

The European Voice of Freight Logistics and Customs Representatives

Brussels, 30th of September 2011

RE: Internet consultation on the review of the internal market in road freight transport

CLECAT is the largest umbrella organisation of its kind in the EU. It represents the interests of the vast majority of logistics, freight forwarding and Customs service enterprises (www.clecat.org) both within the EU and continental Europe. CLECAT has therefore a first and foremost interest in the Commission's initiative to review the current situation of the internal market in road freight transport. All our companies are users of road transport and some of them are also road transport service providers.

CLECAT replied to the internet consultation that was launched by the European Commission¹ and would like to complement its reply with the comments below that are intended to summarise and clarify our main position on the main issues covered by the consultation. At this point, we would also like to thank the Commission for organising a stakeholder hearing on 6 October 2011 specifically organised for shippers and freight forwarders. It will be the opportunity for us to discuss the points that are outlined in this position paper and our consultation's reply.

1. Quality of the road haulage sector

- *Quality is not an element that can be imposed on businesses.* CLECAT believes that market forces are generally able to set the quality level suited to the contractual requirements involved, provided they are given the opportunity to exploit their potential.
- *Each category of service providers should adopt its own quality performance indicators.* It is essential not to confuse freight forwarders, hauliers and road transport services and not to recognise differentiated levels of quality between them. 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 logistic infrastructure with a totally unprejudiced and cost-efficient approach. Some of our Members operate as agents and therefore only organise transport, but do not engage in transport contract at all.
 - **We draw the reader's attention to the above distinction. It is our impression that the questionnaire has been drafted without the benefit of a precise and full understanding of the contractual obligations or the different contractual arrangements (road haulage, multimodal contractual carrier, transport agent, shippers' agent, etc)**

¹ <http://www.clecat.org/dmdocuments/pp014aetro110930roadhaulagemarket.pdf>

- Road freight transport is a sector that is already overregulated: The demand for transport will inevitably increase in the future and the road freight sector must prepare itself to respond to this demand by offering quality services whilst at the same time meeting environmental targets. The problem is that innovation is inhibited by a number of problems that are either due to excessive regulation or insufficient market opening. Instead, we believe that the road haulage sector should be allowed to improve its performance and to deploy innovative tools such as European Modular System (EMS²) just like in any other transport modes, in accordance with the principle of co-modality (optimised use of all transport modes). For example: the cabotage rules that are in place create regulation-induced inefficiency, whilst the Commission's interpretation of the 96/53 directive³ that discourages Member States from adopting the advantageous EMS in cross-border traffic is directly impeding important savings in fuel consumption and emissions.

2. Social issues and enforcement of road transport rules

- The attractiveness of the professions related to the road freight transport sector requires the rewarding of higher qualifications and improved working conditions: CLECAT is concerned about the shortage of drivers and their inability to perform their job in accordance the latest EU legislation (for instance drivers who can flawlessly use technology like digital tachographs). Some of our recommendations to improve the situation of the shortage of drivers include:
 - developing the access to training and development of new skills for drivers
 - creating safe truck parking places for professional drivers
 - free and unrestricted cabotage: this would lead to an increased efficiency in road transport's resource allocation, and therefore would have a positive impact on the shortage of professional drivers in the EU
- There is a lack of harmonised levels of penalties and enforcement practices at EU level:
 - As we already claimed in the past, there is a lack of political initiative from the Commission and Member States to tackle the issue of harmonising enforcement practices across the EU. The first step could be the creation of an EU common platform to check and record data about infringements of EU transport companies⁴.
 - Another important issue is the lack of harmonisation of the levels of penalties in the EU. On this, CLECAT supports the categorisation at EU level of the sanctions for infringement against social rules and also encourages Member States to provide their respective police authorities with a list of transport companies that are subject to repetitive infringements.
- Sanctions and penalties is not enough to ensure compliance with EU law. Suitable working conditions must be there for companies and drivers to be able to respect the law. Possible measures at EU level include:
 - To facilitate the creation by Member States of a reasonable number of safe parking areas within their territory, so that professional drivers can apply and respect social rules concerning working time and resting period.
 - To facilitate the harmonisation of road signs and speed limits in the EU as it could reduce the likelihood for professional drivers to unintentionally violate rules.⁵

² <http://www.modularsystem.eu/>

³ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:1996:235:0059:0075:EN:PDF>

⁴ <http://www.clecat.org/dmddocuments/pp001oetro100111socialrules.pdf>

⁵ This position is not shared by our German member DSLV, who would not favour a harmonisation of speed limits in the EU

3. Road user charges and driving restrictions

- The multiplicity of road charging systems in the EU represents a problem for the internal road haulage market because it does not represent the fairest and most transparent method: CLECAT continuously called for the setting up of an interoperable system for charging in Europe and strongly support the rapid implementation of *Directive 2004/52/EC on the interoperability of electronic road toll systems in the Community*⁶: the earlier harmonisation is reached the better.
- Measures to be taken should only look for greater efficiency in the use of infrastructure:
 - On the question whether the time-based road user charges should be replaced by distance based road user charges, CLECAT believes that for the moment a combination of the two systems should be set up. Indeed, Distance based charging is best suited to occasional driving and private use, whilst time based charging is best suited to professional driving.
 - CLECAT Members would favour a measure that would enable a 24 hour use of infrastructure (as suggested in the consultation) as long as it responds to a market demand and be economically interesting for the provider of the service.

4. Cabotage

- What is needed is free and unrestricted cabotage within the EU: The cabotage rules that were introduced with *Regulation (EC) No 1072/2009 on common rules for access to the international road haulage market*⁷ represented a step forward but were not sufficient because still too restrictive. According to CLECAT, the only acceptable alternative to the current rules would therefore be free and unrestricted cabotage in the EU at least by 2014⁸. A full liberalisation of cabotage operations would allow for optimised efficiency in international road transport operations and would be accompanied with a reduction of empty runs. It would also significantly contribute to the approximation of the market conditions in different Members States. CLECAT members are surprised that the Commission shows a certain insistence in dealing with a subject that has already been resolved with an acceptable political compromise.

⁶ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2004:166:0124:0143:EN:PDF>

⁷ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:300:0072:0087:EN:PDF>

⁸ This position is not shared by our German member DSLV, who is of the opinion that free and unrestricted cabotage by 2014 would be too early