



Swedish Statute Book

Regulation

amending the Regulation (1998:786) on international road transport in the European Economic Area (EEA)

SFS 2021:1302

Published
23 December 2021

Issued on 16 December 2021

The Government provides for¹ of the Regulation (1998:786) on international road transport in the European Economic Area (EEA)²

1, 2, 2 a, 3, 3 a, 4, 5 a and 6 a § shall read as follows,

that the title immediately before section 2a should be put closest before section 2 d,

six new paragraphs, 2 b-2 d and 3 e-3 g §§, and immediately before section 3 e a new heading of the following wording.

1 §³ This Regulation regulates certain conditions related to the

1. 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 market for road freight transport;

2. Regulation (EC) No 1073/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international market for passenger transport by bus and amending Regulation (EC) No 561/2006;

3. Commission Regulation (EC) No 3298/94 of 21 December 1994 on the detailed procedure in the system of transit rights (ecopoints) for the transport of heavy trucks through Austria, drawn up by Article 11 of Protocol No 9 to the Act of Accession of Norway, Austria, Finland and Sweden, and

4. Council Decision No 2002/917/EC of 3 October 2002 on the conclusion of the Interbus Agreement on temporary international passenger transport by bus.

The Regulation also provides for combined transport.

2 §⁴ The Swedish Transport Agency is the competent authority in accordance with the acts referred to in section 1.

The Swedish Transport Agency shall carry out the reporting tasks provided by Sweden pursuant to Article 17 of Regulation (EC) No 1072/2009 and Article 28 in pre-order (EC) No 1073/2009.

¹ See Council Directive 92/106/EEC of 7 December 1992 on common rules for certain forms of combined transport of goods between Member States.

² Latest wording of the regulation heading 2009:1365.

³ Last wording 2011:1093.

⁴ Last wording 2009:1365.

Section 2a ⁵ The Police Authority and the Swedish Customs Service shall, no later than 15 February each year, provide the Swedish Transport Agency with information on roadside checks carried out by the authorities as the Swedish Transport Agency needs to fulfil its obligations according to Section 2.

Section 2 b of the Swedish Transport Agency shall draw up a national supervisory strategy as referred to in artikel 10a.1 of Regulation (EC) No 1072/2009. The Police Authority and The Swedish Customs shall be given the opportunity to comment when the strategy is drawn up.

Section 2c Of the Swedish Transport Agency shall be responsible for coordinating with authorities in other States of the European Economic Area and with the Police Authority and customs in regards to the implementation of coordinated measures pursuant to Article 10a(3) of the Regulation (EC) No 1072/2009.

2 (d) a resident of Sweden, Denmark, Finland or Norway may carry out the temporary passenger service referred to in Article 2(4) of Regulation (EC) No 1073/2009 between those countries without a control document referred to in Article 12 of that Regulation.

3 §⁶ The competent controller pursuant to the second sentence of Articles 4(3), 17 and 19 of Regulation (EC) No 1073/2009 and in accordance with Articles 4(6) and 5(6) of pre-order (EC) No 1072/2009, means a police officer, car inspector or customs officer.

The competent verifier referred to in Articles 4(6) and 5(6) of Regulation (EC) No 1072/2009 means a coast guard officer, in the case of obtaining information in a Community licence or a driver's permit in the view of the Coast Guard, that the law (2006:263) on the transport of dangerous goods and the provisions issued under the Act are complied with in respect of goods in the land areas of ports referred to in the transport.

The competent control officer in accordance with the agreement annexed to Council Decision No 2002/917/EC shall mean a police officer, car inspector or customs officer.

3a §⁷ The competent inspector pursuant to Article 8(4a) of Regulation (EC) No 1072/2009 shall mean a police officer, car inspector or customs officer.

At the time of verification, a certified copy of such a Community authorisation and, where applicable, the driver's toereferred to in that EU Regulation shall be capable of being presented. This does not apply to transport exempted from Community authorisation requirements under Article 1(5) of that Regulation.

Combined transport

Section 3(e) means, in this order, the transport of goods between States in the European Economic Co-operation Area where a lorry, trailer, semi-trailer with or without a tow truck, a gear or container at least 20 feet long is used for the transport of the goods on the road on the initial or final transport route and transported by rail, inland waterways or at sea the second part of the route, if that part exceeds 100 kilometres and road transport takes place

⁵ Last wording 2011:1093.

⁶ Last updated in 2015:75

⁷ Last wording 2018:622.

SFS 2021:1302

– between the place where the goods are loaded and the nearest suitable railway station for loading for the initial part, and between the nearest suitable unloading iron road station and the place where the goods are unloaded for the final part;

– within a radius of 150 kilometres from the port of loading or unloading.

An initial or final section of carriage by road in connection with a combined transport may include a border crossing.

3(f) § The information provided for in Article 8 of Regulation (EC) No 1072/2009 shall also apply to professional road transport which forms part of a combined transport and which is carried out exclusively in Sweden. The Community authorisation requirement does not apply to transport exempted from such a requirement under Article 1(5) of Regulation (EC) No 1072/2009.

3 (g) Where a combined transport is carried out in professional traffic, a transport document which at least complies with the requirements of Article 6 of Council Regulation No 11 of 27 June 1960 on the abolition of discriminating as regards freight rates and conditions of carriage pursuant to Article 79(3) of the Treaty on the Establishment of the European economic community, the

– for a railway section, loading and unloading station, and
– for an inland waterway or maritime transport, port of loading and unloading. The information shall be entered in the transport document before the transport is carried out.

Where, on its own account, a trailer or semi-trailer belonging to an undertaking carrying out combined transport on its own account is transported by a tow truck belonging to an undertaking carrying out commercial transport, instead of that specified in the first and second paragraphs, the part of the transport that has been or is to be carried out by rail or inland waterways or at sea is indicated in a specific transport document.

4 §⁸ A fine is imposed on a person who intentionally

1. Driving traffic without such

a) authorization referred to in Article 4 or 6 of Regulation (EC) No 1073/2009, as amended by Council Regulation (EU) No 517/2013;

b) control documents referred to in Article 12 of that Regulation, if he or she is not exempt from the requirement for a control document on a section 2(d),

c) certificates referred to in Article 5(5) of that Regulation;

2. operates without any of the authorisations referred to in Article 3 of Regulation (EC) No 1072/2009, as amended by Regulation (EU) 2020/1055;

3. carry out cabotage services in contravention of Regulation (EC) No 1073/2009, in accordance with Council Regulation (EU) No 517/2013;

4. carry out transport without the authorisation referred to in Article 15 of the Agreement annexed to Council Decision No 2002/917/EC or the control document referred to in Article 10 of that Agreement.

5 (a)⁹ A penalty shall be imposed on the transport undertaking holding a Community licence carrying out freight transport in accordance with Article 8 of Regulation (EC) No 1072/2009, as amended by Regulation (EU) 2020/1055.

⁸ Last updated in 2014:1439.

⁹ Last updated in 2017:517

6 (a) ⁽¹⁰⁾ If international freight traffic referred to in this Regulation is carried out without authorisation or if a transport is carried out in breach of Article 8 of Regulation (EC) No 1072/2009, as amended by Regulation (EU) 2020/1055, the person who has ordered the transport professionally on his or her behalf is sentenced if he or she:

1. at the time of the order knew or had reasonable grounds to believe that authorisation was lacking or that the conditions laid down in Article 8 of that EU Regulation were not met;

2. ordered the transport of the operator and intentionally or negligently not controlled the possession of a permit at the time of transport in a manner reasonably liable to be requested.

1. This Regulation shall enter into force on 21 February 2022.

2. Older regulations still apply to infringements that have taken place before the entry into force.

On behalf of the Government

TOMAS ENEROTH

Jonas Ragell
(Infrastrukturdepartementet)

¹⁰ Latest wording 2021:986.