

Access to the road haulage market and profession (Regulation 1071/2009 and 1072/2009)

Express industry pleads for better enforcement, not more regulation

The European Express Association (EEA) takes note of the “*light legislation for light vehicles*” approach that the EC has taken to regulate commercial vehicles below 3.5 tonnes. The EEA considers that the proposed measures lead to unnecessary administrative burdens. In any case, no additional requirements should be imposed. Regarding cabotage operations, the EEA favours better enforcement of rules over more restrictive regulation.

Rules for vehicles below 3.5 tonnes

The EC seek to smoothen out differences between Member States and increase the level of harmonisation by making mandatory a number of requirements on establishment and financial criteria for companies that solely operate vehicles below 3.5t. The EEA considers that the proposed measures lead to unnecessary administrative burdens and that there is no need to introduce these requirements for vehicles below 3.5t.

In any case, if the measures are maintained, it needs to be clarified that the financial requirements for operators with mixed fleets of vehicles above and below 3.5t, take as a basis the lower financial requirement for each additional vehicle below 3.5t and apply the higher financial amount only to the additional vehicles above 3.5t. The current formation is not clear in this regard. Furthermore, every motor vehicle below 3.5t falls under the financial requirements, including for example passenger cars, mopeds or electric bikes. The EEA suggests at least limiting the scope to motor vehicles between 2.8t and 3.5t.

As for tackling any alleged unfair competitive practices in the road transport sector, the EEA would like to stress that better enforcement of the existing rules and use of existing tools is the optimal additional solution to achieve fair competition.

Yielding cost-efficient results through better enforcement of the existing legislation and better implementation of the European Electronic Register for Road Transport Undertakings at Member State level is to be preferred over increasing obsolete costs for businesses operating in a competitive and well-functioning market.

Furthermore, more efforts should be put in making sure that all EU Member States participate in enforcement networks such as Euro Contrôle Route (ECR), an organization of European Transport Inspection Services.

Moreover, the EEA also endorses better training of national enforcement authorities. This should allow them to more consistently identify alleged breaches of legislation across the EU.

Road cabotage

The EEA is of the opinion that road cabotage should be fully liberalised in the interest of a more economical and resource-efficient road transport sector. It was indeed echoed in findings of both the European Commission and Parliament that such liberalisation would reduce empty runs and improve transport efficiency (State of the Union Road Transport Market, COM(2014) 222). Liberalisation would also make an end to enforcement and compliance challenges that are triggered by the existing complicated road cabotage rules. EEA members understand that full cabotage liberalisation is currently not considered as an immediate stage. The proposed approach, to go from trip-based to time-based cabotage, is therefore a positive intermediate step forward.

However, applying the posting of workers rules (Directive 96/71/EC) as of day one to road cabotage operations is inappropriate and disproportionate and basically does away with the concept of cabotage. Drivers work in a highly transnational industry and should thus be considered mobile workers when performing cabotage operations; they are not temporarily based in the host Member State and do not integrate in its labour market.

The EEA therefore calls on the European Parliament and Council not to apply posting of workers rules to road cabotage operations as long as the maximum time limitation for cabotage operations is respected.

The European Express Association (EEA) is the representative organisation for the express industry in Europe. The industry specialises in time-definite, reliable transportation services for documents, parcels, and freight. It allows European business to rely on predictable, expeditious delivery of supplies, thereby enabling them to attain and maintain global competitiveness. The express industry employs over 250,000 people across the EU and supports a further 175,000 indirect jobs in Europe through the supply-chain. The express industry's employees are widely spread across the EU.