"ROAD ALLIANCE"

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For a common action plan to promote a single road haulage market which better ensures fundamental social rights and more efficient controls

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Meeting of European Ministers responsible for Transport - Paris, 31st January 2017

The strength and future of the European Union is based both on its single market and on the respect for fundamental rights, especially social rights. This demand is all the more important at a time when the rise of populism in many European countries reinforces doubt in the construction of Europe.

We aim to move more rapidly towards an integrated Europe where road haulage will be carried out in an economic area, where competition will be fair and healthy between economic actors, where social rights of workers will be better ensured, and where the safety of drivers and road users is better taken into account.

For this reason, we, transport ministers of Austria, Belgium, Denmark, France, Germany, Italy, Luxembourg, Norway and Sweden, wish to send citizens a clear message that cooperation within Europe produces constructive results.

In compliance with existing European law, this "Road Alliance" will:

1. Bring together certain measures implementing European regulations, in particular social ones, to facilitate their enforcement by operators.

2. Improve our control practices on the basis of our mutual experiences and strengthen our cooperation in order to make the fight against fraud regarding social, safety and labour rules and abusive practices more effective.

3. Define common positions for the future of European road haulage policy aimed at:

- *Fight social dumping and promote fair competition. In this regard :*
  - Only if harmonisation of relevant social legislation relating to road transport has been implemented in practice, any discussion about further liberalisation of the road transport market, in particular as regards cabotage by road, could be envisaged;
  - The legislative framework for driving and rest periods must ensure a high level of protection and shall not be weakened;
  - Promote more effective mechanisms for coordinating and enforcing controls to verify, in practice, the proper application of the rules applicable to the sector.
  - Enhancing the profession of road driver at a time when many Member States are struck by a shortage of workforce.

- *Take into account impacts on road safety as a priority in European road haulage policy, in particular by:*
  - Strengthening safety of vehicles used for road haulage;
  - Promoting greater respect and understanding between light and heavy vehicle drivers;

With this in mind, the Road Alliance includes, on the one hand, actions aiming at bringing together certain national regulatory measures specific to each of the States participating in the Road Alliance and, on the other hand, actions aiming at coordinating and improving practices to control fraud more effectively. These actions are:

- Action 1: To implement measures guaranteeing the driver's right to a balance between work and private life

Considering the high presence of vehicles during weekend in host countries belonging to transport undertakings not established in the territory of these countries, within which drivers take their regular weekly rest period, several measures are at disposal in view of regulation n°561/2006:

- To sanction this practice and / or;
- To sanction companies which do not put in place a work organization enabling their drivers to comply with the regulations and / or;
- To promote, at national and European levels, the adoption of new practices encouraging employers to allow drivers who do work cycles outside the country where they have the centre of their main interests, and to facilitate their return there at least on the occasion of the regular weekly rest period.

Some Member States have already adopted such measures and others are considering them. The added value of these measures is threefold: to enable the driver to benefit from a balance between work and private life by encouraging a return to the place where the drivers main interests are situated, to put an end to degrading living conditions on parking areas and to contribute to restore a more balanced competition through preventing non-established transport undertakings from organising several months operation cycles with the same drivers outside of their home country. Another effective measure to reach this goal may also to check the application in practice of EU legislation according which the driver shall be paid according to the working time and not with a lump sum, for a transport operation.

- Action 2: To strengthen measures concerning light commercial vehicles involved in international freight transport.

It is known, that an increasing number of non-established operators carry out, by means of vehicles with a maximum authorized mass of less than or equal to 3.5 tons, numerous road haulage services on account of another party, considered as international transport and cabotage by road operations.

This situation not only undermines the conditions for healthy competition, it also carries risks for road safety as there is no guarantee that the operators of these vehicles are well trained professionals.

In order to ensure fair and safe competition and to avoid the circumvention of the rules applicable to lorries, measures should be taken into account such as to give light commercial vehicles a status inspired by the one laid down by the European legislation in order to subject them to the four conditions of access to the profession, with specific adaptations related to capacities.

- Action 3: To facilitate the use of electronic consignment note (e-CMR) by encouraging the accession to the additional protocol to the UN Convention on the Contract for the International Carriage of Goods by Road (CMR) (19 May 1956) towards recognition of e-CMR;

In order, on the one hand, to improve competitiveness of road haulage companies by reducing administrative burden and, on the other hand, to improve the performance of inspection practices, it is desirable to proceed with the dematerialisation of transport documents ("the consignment letters"). The latter formalise the contractual relationship between the shipper of freight and the carrier and must be on board the vehicle to be presented during checks.

Some Member States have ratified the Additional Protocol (e-CMR) to the UN Convention on the Contract for the International Carriage of Goods by Road (the so-called CMR Convention). However, this is not the case for all the Member States.

It is therefore important that the largest number of Member States adhere to this Additional Protocol in order to create a continuous geographical area where transport documents would be dematerialised, in which a large part of the road freight transport operations carried out in Europe will be concentrated.

This should be done ensuring reliability and security of the electronic consignment letters for instance through pilot projects, assessment and exchange of experiences.

- Action 4: To exchange the most relevant data from national control bodies to benefit from feedback and better target controls.

Since road transport is essentially a mobile, itinerant and transnational economic activity, it is essential to improve the exchange of information between national supervisory authorities.

Thus, within the limits of privacy regulations, it would be of great benefit to exchange information on infringements, for example those contained in the national risk rating systems (RRS) for companies, a tool which is currently under-exploited.

- Action 5: To share innovative initiatives targeting cabotage evaluation and control systems that ensure high quality transport for exemplary companies.

The reliability and quality of existing cabotage statistics are not satisfactory. The quality of the existing system of data collection should be improved by strengthening the enforcement of existing reporting obligations and new ways of obtaining reliable statistics should be explored. This would provide the basis for a qualified discussion of the development in the road haulage market.

The intensity of control could be adjusted according to the recurrence of infringements committed by undertakings over a given period. Some Member States have already started to develop such schemes and it might be interesting to share their experience.

- Action 6: To strengthen the exchange of national control practices in the fight against fraud through existing multilateral bodies

It is important to support the development of European cooperation organisations like European Traffic Police network (TISPOL) or Euro Control Route (ECR), the latter is currently being transformed into a European grouping of territorial cooperation (EGTC). This new status will enable it to strengthen its means of action, in particular to welcome new States and to promote joint actions and cooperation in control policies.

ECR has already shown all its relevance by allowing, on the one hand, close and fluid exchanges between the participating States on the stakes of control and, on the other hand, by developing joint

actions of training, expertise in the detection and control of fraud, or joint control operations. It would be interesting to develop exchanges of information between national authorities on the results of controls and their exploitation.

The European platform against undeclared work[1] is a tool which advantageously could be activated in order to reinforce cooperation between Member States' services in the field of road haulage. This platform will allow the exchange of information and joint operations against undeclared work, in particular as regards cross-border work.

- Action 7: Develop cross-border exchanges for an enhanced enforcement of the rules applicable to road haulage, in particular to investigate the complex processes involved in the fraud regarding establishment rules ("letterbox undertakings") and tachograph fraud.

Sophisticated fraud requires complex means of investigation that justify to combine the expertise of supervisory authorities from several Member States:

- *Firstly, fraud regarding establishment rules where the identification of the often complex mechanisms that led to the establishment of "letterbox" companies requires thorough investigations both in the country of registration of the company headquarters and in the country (or countries) where subsidiaries have been improperly registered.*

- *Secondly, tachograph fraud, for which the high degree of sophistication in the system altering the control apparatus often requires the exchange of know-how between controllers from several countries.*

- *Thirdly, in order to facilitate and ensure effective controls it shall be envisaged to shorten the transition period for the use of the smart tachograph significantly (European Regulation N°165/2014)*

- Action 8: To defend a common position within the bodies of the International Transport Forum (ITF - ECMT) to ensure the sustainability of a system for a controlled evolution of the market.

While the work carried out under the aegis of the European Union leads many Member States to refuse to open up the market without consideration for social harmonisation, uncapping the multilateral quota ECMT would be prejudicial to all road hauliers.

Such uncapping would primarily benefit non-Community carriers and, through increased access to the territory of the Union, could lead to increased social dumping practices and seriously undermine the competitiveness of European carriers.

The current situation which perpetuates, without supervision, the free movement of light commercial vehicles from third countries within the EU is also no longer acceptable.

1 Decision (EU) 2016/344 of the European Parliament and the of the Council of 9 March 2016 on establishing a European Platform to enhance cooperation in tackling undeclared work

In Paris, on 31st January 2017,

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