

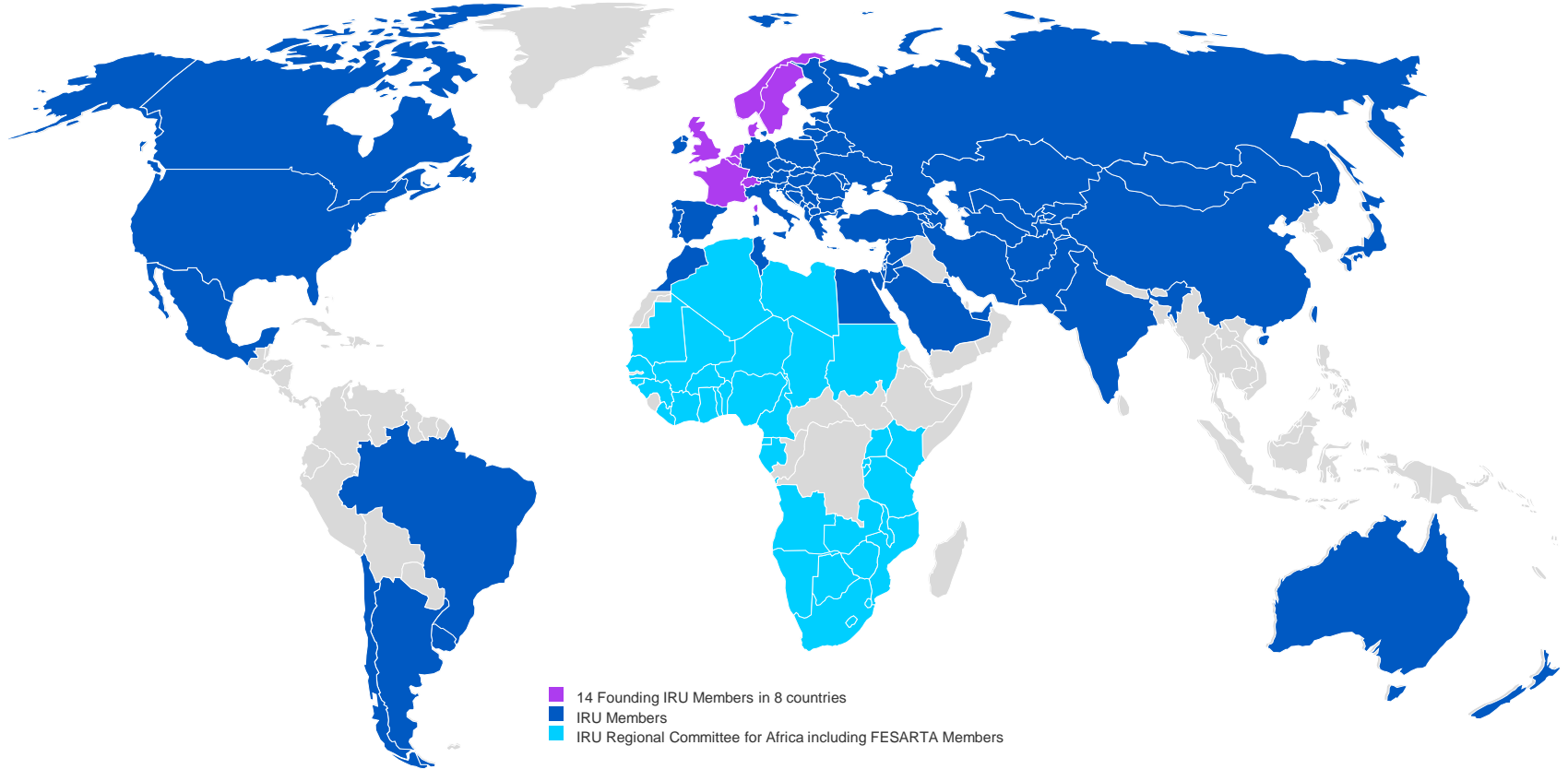


IRU Response to the Mobility Package

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iru.org

Today: present in over 100 countries



IRU general policy on the Mobility Package



Simplify - Clarify



Efficient Enforcement



No market opening – no extra barriers

Establishment & Rehabilitation



Welcome clarifications in the definition

“letterbox” issue cannot be tackled only with a stronger definition – efficient enforcement.

Caution about increased administrative burden for all undertakings.

List of criteria to check the status of an undertaking – criteria of Dir 2014/67/EU could form basis.

Further guidance on concepts like “administrative and commercial activities”, “appropriate administrative equipment and facilities”, “proportionate”.

Art 3 (e) : “assets” = “vehicles”, “staff” = “drivers”

Digitalisation in business – documents in “the cloud”?

Obligatory rehabilitation process in all Member States?

Other issues



Favourable to including LGVs in scope of Regulation 1071/2009

The four criteria should apply – target the real issue

Good Repute: clarification needed – no to contractual law and PWD compliance in evaluation

Financial standing: clarification needed -

Cooperation between Member States to be reinforced – ERRU – Risk rating

Categorisation of infringements = co-decision procedure

Road Haulage Cabotage



Support for clarification of definitions – further clarification – start of the cabotage period

No change in existing cabotage rights – focus on efficient enforcement

Implementation of electronic documents - interoperability of the electronic document platforms

Evidence on-board the vehicle

Shared liability

No minimum checks for cabotage.

Cabotage and hired vehicles without driver?

Hired vehicles without driver



IRU

- General support more flexibility for operators
- Impact on competition - enforcement
- Limit hiring period to 4 months per year.
- Exchange of information – information in ERRU
- No distortion between use of hired and owned vehicles



Driving & Rest Time



Article 6.5 – Recording work other than driving and availability

- IRU favours more pragmatic approach and proposes to amend the (stricter) EC proposal by requesting drivers to register other work and availability since the last weekly rest period

Article 7 – Second driver can take a break in a moving vehicle

- IRU supports this EC proposal, but will propose a wording more in line with current Guidance Note 2 and operational practice

Article 8.7 – Attaching the compensation to a regular weekly rest only

- IRU does not support this EC proposal and proposes to keep the current 561 wording

Driving & Rest Time



Article 9 – Making “ferry rule” more flexible

- IRU supports EC proposal but requests greater flexibility for drivers to make use of this flexibility not only in case of reduced weekly rest but also in case of a regular weekly rest

Article 12 – “Reach suitable accommodation clause”

- IRU strongly insists on the need for further clarifications, in particular regarding the meaning of "to be able to reach a suitable accommodation" and the criteria indicating when safety is not jeopardized
- IRU will oppose any loss of flexibility that might arise through restrictive wordings or interpretations

Driving & Rest Time



Article 8.6 – IRU proposes introduction of genuine 4-week reference period, with compensation for reduced weekly rest taken before the end of 4th week, coupled with

- Additional flexibility to be able to combine in addition one regular weekly rest with three reduced weekly rests within the 4-week period
- Increase of the reference period for the total accumulated driving time from (currently) two to four weeks, and respectively, from 90 [up] to 180 hours

Article 8.8.b – Operator to plan work to allow driver's return home (country of establishment of undertaking)

- Replace “home” with “country of establishment of undertaking”
- Rules must encourage employers to organise long weekly rest of drivers in country of establishment
- IRU supports EC's explanation that driver's return to country of establishment of undertaking is not an obligation but a right/choice of the driver
- IRU's preferred option is to support a reference return period of four weeks.
- IRU acknowledges the arguments of a number of its Members, with divergent opinions, who would prefer either: a) shorter reference periods for driver's return to the country of establishment, or b) not have such reference periods at all.

Driving & Rest Time



Article 8.8.a – EC proposal: 45-hour+ weekly rest must not be taken in a vehicle

- IRU's preferred option
 - Not to support EC proposal
 - EC to first carry out a study on adequate parking facilities, organize regular (yearly) reporting on the evolution of the situation, and support (including through dedicated funds) creation of adequate parking facilities, including through enhanced public-private partnerships
 - When a clear evidence exist of sufficient capacities, one could resume discussion on ban
- Yet, a very strong minority of IRU Members
 - See good reasons to support EC proposal (regular weekly rest of 45-hour+ shall not be taken in a vehicle)
 - EC to first carry out a study on adequate parking facilities, organize regular (yearly) reporting on the evolution of the situation, and support (including through dedicated funds) creation of adequate parking facilities, including through enhanced public-private partnerships

Article 34(7) of the tachograph regulation – manual recording of crossing border

- Manual entry questionable by large part of industry, whilst smart tachograph does not have a function to register crossing borders
- Current EC wording (“...*on arrival at the suitable stopping place*”) cannot be supported
- A majority of IRU Members are ready to support a wording “...*on arrival **at the first planned stopping place***”, leaving the initiative to the driver/company to decide

Posting – Key IRU Messages



Current legal framework unsuitable for road transport

Can PWD be applied to highly mobile activities?

How should it be applied to road transport operations?

Heavy administrative burden – solutions in *lex specialis*?

Digital options – exchange of information between Member States

Roadside versus company checks?

Member State obligation to inform on terms and conditions?

Impact structure road freight transport sector – owner driver?

Third country operators?

Road user charging



IRU view

- Road freight already pays its way – 130% - why more?
- Member States should retain freedom to decide.
- Tax, charge or duty – EU legal base?
- Revenue neutrality and a level-playing field between modes. No cross-subsidies
- Congestion is not an external cost - road freight not carry the brunt of congestion costs.
- No double payments – adapt fuel taxation
- Revenue should be used for road transport projects
- Will it contribute to CO₂ emission reduction? – transition periods?

Conclusions

- Very complex package – everything connected
 - Improvements are necessary
 - Legal, operational aspects versus politics
 - Very large divergence of opinions and views – workable compromises?
 - Ambitious timing – end 2018 agreement?
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