



**Make the EU Mobility Package a real opportunity to create a fairer
European road transport sector
Declaration of PES Transport Ministers
October 2017**

Some five million people in the European Union work in the road transport sector, generating 2% of our GDP. It is thanks to them that our children go on class trips safely, that bread, milk and butter are delivered on time to our supermarkets, that businesses get their supplies

But too often these services are provided at the expense of the social rights of Europe's road transport workforce, who work under precarious conditions, with low salaries, poor working conditions and unfair competition. This leads to unsatisfactory life situations for them, and endangers the safety of drivers, passengers and other road users.

As socialist and social democratic ministers, we are dedicated to complementing the EU's internal market with a strong social dimension. That is why we are fighting for the foundation of an ambitious European Pillar of Social Rights guaranteeing decent working conditions and access to social protection for all workers, including Europe's transport workforce.

We are committed to combat social dumping and unfair competition in European road transport, by:

- reinstating the principle of equal pay for equal work of equal value, and improving transport workers' living conditions and road safety
- closing loopholes that allow companies to undermine workers' rights
- strengthening control measures for better rule enforcement

The "Mobility Package" that was presented by the European Commission on 31 May 2017 offers a great opportunity to improve the social situation of road transport workers. Some of the European Commission's proposals go into the right direction. But given the highly mobile and border-crossing character of this sector's activities, more ambitious, common, European action is needed in some areas to protect and ensure the rights and safety of transport workers across Europe.

1. Improve drivers' working conditions

We want transport workers to be treated on equal footing with regards to social rights and protection, while allowing transport undertakings from all over the EU equal access to the internal market.

We welcome the European Commission's affirmation that cabotage activities fall under the scope of the posting of workers directive.

Working and rest time rules are not only a question of drivers' work-life balance. They also impact the health and safety of drivers, passengers and road users.

We call for:

- *Transport workers should fall under the legislation of the country in which they carry out their professional activity. **Equal pay for equal work** also has to be applied in the European transport sector, while taking into account the needs of peripheral regions.*
- *Road safety considerations shall guide any initiative to reform driving and rest time rules. We oppose any attempt to make **driving and rest time rules** more **flexible at the drivers' expense**.*
- *The regular **weekly rest time** should be spent outside of the driver's cabin.*
- *Transport undertakings should be led to organise the work of drivers in such a way to improve the conditions of rest time and return home.*
- *Drivers should be **paid according to the hours they have worked**, including outside of the vehicle.*

2. Close loopholes in EU road transport rules

The current EU rules on road transport leave too many loopholes to create letterbox companies. The European Commission now proposes to include more criteria into the EU's road transport rulebook to ensure that undertakings established in a Member State have a real and continuous activity in this country.

Another way to circumvent stricter rules for EU road transport is the use of vehicles weighing less than 3.5 tonnes, as these are exempted from relevant EU road transport legislation. The European Commission now suggests that these vehicles should be included in the scope of regulation 1071/2009 on access to the profession, to limit abusive use of light commercial vehicles in European road transport, whereas only two out of four requirements would apply mandatorily.

Illegal cabotage is another problem that leads to distortion of competition, also because proper enforcement of cabotage rules has been difficult. Until now, EU rules allowed for three cabotage operations within seven days of an international delivery. The new rules proposed by the European Commission would allow for any number of cabotage operations within five days of the international delivery.

We call for:

- *The amendments to **prove the location of actual economic activity of an undertaking** go in the right direction. This will help to prevent unscrupulous employers from using gaps in European legislation to establish their headquarters in EU Member States with lower social and employment standards while conducting their commercial activities in other countries for the purposes of minimizing adherence to higher standards.*
- *The reform proposals related to **Light Commercial Vehicles** under 3.5 tonnes go in the right direction to prevent the use of such vehicles to circumvent social and labour rights.*
- *Any new rules on **cabotage** must sufficiently reflect the **temporary nature** of such operations. Focus should be put on better enforcement of the rules.*

3. Strengthen control measures to improve the enforcement of rules

The European Commission's new proposal does not bring forward the deadline for the mandatory introduction of smart tachographs to all vehicles engaged in international transport. Also, the deadline for enforcement authorities to be equipped with remote early detection equipment remains unchanged. While new vehicles will be required to have this technology installed, at the earliest,

from 2 March 2019, old vehicles only need to be retrofitted with smart tachographs by 2034 (see Commission Implementing Regulation 2016/799).

Moreover, the European Commission proposal makes drivers responsible for manually recording, at every stop, the code of the country they are in, placing the pressure and responsibility on the drivers, as long as no better tool is implemented.

We call for:

- **Smart tachographs** and the ability of authorities to read them remotely is the only viable tool to control both cabotage and the driver's temporary and habitual workplace with reliable data. **The introduction of smart tachographs by transport companies, and the technology to read them remotely by enforcement authorities, should therefore be accelerated.**
- A mandatory **pre-notification for each vehicle and each driver involved in cabotage** should be introduced in Regulation 1072/2009 and made available to control authorities of the host Member State, to more easily control these operations.
- We welcome the proposal that breaches of the posting of workers directive shall be considered for a transport manager's or transport undertaking's good repute. The list of infringements leading to the loss of **good repute** of road transport operators (Regulation 1071/2009) should also **include illegal cabotage.**

It is high time to update the EU's social legislation in the road transport sector. Some drivers are working in situations that are unacceptable. We have to stop these exploitative practices with tighter European legislation, and stricter national controls.

Strengthening the social rights of the road transport workforce will not only benefit those working abroad, but also those working in their domestic market, and it will stop a downwards spiral of lowering social standards for the sake of competitiveness.

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