 of Regulation (EU) 2020/1055 of the European Parliament and of the Council of 15<sup>th</sup> July 2020 amending Regulations (EC) No. 1071/2009, (EC) No. 1072/2009 and (EU) No. 1024/2012 with the purpose of adapting the said rules to developments in the road transport sector.

<sup>15</sup> Art. 3, para. 1 cf. para. 2 (b) of Council Regulation (EEC, Euratom) No. 1182/71 of 3<sup>rd</sup> June 1971 determining the rules applicable to periods, dates and time limits.

<sup>16</sup> The waiting period in Sweden may begin on a different date than in Denmark; it depends on when the cabotage operation is terminated in the member countries in question.

- Cabotage can be started again at the earliest at 00.00 hrs between Friday and Saturday 6<sup>th</sup> January.

**Example 2:**

A German truck concludes an international transport from Hamburg (DE) – Padborg on Monday 1<sup>st</sup> January at 10:00. The same vehicle performs a cabotage operation from Padborg – Esbjerg. The vehicle then performs an international transport from Esbjerg – Malmö (SE).

| Date  | Course of events  | Characterization of the transport                    |
|---|---|--|
| <b>Monday, 1<sup>st</sup> January</b>   | The vehicle unloads fruit in Padborg  | Conclusion of the international transport to Denmark |
| <b>Same day</b>   | The vehicle transports cheese from Padborg – Esbjerg  | First cabotage operation                             |
| <b>Same day</b>   | The vehicle then transports meat from Esbjerg – Malmö (SE)  | International transport                              |
| <b>Monday 1<sup>st</sup> January/<br/>Tuesday 2<sup>nd</sup> January</b>          | The waiting period starts at 00:00 hrs. on the night between Monday and Tuesday.  | The waiting period in Denmark starts                 |
| <b>Tuesday 2<sup>nd</sup> January<br/>through Saturday 6<sup>th</sup> January</b> | The waiting period expires on Friday at 23:59 hrs. and cabotage is allowed again from Saturday 6 <sup>th</sup> January after 00:00 hrs. | The waiting period expires                           |

**Example 3:**

A German truck transports fruit from Hamburg (DE) to Esbjerg. Unloading of fruit takes place on Friday, 1<sup>st</sup> March, which concludes the international transport. Three cabotage operations are then carried out in Denmark. The third cabotage operation in Denmark is terminated on Monday 4<sup>th</sup> March, after which the truck leaves Denmark. The same truck transports fruit from Hamburg (DE) to Esbjerg and a new cabotage operation is commenced after the completion of the waiting period.

| Date  | Course of events  | Characterization of the transport                    |
|---|---|--|
| <b>Friday, 1<sup>st</sup> March</b>                                     | The vehicle unloads fruit in Esbjerg  | Conclusion of the international transport to Denmark |
| <b>Saturday, 2<sup>nd</sup> March</b>                                   | Carriage of furniture from Esbjerg to Aarhus  | First cabotage operation                             |
| <b>Sunday, 3<sup>rd</sup> March</b>                                     | Carriage of building supplies from Horsens to Odense  | Second cabotage operation                            |
| <b>Monday, 4<sup>th</sup> March</b>                                     | Carriage of sportswear from Slagelse to Kolding   | Third cabotage operation                             |
| <b>Monday, 4<sup>th</sup> March/<br/>Tuesday, 5<sup>th</sup> March</b>  | The vehicle leaves Denmark after termination of the cabotage operation. The waiting period starts at 00:00 hrs. on the night between Monday and Tuesday | The waiting period begins                            |
| <b>Friday, 8<sup>th</sup> March</b>                                     | The same truck carries fruit from Hamburg (DE) to Esbjerg   | International transport                              |
| <b>Friday, 8<sup>th</sup> March/<br/>Saturday, 9<sup>th</sup> March</b> | The waiting period expires on Friday at 23:59 and cabotage is allowed again from Saturday after 00:00 hrs.  | The waiting period expires                           |
| <b>Saturday, 9<sup>th</sup> March</b>                                   | Carriage of furniture from Esbjerg to Aarhus  | Cabotage operation                                   |

**Example 4:**

A German truck carries fruit from Hamburg (DE) to Esbjerg. Unloading of fruit takes place on 21<sup>st</sup> February and, thereby, the international transport operation is terminated. The driver rests in Esbjerg between Friday and Saturday, when the first cabotage operation is commenced in Esbjerg on Saturday the 22<sup>nd</sup> of February.

| Date   | Course of events  | Characterization of the transport                                    |
|--|---|--|
| <b>Saturday, 22<sup>nd</sup> February</b>                                      | In Esbjerg, furniture is loaded and carried to Odense   | First cabotage operation in Denmark                                  |
| <b>Same day</b>  | The vehicle drives unladen to Malmö (SE), where fruit is loaded and carried to Stockholm (SE) | Empty journey and first cabotage operation in Sweden                 |
| <b>Saturday 22<sup>nd</sup> February/<br/>Sunday, 23<sup>rd</sup> February</b> | The waiting period starts at 00:00 hrs. on the night between Saturday and Sunday              | Waiting period in Denmark  |
| <b>Monday, 24<sup>th</sup> February</b>  | In Stockholm (SE), cheese is loaded, then carried to Oslo (NO)                                | International transport  |
| <b>Tuesday, 25<sup>th</sup> February</b>                                       | The vehicle drives from Oslo (NO) (unladen) to Esbjerg. Here, rest is taken                   | Empty journey <sup>17</sup> and rest                                 |
| <b>Wednesday, 26<sup>th</sup> February</b>                                     | Rest continues. The vehicle is subject to the waiting period, which ends at 23:59             | Rest   |
| <b>Thursday, 27<sup>th</sup> February</b>                                      | Meat is loaded in Esbjerg (at 00:01), carried to Odense and unloaded                          | Second cabotage operation in Denmark, after completed waiting period |

**Example 5:**

A German truck carries furniture from Hamburg (DE) to Esbjerg. Unloading of furniture takes place on Saturday, 22<sup>nd</sup> February, which concludes the international transport. A cabotage operation begins in DK on the same day.

| Date  | Course of events  | Characterization of the transport |
|---|---|-----------------------------------|
| <b>Saturday, 22<sup>nd</sup> February</b>                                       | In Esbjerg, the furniture is unloaded and, thereby, the international transport operation is terminated | International transport           |
| <b>Same day</b>   | Cheese is loaded in Esbjerg for carriage to Odense  | First cabotage operation          |
| <b>Sunday, 23<sup>rd</sup> February</b>   | In Odense, fruit is loaded for carriage to Padborg  | Second cabotage operation         |
| <b>Monday, 24<sup>th</sup> February</b>   | In Padborg, meat is loaded for carriage to Ribe   | Third cabotage operation          |
| <b>Tuesday, 25<sup>th</sup> February</b>  | The waiting period starts at 00:00 hrs. on the night between Monday and Tuesday                         | The waiting period begins         |
| <b>Tuesday, 25<sup>th</sup> February –<br/>Friday, 28<sup>th</sup> February</b> | The vehicle is subject to the waiting period, which ends on Friday 28 <sup>th</sup> February at 23:59   | The waiting period expires        |

<sup>17</sup> In this example, an empty journey is without a trailer or a semi-trailer and, therefore, the motor vehicle only.



#### 6d. Special considerations regarding weekends and public holidays

If the last day of any of the aforementioned periods (3-, 7-, or 4-day period) falls on a public holiday, Saturday, or Sunday, the period expires on the next working day.<sup>18</sup>

Example: A 3-day period where the period expires on a Sunday.

A transport operator established in the Netherlands carries out an international transport from Amsterdam (NL) to Hamburg (DE) on Thursday, January 6<sup>th</sup>, followed by a cabotage operation in Denmark.

| Date                                    | Course of events  | Characterization of the transport     |
|---|---|---------------------------------------|
| <b>Thursday, 6<sup>th</sup> January</b> | The driver ends the international transport in Hamburg (DE) and drives unladen to Esbjerg, where fruit is loaded. | First cabotage operation is commenced |
| <b>Friday, 7<sup>th</sup> January</b>   | 1/3 of the fruit is unloaded in Odense  | 1/3 of first cabotage operation       |
| <b>Saturday, 8<sup>th</sup> January</b> | 1/3 of the fruit is unloaded in Copenhagen  | 2/3 of first cabotage operation       |
| <b>Sunday, 9<sup>th</sup> January</b>   | 3-days period expires (originally) at 23:59. Since it is Sunday, the period ends the following working day.       | Rest                                  |
| <b>Monday, 10<sup>th</sup> January</b>  | 1/3 of the fruit is unloaded in Korsør  | 3/3 of first cabotage operation       |

Example 2: Waiting period ends on a Saturday.

A transport operator established in Germany carries out an international transport from Hamburg (DE) to Odense on Sunday, January 6<sup>th</sup>, followed by a cabotage operation in Denmark.

| Date                                   | Course of events  | Characterization of the transport                                 |
|--|---|---|
| <b>Sunday, 6<sup>th</sup> January</b>  | The driver concludes the international transport in Odense. At the same location, fruit is loaded. A rest period is taken until next day. | First cabotage operation is commenced and rest is taken           |
| <b>Monday, 7<sup>th</sup> January</b>  | Fruit is unloaded in Copenhagen. At the same location furniture is loaded.  | First cabotage operation  |
| <b>Tuesday, 8<sup>th</sup> January</b> | The furniture is unloaded in Nyborg. At the same location sportswear is loaded.   | Second cabotage operation   |
| <b>Same day</b>                        | The sportswear is unloaded in Malmö (SE).   | International transport, the waiting period in DK starts at 00:00 |

<sup>18</sup> Council Regulation (EEC, Euratom) No. 1182/71 of 3<sup>rd</sup> June 1971 determining the rules applicable to periods, dates and time limits.

|  |  |  |
|--|--|--|
| <b>Wednesday, 9<sup>th</sup> January – Saturday, 13<sup>th</sup> January</b> | The waiting period expires (originally) at 23:59. However, it is further extended to Monday at 00:00, since it is Saturday | Waiting period ends  |
| <b>Monday, 15<sup>th</sup> January</b>                                       | Meat is loaded in Copenhagen and transported to Esbjerg  | The waiting period ends and cabotage operation begins after the completion of the waiting period |

## 7. Remuneration requirements for the performance of cabotage

A foreign operator subject to the cabotage rules is required to pay its drivers an hourly wage that is at least equal to the Danish minimum hourly rate of DKK 173,31 (2023), when the driver performs cabotage operations where the total permissible weight of the motor vehicle or the combinations of vehicles exceeds 3.5 tonnes.<sup>19</sup> The minimum hourly rates are regulated each year, visit [www.fstyr.dk](http://www.fstyr.dk) for the updated rates.

### Other work

The Danish minimum hourly rate shall only be paid for journeys with goods undertaken during the cabotage operations, thus not for other work.

Other work should be understood any activity defined as working time in Article 3 (a) of Directive 2002/15/EC with the exception of “driving”, including work performed for the same or another employer within or outside the transport sector.

Thus, these activities are not subject to the remuneration requirement.<sup>20</sup>

- Loading and unloading,
- Unladen journeys, driving without goods or return pallets and the like as described in section 4 of this guidance,<sup>21</sup>
- Cleaning and technical maintenance,
- Any other work which is intended to ensure the safety of the vehicle and/or cargo or to fulfil legal or regulatory obligations specifically related to the transport in question including:
  - Supervision of loading and unloading,
  - Administrative formalities with police, customs or other authorities.

### Example:

A driver employed by a transport operator established in Hamburg (DE) drives a loaded truck with fruit from Hamburg (DE) to Esbjerg where the goods are unloaded.

- In Esbjerg, the truck is loaded with meat products which are transported to and unloaded in Aarhus.
- The truck is driven unladen (empty journey) from Aarhus to Horsens.
- In Horsens, the wagon is loaded with milk which is transported to Padborg where it is unloaded.
- In Padborg, the driver waits for 3 hours for the terminal to load the truck with cheese which is to be transported back to Hamburg (DE).

*The driver shall be paid the Danish minimum hourly rate for the performing of the following activities only:*

- When driving goods from Esbjerg to Aarhus and
- When driving goods from Horsens to Padborg.

The above transport operations are cabotage operations.

### Example 2:

<sup>19</sup> Executive Order no. 115 of 30rd January 2023 on conditions for the performance of cabotage, the initial or final legs of combined transport and non-bilateral international transport, Section 9.

<sup>20</sup> Regulation No 561/2006, Article 4 (e) and Article 3 (a) of directive 2002/15/EU.

<sup>21</sup> Note that in some cases the driver may be subject to the posting rules, even if the driver is not subject to the remuneration requirement. For further information in this respect, please refer to the Danish Road Traffic Authority’s posting guide.

A driver employed by a transport operator established in Hamburg (DE) performs an international transport operation from Hamburg (DE) – Aalborg.

| Time sequence  | Course of events  | Characterization of the transport                       | Danish remuneration |
|--|---|---|---------------------|
| <b>Monday</b><br>12 <sup>00</sup> -16 <sup>00</sup>  | A drive is carried out from the German/Danish border to Aalborg | International transport                                 | <b>No</b>           |
| 16 <sup>00</sup> -21 <sup>00</sup>                   | Fruit is loaded in Aalborg and transported to Copenhagen        | Cabotage operation                                      | <b>Yes</b>          |
| 21 <sup>00</sup> -00 <sup>00</sup>                   | The driver pauses in Copenhagen                                 | Pause   | <b>No</b>           |
| <b>Tuesday</b><br>00 <sup>00</sup> -04 <sup>00</sup> | An empty journey is undertaken from Copenhagen to Esbjerg       | Empty journey between cabotage operations <sup>22</sup> | <b>No</b>           |
| 04 <sup>00</sup> -06 <sup>00</sup>                   | The vehicle is loaded with furniture                            | Loading of goods  | <b>No</b>           |
| 06 <sup>00</sup> -08 <sup>00</sup>                   | Furniture is transported from Esbjerg to Odense                 | Cabotage operation                                      | <b>Yes</b>          |
| 08 <sup>00</sup> -10 <sup>30</sup>                   | The furniture is unloaded from vehicle in Odense                | Unloading of goods                                      | <b>No</b>           |

**Example 3:**

En tysk lastbil udfører en international transport fra Hamborg (DE) – Ribe.

| Time sequence  | Course of events   | Characterization of the transport                       | Danish remuneration |
|--|--|---|---------------------|
| <b>Monday</b><br>05 <sup>00</sup> - 07 <sup>00</sup>   | A drive is carried out from the German/Danish border to Ribe | International transport                                 | <b>No</b>           |
| 07 <sup>00</sup> - 09 <sup>00</sup>                    | Fruit is unloaded in Ribe                                    | Unloading of goods                                      | <b>No</b>           |
| 09 <sup>00</sup> - 12 <sup>00</sup>                    | The driver pauses in Ribe                                    | Pause   | <b>No</b>           |
| <b>Tuesday</b><br>12 <sup>00</sup> - 17 <sup>00</sup>  | An empty journey is carried out from Ribe to Skagen          | Empty journey <sup>23</sup> between cabotage operations | <b>No</b>           |
| 17 <sup>00</sup> - 18 <sup>00</sup>                    | The vehicle is loaded with furniture in Skagen               | Loading of goods  | <b>No</b>           |
| 18 <sup>00</sup> - 23 <sup>30</sup>                    | Furniture is carried from Skagen to Copenhagen               | Cabotage operation                                      | <b>Yes</b>          |
| 23 <sup>30</sup> - 01 <sup>00</sup>                    | The furniture is unloaded from vehicle                       | Unloading of goods                                      | <b>No</b>           |
| <b>Wednesday</b><br>01 <sup>00</sup> -09 <sup>00</sup> | The driver rests   | Rest  | <b>No</b>           |

## 8. Documentation requirements

### **Documentation that the carriage takes place in the host Member State:**

There must be documentation for the inbound international transport, regardless of which Member State it is concluded in, as well as documentation for each subsequent cabotage operation performed in Denmark.

If the vehicle performs cabotage and has been in Denmark for 4 days prior to the international transport operation, the below mentioned documentation of all journeys performed during the period shall be presented upon request. <sup>24</sup>

<sup>22</sup> In this example, an empty journey is without a trailer or a semi-trailer, and therefore only the motor vehicle.

<sup>23</sup> In this example, an empty journey is without a trailer or a semi-trailer, and therefore only the motor vehicle.

<sup>24</sup> Executive Order on road haulage, Section 36 and Art. 8, para. 3 of Regulation No 1072/2009 of the European Parliament and of the Council.

The documentation does not necessarily have to appear in one document, but shall include the following information about each transport: <sup>25</sup>

- a) Consignor's name, address and signature. <sup>26</sup>
- b) Transport company's name, address and signature. <sup>26</sup>
- c) Consignee's name and address and, upon delivery of the goods, the consignee's signature and the date of delivery.
- d) Place and date of the receipt of the goods as well as the place where the goods are to be delivered.
- e) The commonly used name for the goods and the method of packaging as well as, in the event of dangerous goods, a commonly recognised description of the goods as well as the number of packages and their special marks and numbers.
- f) The gross weight of the goods or the quantity of goods expressed in another way.
- g) The vehicle registration plate of the motor vehicle and trailer.

The documentation may constitute a CMR consignment note or another freight document provided that the said document contains the required information. In addition, the documentation may exist in electronic form.

The driver is required to present the above documents to the control authorities in connection with roadside checks and on demand. <sup>27</sup>

An electronic forwarding of documentation to the vehicle within a short period of time is accepted. Consequently, the driver may contact the head office of the operator, the transport manager, the operator or another person or entity with the purpose of having forwarded the above documentation. <sup>28</sup>

### **Data from the tachograph**

In accordance with Regulations (EC) No 561/2006 and (EU) No 165/2014, the driver is required to present data from the tachograph and, particularly, the nationality marks of the Member States in which the driver was present when carrying out international road transport or cabotage operations.

### **Posting declaration** <sup>29</sup>

In the event of cabotage, the driver is regarded as posted to the host Member State. It is a requirement that the operator has completed a posting declaration via IMI no later than before the start time of the posting. <sup>30</sup> The driver is also required to have a copy of the posting declaration and the above documentation at his disposal and make such available. <sup>31</sup>

No further documentation may be required in the context of the international transport and cabotage operations performed.

However, this does not imply that no other documentation required under transport legislation may be used to determine whether the cabotage operation has been carried out in accordance with the rules. This may include, for example, data from control devices used in connection with the driving and rest time regulations, or toll usage data for tolls paid.

## **9. Penalties in the event of a violation of cabotage rules**

Violation of the rules on cabotage is punishable by a fine. <sup>32</sup>

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<sup>25</sup> Art. 8, para. 3 (a) - (g) of Regulation No.1072/2009 of the European Parliament and of the Council of 21<sup>st</sup> October 2009 on common rules for access to the international road haulage market.

<sup>26</sup> Consignor and transport operator signatures may be printed or replaced by stamps.

<sup>27</sup> Executive Order on road haulage, Section 36.

<sup>28</sup> Art. 8, para 4, (a), of Regulation No.1072/2009 of the European Parliament and of the Council of 21<sup>st</sup> October 2009 on common rules for access to the international road haulage market.

<sup>29</sup> Directive 2020/1057 Art. 1, para. 11 and the Executive Order on conditions for carrying out cabotage, the initial or final legs of combined transport and non-bilateral international transport Section 5. See also the Danish Road Traffic Authority's guide on posting rules.

<sup>30</sup> This does not apply to operator established in an EEA member state. Does not apply to self-employed drivers.

<sup>31</sup> Executive Order no. 115 of 30<sup>th</sup> January 2023 on conditions for the performance of cabotage, the initial or final legs of combined transport and non-bilateral international transport Section 6.

<sup>32</sup> Executive Order on Freight Transport Section 47, cf. the Freight Transport Act, Section 17, para. 1, no. 3 and Bill 2013 58, Appendix 4 and Bill 2021.62 A, comments on no. 43.

Fines for violation of the cabotage rules are in principle DKK 5,000 for minor violations (e.g., lack of information on the designation of the goods), DKK 15,000 for serious violations (e.g., lack of documentation for the international transport operation) and DKK 35,000 for very serious violations (e.g. illegal cabotage operations by for example violating the waiting period or driving more than 3 journeys or 7 days).<sup>33</sup>

There may be a doubling or tripling of the amount of the fine if there are aggravating circumstances. The doubling or tripling will be made on the basis of a concrete assessment in each individual case.

The police may seize the motor vehicle if deemed necessary to secure a claim for payment of a fine and legal costs or to secure confiscation, including value confiscation, but only until the said amounts have been paid or a security has been provided.<sup>34</sup>

Depending on the circumstances, a freight forwarder may be penalised for complicity in the violation of cabotage rules of a foreign transport company in accordance with the general rules on complicity in section 23 of the Danish Criminal Code.

#### **10. Further information**

In case of the need for further clarification please contact:

The Danish Road Traffic Authority  
Sorsigvej 35  
6760 Ribe  
Telephone: 7221 8899  
E-mail: info@fstyr.dk

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<sup>33</sup> Bill 2013, 58, comments pkt. 2.1.2 and appendix 2.

<sup>34</sup> The Freight Transport Act, Section 16.