



INDUSTRY URGES MEMBER STATES TO REJECT THE AUSTRIAN PROPOSAL ON LEX SPECIALIS

The under-signed represent the shippers, freight forwarders and express carriers whose customers strongly depend on an effective, seamless and reliable road transport sector in Europe. New rules on road freight transport now under review in Council and Parliament need to be simple, uniform, clear and easily enforceable, so that they facilitate transport operations, protect the workers employed in this industry and ensure a fair competitive environment.

Therefore, signatories urge Member States to reject the Presidency's proposal on the *lex specialis*, and rather opt to fully exclude international transport from posting rules. Excluding bilateral transport plus 2 additional transport activities on the way to the Member State of destination and another 2 activities on the same way back to the Member State of establishment, is far from sufficient to guarantee a well-functioning internal market for road transport. In addition, the compromise does not lead to better regulation as the stated objective of better enforcement will not be reached.

The signatories express their concern on the adverse impact of the Austrian proposal on transport and logistics operations as well as on the environment, as the proposal

- **Limits growth:** The proposal goes against the international character of road freight transport operations. Limiting the number of activities and the Member States in which the carrier is allowed to operate will only increase barriers to intra-EU trade and create at the same time disproportionate administrative burden for operators, especially SMEs.
- **Decreases efficiency:** Every single carrier in Europe aims at operating with full truck-loads leaving and returning to the Member State of establishment irrespective of whether it is a bilateral transport or a cross-trade operation. The hauler's intention is always to operate with maximum efficiency, not only for economic reasons but equally to reduce the environmental impact by avoiding empty runs. The Austrian proposal will largely increase empty loads as well as emissions.
- **Restricts labour mobility:** While driver shortage in the EU affects the entire economy, the possible future new regulatory requirements increase complexity and lead to different salary levels depending on the type of transport; this is counterproductive and creates confusion for European drivers operating intra-EU and for third country drivers operating on a permit-basis in the EU.
- **Does not consider differences in demand and supply in trade:** Trade imbalances between different regions in the EU result in different transport needs. Transport operators need sufficient flexibility before and after a bilateral transport which is currently not given under the Presidency's text.

Hence, the only reasonable way forward is to

- reject any text that falls short of completing the EU Single Market for transport and
- fully exclude international transport from posting rules.

It is crucial that an agreement under the above conditions is struck before the European elections in 2019, to prevent the continued imposition of national posting regimes and to put an end to further uncertainty which would have an adverse effect on transport operations, the workers employed in the industry and businesses relying on transport and logistics.