

**Social legislation in road transport (Directive 2006/22/EC)**

## **Express industry supports fair competition in road transport but rejects curtailing international transport and cabotage**

**The EEA is in favour of a fair competitive EU road transport market. This goal does, however, not imply that international road transport and cabotage should be curtailed. The European Commission's proposal to make the rules on posting of workers apply to cross-border road transport would indeed curtail road transport and cabotage activities.**

### **International transport**

Transport is by definition an international activity. The express industry and its customers – individuals as well as small and larger businesses – have benefitted from the achievements of the EU internal market for transport and the resulting flexibility and decrease of bureaucracy when transporting volume between EU Member States. EEA members' networks have been designed taking into account the Single Market concepts of no longer having borders within the EU and suppressing regulatory obstacles to the free movement of goods and services. Through their activities and operations, the EEA members and the express sector at large contribute to the Single Market by playing an essential role in the facilitation of intra-EU cross border trade for businesses and citizens, thereby facilitating business, growth and competitiveness within the EU.

The Commission's proposal to subject international transport operations after three days per calendar month to posting of workers rules (Directive 96/71/EC) goes against the principle of free movement of goods, does not take into account the sector's highly mobile workforce and its transnational character, and causes administrative burdens and enforcement difficulties to cross-border operations.

The EEA is supportive of the Commission's objective to address risks of deterioration in working conditions and distortions of competition. However, obligations regarding posting should be reasonable, enforceable and proportionate. Therefore, the EEA is surprised about the Commission's choice to propose the application of posting of workers rules after three days, whereas in its impact assessment it considered other options, among others going up to nine days.

The EEA therefore pleads to factor-in the international character of transport activity and the supply chain when shaping a fair and competitive road transport market. The current proposals will lead to administrative burdens, be difficult to apply and to enforce.

### **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 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 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.*