

The European Voice of Freight Logistics and Customs Representatives

Brussels, 11th of January 2010

RE: Report from the European Commission analysing the penalties for serious infringements against the social rules in road transport - COM(2009)225.

CLECAT represents the interests of the vast majority of EU enterprises which offer logistics, freight forwarding and Customs services both within and outside Europe. CLECAT has therefore a first and foremost interest in the report published by the European Commission analysing the penalties for serious infringements against the social rules in road transport. After having read the Commission's document, we would like to react and make the following remarks concerning the topic of infringement against social rules in road transport:

- A regulation that would harmonise the enforcement of social rules at EU level would certainly facilitate the respect of social rules but it is important for the Commission and the European Parliament to find a solution that would avoid the too simplistic temptation of asking for more subsidiarity from Member States to tackle this issue. One possible way to increase the likelihood of this draft regulation being fully supported by the Council would be to create an EU common platform to check and record data about infringements of EU transport companies. The database gathering all registered road companies that is mentioned in the new Regulation on access to the condition of road transport operators¹ (which has therefore been agreed by Member States) would be a useful instrument to start creating this platform.
- There has been an insufficient cooperation from some Member States in submitting their data for the drafting of the Commission's report. It is very important that the European Parliament clearly states that this kind of attitude brings issues of transparency and disparity between Member States and prevents a possible harmonisation of infringement rules at EU level in the future.
- Right now, the controls made by the police authorities of EU Member States appear to be too discriminatory toward certain nationalities of particular Member States, which goes against the principle of fair competition within the EU. To reduce such attitudes from the police authorities and improve the efficiency of road controls, CLECAT suggests the categorisation at EU level of the sanctions for infringement against social rules and encourage Member States to provide their respective police authorities with a list of transport companies that are subject to repetitive infringements.

¹ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:300:0051:0071:EN:PDF>

- It is very important that Member States are vigilant in maintaining a reasonable number of parking areas within their territory, so that professional drivers can apply and respect social rules concerning in particular working time and resting period (it is difficult or impossible to do it in the absence or penury of parking areas).
- CLECAT believes that the European Parliament should encourage the creation of EU measures that would go toward some harmonisation of road signs and speed limits to reduce the likelihood for professional drivers to unintentionally violate rules.
- The distribution of leaflets to professional drivers and the launching of a radio campaign would be another way to inform drivers about rules and best practice.
- CLECAT would finally like to draw the EU institutions' attention to the risk of criminalising professional drivers and the freight transport sector in general while working on the topic of infringement against social rules in road transport. For instance, it is important to discourage the criminalisation of the shipper because even if it is true that the shippers' instructions can be stringent or even excessive at times (which can sometimes lead to occasional infringements against social rules), it is not true that forwarders should accept them all the time.

CLECAT remains at the entire disposal of institutional interlocutors, should there be a need to clarify or explain the points made above.