IRU Response to the Mobility Package

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iru.org
Today: present in over 100 countries
IRU general policy on the Mobility Package

- Simplify - Clarify

- Efficient Enforcement

- No market opening – no extra barriers
Establishment & Rehabilitation

Welcome clarifications in the definition

"letterbox" issue cannot be tackled only with a stronger definition – efficient enforcement.

Caution about increased administrative burden for all undertakings.

List of criteria to check the status of an undertaking – criteria of Dir 2014/67/EU could form basis.

Further guidance on concepts like “administrative and commercial activities”, “appropriate administrative equipment and facilities”, “proportionate”.

Art 3 (e) : “assets” = “vehicles”, “staff” = “drivers”

Digitalisation in business – documents in “the cloud”?

Obligatory rehabilitation process in all Member States?
Other issues

Favourable to including LGVs in scope of Regulation 1071/2009

The four criteria should apply – target the real issue

Good Repute: clarification needed – no to contractual law and PWD compliance in evaluation

Financial standing: clarification needed -

Cooperation between Member States to be reinforced – ERRU – Risk rating

Categorisation of infringements = co-decision procedure
Road Haulage Cabotage

Support for clarification of definitions – further clarification – start of the cabotage period

No change in existing cabotage rights – focus on efficient enforcement

Implementation of electronic documents - interoperability of the electronic document platforms

Evidence on-board the vehicle

Shared liability

No minimum checks for cabotage.

Cabotage and hired vehicles without driver?
Hired vehicles without driver

- General support more flexibility for operators
- Impact on competition - enforcement
- Limit hiring period to 4 months per year.
- Exchange of information – information in ERRU
- No distortion between use of hired and owned vehicles
IRU favours more pragmatic approach and proposes to amend the (stricter) EC proposal by requesting drivers to register other work and availability since the last weekly rest period.

IRU supports this EC proposal, but will propose a wording more in line with current Guidance Note 2 and operational practice.

IRU does not support this EC proposal and proposes to keep the current wording.
Driving & Rest Time

Article 9 – Making “ferry rule” more flexible

• IRU supports EC proposal but requests greater flexibility for drivers to make use of this flexibility not only in case of reduced weekly rest but also in case of a regular weekly rest

Article 12 – “Reach suitable accommodation clause”

• IRU strongly insists on the need for further clarifications, in particular regarding the meaning of "to be able to reach a suitable accommodation" and the criteria indicating when safety is not jeopardized
• IRU will oppose any loss of flexibility that might arise through restrictive wordings or interpretations
Driving & Rest Time

Article 8.6 – IRU proposes introduction of genuine 4-week reference period, with compensation for reduced weekly rest taken before the end of 4th week, coupled with:

• Additional flexibility to be able to combine in addition one regular weekly rest with three reduced weekly rests within the 4-week period
• Increase of the reference period for the total accumulated driving time from (currently) two to four weeks, and respectively, from 90 [up] to 180 hours

Article 8.8.b – Operator to plan work to allow driver’s return home (country of establishment of undertaking)

• Replace “home” with “country of establishment of undertaking”
• Rules must encourage employers to organise long weekly rest of drivers in country of establishment
• IRU supports EC’s explanation that driver’s return to country of establishment of undertaking is not an obligation but a right/choice of the driver
• IRU’s preferred option is to support a reference return period of four weeks.
• IRU acknowledges the arguments of a number of its Members, with divergent opinions, who would prefer either: a) shorter reference periods for driver’s return to the country of establishment, or b) not have such reference periods at all.
Driving & Rest Time

Article 8.8.a – EC proposal: 45-hour+ weekly rest must not be taken in a vehicle

- IRU’s preferred option
  - Not to support EC proposal
  - EC to first carry out a study on adequate parking facilities, organize regular (yearly) reporting on the evolution of the situation, and support (including through dedicated funds) creation of adequate parking facilities, including through enhanced public-private partnerships
- When a clear evidence exist of sufficient capacities, one could resume discussion on ban
- Yet, a very strong minority of IRU Members
  - See good reasons to support EC proposal (regular weekly rest of 45-hour+ shall not be taken in a vehicle)
  - EC to first carry out a study on adequate parking facilities, organize regular (yearly) reporting on the evolution of the situation, and support (including through dedicated funds) creation of adequate parking facilities, including through enhanced public-private partnerships
Tachograph

Article 34(7) of the tachograph regulation – manual recording of crossing border

• Manual entry questionable by large part of industry, whilst smart tachograph does not have a function to register crossing borders
• Current EC wording ("…on arrival at the suitable stopping place") cannot be supported
• A majority of IRU Members are ready to support a wording “…on arrival at the first planned stopping place”, leaving the initiative to the driver/company to decide
Current legal framework unsuitable for road transport
Can PWD be applied to highly mobile activities?
How should it be applied to road transport operations?
Heavy administrative burden – solutions in lex specialis?
Digital options – exchange of information between Member States
Roadside versus company checks?
Member State obligation to inform on terms and conditions?
Impact structure road freight transport sector – owner driver?
Third country operators?
Road user charging

IRU view

• Road freight already pays its way – 130% - why more?
• Member States should retain freedom to decide.
• Tax, charge or duty – EU legal base?
• Revenue neutrality and a level-playing field between modes. No cross-subsidies
• Congestion is not an external cost - road freight not carry the brunt of congestion costs.
• No double payments – adapt fuel taxation
• Revenue should be used for road transport projects
• Will it contribute to CO₂ emission reduction? – transition periods?
Conclusions

- Very complex package – everything connected
- Improvements are necessary
- Legal, operational aspects versus politics
- Very large divergence of opinions and views – workable compromises?
- Ambitious timing – end 2018 agreement?
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