

## **The European Voice of Freight Logistics and Customs Representatives**

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Brussels, 27<sup>th</sup> February 2009

### **RE: Action Programme for Reducing Administrative Burden in the European Transport Sector**

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 was invited by the European Commission to participate to a meeting of High Level Group of independent stakeholders (hereafter "Group") on administrative burden in the European Transport Sector. This meeting is part of a Commission's Action Programme for reducing administrative burdens on business in the EU by 25% in 2012<sup>1</sup>. The Action Programme focuses on "administrative costs", i.e. costs incurred by businesses in meeting legal obligations to provide information on their action of production and its purpose is to improve the effectiveness of legislation without jeopardizing the underlying policy.

CLECAT would like to react to the ideas proposed in the meeting to reduce administrative burdens in the priority area of transport. Our comments and positions do not concern the other priority areas of the Action Programme and focus on the current legislations affecting freight transport.

#### **1. General comment**

The problems raised and suggested by the stakeholders invited to the meeting cover a wide span. They also vary in character. Some ideas address what is seen as current administrative burdens arising from unnecessary complexity in current EU regulation or problems concerning the interface between national and EU regulation that cause overlapping competences, conflict of standards. Other suggestions address either general policy issues or problems of substance relating either to legislation in force or to legislative proposals.

CLECAT certainly feels that all these issues could be addressed within the remit of the Group as long as they do not merely concern matters of appreciation or general policy issues and that the aim of the idea is to achieve administrative or regulatory simplifications. Moreover, CLECAT basically support all such ideas that could reduce administrative burdens, provided they do not

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<sup>1</sup> [http://ec.europa.eu/enterprise/regulation/better\\_regulation/docs/com\\_2007\\_23\\_en.pdf](http://ec.europa.eu/enterprise/regulation/better_regulation/docs/com_2007_23_en.pdf)  
CLECAT, aisbl (n° 0408301209)

diminish safety, security and sustainability, and the functioning of the liberalisation of the internal market in transport is hampered and/or the efficiency of logistic chains is not negatively affected.

Based on these general views, CLECAT would like to make the following specific comments for each transport modes.

## **2. Railways**

### **a. Safety Directive ([2004/49/EC](#))**

#### *On safety reports:*

CLECAT supports the idea to harmonise requirements for the submission of safety reports and streamline the information provided by operators by creating a standardised form, methodological guidelines or an online form. Commission's Guidelines may be the best solution as it would not change the current legislation but would nevertheless give more orientation for businesses in practical terms.

#### *On safety certificates and safety authorisation:*

Generally, CLECAT supports the idea that the information currently provided by the Commission on Common Safety Methods and Common Safety Certificates is without concrete details, too general, and sometimes confusing on the role of individual actors. We share the view that a harmonisation of the national procedures for safety certification and safety authorisation is necessary because the current transposition of the directive into national law is too diverse. Moreover, CLECAT particularly supports the idea to reduce the documentation needed when applying for or renewing the safety certificate or safety authorisation. On that matter, as set of Commission's guidelines would constitute sufficient orientation for businesses. Finally, CLECAT believes that it would be judicious to reduce the time between the submission and the granting of the safety authorisation, in view of administrative simplification.

#### *General remarks on the safety directive:*

CLECAT encourages further development in the creation of a central database of rolling stock, in order to facilitate service in another Member State. On the proposal discussed by the Group to increase the resources of the National Safety Authorities (NSA), CLECAT believes that it is a matter of budget resources that falls out of the scope of this exercise. On the proposal to avoid that National Investigation Bodies are overzealous and duplicate with NSA policy, CLECAT also believes this is a matter that goes beyond the remit of the Group and this exercise. One thing is administrative burden created by legislation, another point is enforcement: confusing them does not provide any advantage.

### **b. Interoperability Directives ([2008/57/EC](#) and [2004/49/EC](#))**

CLECAT understands the problem raised in the meeting that the combination of the Safety Directive - giving all powers to the NSA - and of the Interoperability Directive - imposing compliance with the TSI without eliminating the need to demonstrate compliance with the technical rules of the NSA - creates detrimental effects and unnecessary burdens for the rail supply industry.

### **c. Proposal for a regulation concerning a European rail network for competitive freight ([COM/2008/852](#))**

CLECAT is surprised and even annoyed that this point was raised within this exercise. First of all there is enough political pressure to promote the withdrawal of this regulation to suggest that it

CLECAT, aisbl (n° 0408301209)

is in fact required. Despite its meek appearance it may become quite a step forward in the right direction. This is a policy matter that is still under discussion between EU Institutions and therefore does not fall at all within the remit of the Group. It is inappropriate for the Group to debate legislation in the making with an ill-conceived pre-emptive censorship.

### **3. Road transport**

#### **a. Tachograph Regulation ([2006/561/EC](#))**

##### *On filling out/use of forms:*

CLECAT encourages the Commission to improve the current format through its comitology procedure. We support the removal of the obligation to fill in forms when the employed driver is not working as well as the removal of the obligation that the document on exceeding driving times has to be signed by the employer or another entity responsible (not by the driver himself/herself). We agree with the Group that these removals would constitute administrative simplifications especially for large companies that employ many drivers.

##### *On keeping records/frequency of downloads:*

CLECAT believes that the proposals to waive the obligation of keeping a record out of hours of driving, other work and breaks by the driver for a shorter period of time, as well as to decrease tachograph download time by decreasing the frequency of downloading data from the driver card, would play in favour of simplification, whilst it requires close scrutiny in view of possible, albeit remote, safety concerns.

##### *On technical adjustments on tachograph:*

CLECAT agrees with all the suggestions made by the Group on this topic. Concerning the above proposal to decrease tachograph download time, CLECAT agrees with any idea that can save time and workload, e.g. by using wireless data extraction or multiple locations. We also support the use of one standard format for the extracted tachograph file. Finally, we also strongly encourage further interfacing with data from on-board computers, as the digital tachograph is still not sufficiently driver friendly.

#### **b. Directive on initial qualification and periodical training of drivers of certain road vehicles ([2003/59/EC](#))**

CLECAT agrees with the problem relating with the variety of national regimes concerning the renewal of licences for conducting road freight vehicles and encourages the introduction of parallel systems for EU and national licences. On the other hand, CLECAT does not support the idea to exempt drivers working for mills that drive their own products.

#### **c. Directive on working time of persons performing mobile road transport activities ([2002/15/EC](#))**

CLECAT is unable to support the removal of information obligations concerning copies of the hours worked at the request of a mobile worker, and copies of records to be provided to an enforcement officer. Whilst the simplification would be perceptible, it is not clear whether this would increase volatility in safety.

#### **d. General proposals**

CLECAT disapproves the fact that any Member State can set up driving bans independently and without any obligation of coordination with other Member States. This attitude not generates serious administrative burdens, but it is producing noticeable inefficiency in road transport, creates additional congestion and waste of energy. This has been highlighted as one of the bottlenecks in road transport in the most recent "bottlenecks exercise" promoted by the Commission, a laudable initiative that would have been worth of greater attention.

CLECAT approves the suggestion made by the Group to further develop the use of modern technology such as e-freight and interoperable and electronic road fee collection systems.

On the international transport of abnormal loads and the creation of framework rules for the introduction of environmental zones in cities with a system whereby access documents are mutually recognised for the same vehicle categories, we believe that these topics concern policy choices that should be addressed outside the remit of the Group.

#### **4. Airways**

Our Members are following with some concern the inclusion of the aviation industry in the European emissions trading scheme (ETS). Problems of harmonised implementation are foreseen, and it is expected that the new ETS system will bring further administrative burdens to the aviation industry. On the other hand CLECAT hears with great pleasure the information received from airlines association on their commitment to substantially reduce emissions in the medium term.

In addition, CLECAT support the following Group's proposals to reduce administrative burdens:

- to clarify the liability of aircraft operators in case of an in-flight security threat that causes damages and when Member States do not take appropriate action
- to harmonise aircraft certification by National Aviation Authorities (NAA) through mutual recognition and the introduction of an EU aircraft register
- to harmonise the interpretation by NAA of European requirements for wet-leases and ACMI (Aircraft, Crew, Maintenance, and Insurance) operations
- a single interpretation by the European Aviation Safety Agency (EASA) of existing EU regulations, instead of referring to all "Acceptable Means of Compliance" (AMC) approved by individual NAA
- to establish a simpler process for approving the "permit to fly" of aircrafts outside normal functionality parameters

#### **5. Maritime/Waterway Transport**

##### **a. Community Customs Code Regulation ([1993/2454/EC](#))**

CLECAT supports the following suggestions made by the Group, even if they seem to be in the process of being addressed in the framework of the European Maritime Policy: EC customs requirements for Short Sea and Inland Shipping should be simplified.

CLECAT would like to observe that, commendable as the intentions of the group may be, the issue of the Modernisation of the Community Customs Code (MCCC) and the introduction of e-Customs all over the Union is a very complex legislative matter. This is a massive legal corpus with very many interconnected regulations and directives, which are all dealt with at Comitology level with hundreds of meetings a year. Dealing with this subject requires specific competencies and the experience of many years. For these reasons, we find it overambitious for the Group to tackle this topic at this point in time. We believe there is no advantage in this approach.

CLECAT, aisbl (n° 0408301209)

Rue du Commerce, 77  
1040 Bruxelles - BELGIUM  
Tel: +32 (2) 503 47 05  
Fax: +32(2) 503 47 52  
E-mail: [info@clecat.org](mailto:info@clecat.org)

## **b. Other/more general Proposals**

CLECAT also supports the suggestion made by the Group which refers to the “Study on administrative and regulatory barriers in the field of inland waterway transport” and which highlights unnecessary administrative burdens such as:

- double submission of statistical data
- frequent renewal of certificates
- requirements to translate documents
- varying interpretation of EU law by Member States concerning both the delivery of certificate and the way to conduct inspections

## **6. Cross-Sector Proposals**

CLECAT is supportive of the further development of a “Single Window” for VAT and excise duties as it would increase the efficiency through time and cost savings and would reduce administrative costs.

We also believe that the Eurovignette Directive represents a significant administrative burden for the logistics companies in the EU. The only advantage being an interoperable tolling system, this is still a dream in today’s conditions.

## **7. Additional comment**

Given the wide scope of issues addressed by the group, CLECAT is surprised to observe that the Group has not paid attention to the need to amend Directive [96/53/EC](#) on the weights and dimensions in national and international traffic to make it clear that cross border traffic between adjacent countries with modular vehicles is authorised.

CLECAT believes this is one of the greatest impediment to achieve more sustainable and efficient logistics in Europe and certainly sees the inability of the group to deal with this important, albeit controversial, issue as a major shortcoming.