

BRIEFING

CLECAT's Position on the European Parliament's 1st Mobility Package Reports: SOCIAL & MARKET PILLAR

CLECAT represents the interests of the vast majority of logistics, freight forwarding and Customs services providers within the EU. Freight forwarders are agents or contractual carriers that use all transport modes and are not limited to road transport; they utilise the entire and complex logistics infrastructure with an unprejudiced and cost-efficient approach.

CLECAT takes note of the European Parliament's reports on the social and market pillars of the 1st Mobility Package, adopted in April 2019. Given that the EP, in its new composition, is yet to give a mandate for entering into Trilogues with the Council and the European Commission, CLECAT wishes to emphasise the concerns it has with the positions, which were adopted with a very narrow majority, creating an entirely new European regulatory framework for road freight transport.

CLECAT calls on the new EP to take this final opportunity to make corrections and allow for more flexibility as the framework, which has been proposed by the previous EP, will hamper efficiency in international road freight transport and increase empty loads. The EP should equally keep the initial objectives of the European Commission in mind: to increase enforceability, enhance focus on fighting illegal practices and simplify the current rules.

CLECAT's main concerns on the EP's position on posting of drivers, driving and rest times, as well as access to the international road haulage market, are outlined below.

Enforcement requirements and specific rules for posting drivers in the road transport sector

- The EP proposed to exclude bilateral transport (plus one extra activity of loading and/or unloading in each direction or zero on the way out and up to two on return) from posting, as well as transit without loading/unloading and the initial/final road leg of combined transport.
- CLECAT – having called for the full exclusion of posting rules for international transport – considers that this is far from sufficient to guarantee a well-functioning internal market for road transport as:
 - It will increase the administrative burden in the sector with complex new rules with different national legislations and minimum wages per Member State depending on the truck, goods transported, age of the driver etc.
 - It will be more difficult to underpin the sector's CO₂ reduction efforts as it will increase empty runs.
- The introduction of posting rules will be difficult to enforce, increase administrative burden, in particular without a smart tachograph. The EP has recognised that one key element for

improving enforcement is having a reliable way to register when and where the truck has crossed a border and to localise loading and unloading activities. CLECAT questions whether the timeline proposed by the EP is realistic. The smart tachograph should be introduced as early as possible, however given a reasonable and economically-viable transition period.

- Conclusion: CLECAT continues to call for the full exclusion of cross-border road freight transport from the rules on the posting of workers. At the same time, current social rules should be better enforced.

Daily/weekly driving times, breaks and rest periods, positioning by means of tachographs

- The EP has proposed to prohibit the regular weekly rest and reduced weekly rest in the vehicle. This will seriously disrupt international road freight transport at a time when the lack of suitable secure parking and rest facilities in the EU is a serious challenge, creating safety risks for both the driver and the goods.
- CLECAT believes that regular and reduced weekly rest in the cabin should be allowed if spent in a safe and secure parking area, subject to the provision of a sufficient number of secure parking areas in the EU. CLECAT therefore calls on the legislators to provide more support for tangibly increasing the number of safe and secure truck parking areas along the European road network.
- CLECAT supports the provision, which allows drivers to return home within a 4-week reference period. It should also be possible to rest at another place of the driver's choice, however, clearly respecting some reasonable guidelines.

Access to the international road haulage market (cabotage)

- The EP position on cabotage further restricts the opening of the road transport market. The currently allowed cabotage operations (3 operations within 7 days) will be replaced with a complex scheme proposed by the EP: unlimited cabotage operations will be allowed during a 3-day time limit followed by a 'cooling-off' period of 60 hours for vehicles, which must be spent in the country of establishment before the vehicle can start another cabotage operation. Then, vehicles will be obliged to return to the country of residence once every 4 weeks and perform at least one loading or one unloading of goods.
- CLECAT is concerned that this will largely mean the end of cabotage operations in the EU, the purpose of which is to make more efficient use of vehicles. This will lead to considerable efficiency losses and capacity gaps in road freight transport. Also, any reference to a 'cooling-off' period should not be accepted as posting rules would already apply as of day 1.
- CLECAT calls on the legislators to allow for flexibility on the mandatory return of vehicles during the trilogues. An obligation to return vehicles to the country of establishment every 4 weeks would give rise to inefficiencies in the operational processes of road haulage companies and lead to a substantial increase in empty runs and emissions.