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# Better count twice before loading – cabotage is limited to three part load shipments

Arnecke Sibeth Dabelstein | Shipping & Transport - Germany



CARSTEN  
VYVERS

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## Facts

The plaintiff was a Polish haulage company that transported goods within Germany. The plaintiff consolidated the shipments of various customers and different destinations. After three runs, its truck would leave Germany and come back to start again.

The defendant was the Federal Office for Goods Transport. From its point of view, the plaintiff had been violating the EU stipulations regarding cabotage. Each part load delivered to a recipient shall be counted as a separate transport. Therefore, the plaintiff had been performing more than three transports within seven days.

## Decision

The administrative court of Cologne rejected the plaintiff's action.<sup>(1)</sup>

EU Regulation 1071/2009 does not define what is meant by "one transport". However, based on its wording ("after a full or partial delivery"), there is a clear indication that less than a truck load would also be deemed as a separate transport. Also, German transport law stipulates that such transports must be counted individually.

## Comment

The EU mobility package has recently come into force with new stipulations. It is expected that the national authorities will strengthen their control efforts accordingly.

*For further information on this topic please contact [Carsten Vyvers](mailto:c.vyvers@asd-law.com) at Arnecke Sibeth Dabelstein by telephone (+49 69 97 98 85 0) or email ([c.vyvers@asd-law.com](mailto:c.vyvers@asd-law.com)). The Arnecke Sibeth Dabelstein website can be accessed at [www.asd-law.com](http://www.asd-law.com).*

## Endnotes

(1) VG Cologne, decision dated 31 May 2021, case file No. 18 K 8314/18.