



## Stop the Blockades

### The facts

Between 14<sup>th</sup> April 2009 and 18<sup>th</sup> April 2009 French fishermen blockaded the ports of Calais, Dunkirk, Dieppe and Boulogne in a protest against EU fishing quotas.

The protest caused severe disruption for thousands of holiday-makers and Heavy Goods Vehicle (HGV) drivers trying to cross the Channel, with long queues forming in both France and the UK.

These blockades were not a one off incident, sadly disruption of this nature caused by French fishermen happens on a regular basis, taking place at least once a year<sup>1</sup>. Perhaps the most visible symbol of this disruption is the thousands of HGVs that are forced to park up on the coast bound carriage way of the M20 as part of Operation Stack<sup>2</sup> - put in place by Kent Police to reduce traffic congestion close to Dover.

### Impact on the UK haulage industry

The UK haulage industry is currently going through a very difficult period as a result of the current recession. Figures released on 7<sup>th</sup> May 2009 by the Department for Transport<sup>3</sup> show a decrease of 3.5 per cent in overall traffic levels between the first quarters of 2008 and 2009 with a 12 per cent decline in heavy goods traffic – that is a further five per cent decrease on the seven per cent announced at the end of last year. These figures also show five times more HGV drivers claiming out of work benefits than this time last year.

A recent survey of Road Haulage Association members carried out at the end of January this year has shown that 70 per cent had seen a downturn in business of at least 10 per cent against January 2008; there was clear expectation of further pressure on rates and little expectation of an upturn in 2009. The April 2009 blockades could therefore not have come at a worst time.

The blockade not only prevented UK and foreign HGVs leaving the UK, via Dover, it also prevented many UK and foreign HGVs already on the continent from entering the UK via their usual routes. The implementation of Operation Stack saw thousands of HGVs parked up on the M20 for several days. The Freight Transport Association state that it will cost on average £40 per hour for each HGV parked on the M20. The Road Haulage Association put the cost at £200 per day purely for having an HGV sitting idle.

Under the Working Time Directive HGV drivers are allowed to be on the road for a maximum of nine hours per day or 90 hours per fortnight. These time restrictions also include time taken in traffic jams, Operation Stack etc.

### The impact on the wider economy and society

Research carried out by the Freight Transport Association shows that the delays and disruption associated with Operation Stack costs the UK economy £500,000 for each day it is in operation. That means that the introduction of Operation Stack this April cost the UK economy £2 million.

<sup>1</sup> 2000 - <http://news.bbc.co.uk/1/hi/uk/904664.stm>

2003 - <http://www.guardian.co.uk/uk/2003/dec/11/france.world>

2004 - <http://news.bbc.co.uk/1/hi/england/kent/4063061.stm>

2008 - <http://www.independent.co.uk/news/world/europe/french-trawlers-blockade-straits-of-dover-in-fuel-protest-833584.html>

<sup>2</sup> <http://www.kent.gov.uk/transport-and-streets/transport-and-road-planning/major-projects/operation-stack.htm>

<sup>3</sup> <http://www.dft.gov.uk/pgr/statistics/datatablespublications/roadstraff/traffic/qbtrafficgb/2009/q109>



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For the past 20 years Kent Police has been tasked with setting up and managing Operation Stack. This work costs the force £15,000 per day that Operation Stack is in operation and takes up to 90 police officers away from their usual work.

### **Impact on FSB members**

The FSB currently has 1,695 small haulage firms amongst its membership, these are the firms that are suffering the most as a result of the recession and high fuel prices and as a result can least afford the delays and loss of business incurred as a result of these blockades.

### **Impact of the April 2009 blockades on FSB members**

*"One of our lorries was held up for 10hrs on Tuesday 14th April on Dover-Calais crossing, Reg.No.BX56 UXR. Wage wise this cost us £100 and on top of that we had loss of earnings of a full day rate for the vehicle of £600."*

Richard James, I J Haulage Ltd

*"My company suffered last week due to the blockades in France. I was transporting horses from just south of Paris and was travelling back to the UK when all the strikes were on. Unfortunately the Euro tunnel is out of the question as they will not allow livestock to travel in the tunnel. I therefore had to travel to Caen which is 220 miles drive from Calais, and the Dover - Calais ferry costs me £130 where as this crossing cost me £528 plus the extra fuel to get there!*

*I don't think it is fair as these animals that had a long journey any way were made to travel on an even longer journey which was more stressful for them".*

Philip Hirst, Skye Horse Transport Ltd

*"I run a European freight forwarding company. These blockades over last 5-6 years cause us nothing but aggravation. We utilise UK and European hauliers to collect our customer's loads predominantly from the UK to Europe. Although we do not run our own equipment, availability of equipment in the UK to collect our work is very low / non-existent when the blockades are on. We have to turn work away as we cannot guarantee having a lorry in the UK to collect it. I know that some of our customers who are manufacturer's have had to use airfreight to deliver shipments to Europe that they would have normally ran through us as road freight. Considerable extra costs involved there too.*

*I would say that on the days of the blockades we were about 20 per cent down on business costing me £1,000 per day. What I really cannot understand is why French fisherman are allowed to massively inconvenience the whole of the European Road freight industry and innocent holiday makers and get away with it year on year. Causing an obstruction in the UK is an offense, why not in France?"*

Tony Shally, Espace Europe Ltd

### **The long term impact of these regular blockades**

The frequency of the blockades by French fisherman and the lack of advance warning have caused many smaller haulage firms to radically scale back the nature of their businesses. As the blockades occur at short notice the Road Haulage Association state that haulage firms cannot factor in the costs of delays into their process and so cannot recoup, via their customers, any losses incurred. Several FSB members have stated that they deliberately maintain a much smaller company than they would desire so that they can avoid having to use the channel.

The Road Haulage Association stated that these blockades disproportionately hit the smaller haulage companies as they cannot adapt to them due to the fact that they may only have one or two HGVs, so if one is stuck in France they cannot do any work what-so-ever.



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*“Fortunately we were not affected this time round on the blockade but have been with past episodes etc. We have had to send extra drivers by flights or cover the drivers we had assigned on the tours as because they had been held up at ports etc. they had ran out of their tachograph time. I really do believe something has to be done about this so I am right behind you. I believe somebody somewhere has to be held to account.”*

Phil Wade (director), Events 2 Go Ltd

*“I organise passenger transport for events and conferences - for the past three years I have refused to handle any transportation through Calais or Boulogne due to frequency and unpredictability of the strikes and blockades that affect these ports. I either direct transport through the tunnel or, ideally, recommend clients fly and arrange local transportation. I also turn down work such as school tours etc leaving the headache to others.”*

Richard Asghar-Sandys, Coach Logistics

### **A proposal for action**

The principle of free movement of goods is one of the cornerstones of the internal market. This principle implies that national barriers to the free movement of goods within the EU be removed.

Articles 28 and 29 of the EC Treaty prohibit quantitative restrictions on imports, exports or goods in transit and all measures having equivalent effect between Member States. All measures capable of hindering directly or indirectly, actually or potentially, such imports are considered as measures having equivalent effect to quantitative restrictions.

It is clear that the French Government's failure to prevent these blockades from taking place is a clear breach of their obligations under the Treaty. Their subsequent failure to bring these disputes quickly to a close and their failure to compensate haulage firms who have suffered as a result only makes matters worse.

The Commission monitors the effective application of the principle of free movement of goods in Member States. It is able to do so mainly thanks to complaints from citizens and economic operators about national measures (law, regulation or administrative action) or practices considered to be in breach of the Treaty. In many cases, the barrier to trade is removed on an amicable basis. If this is not possible, the Commission can bring an action before the European Court of Justice against the Member State in question.

The FSB proposes to make a formal complaint to the European Commission stating that the French Government is in breach of Articles 28 and 29 and that the Commission should take action against them to prevent such blockades in the future and to secure compensation for those haulage firms affected by the blockades.

The Commission itself states that anyone may lodge a complaint with them against a Member State for any measure (law, regulation or administrative action) or practice attributable to a Member State which they consider incompatible with a provision or a principle of Community law. To be admissible, a complaint has to relate to an infringement of Community law by a Member State. It cannot therefore concern a private dispute. When the Commission decides to pursue a complaint the Commission allows the Member State to present its views regarding the facts stated in the complaint and the Commission's initial legal assessment of them, through the letter of formal notice.

### **For further information**

Richard Hyslop, EU and International Affairs Policy Adviser  
[Richard.hyslop@fsb.org.uk](mailto:Richard.hyslop@fsb.org.uk)

Federation of Small Businesses, 2 Catherine Place, London SW1E 6HF