

Warsaw, Vilnius, Sofia, Riga, Budapest, 21 March 2019

Mr Antonio Tajani
President of the European Parliament
60, rue Wiertz
1047 Brussels

Re: Planned vote of the Mobility Package dossiers in March plenary session of the EP

Dear Mr President, Dear Mr Tajani,

Following our letter of 5 February 2019, we note with regret that the three dossiers under Mobility Package I (MP I), namely

- Proposal on a posting of drivers (Rapporteur: Merja Kyllönen - 2017/0121(COD))
- Proposal on driving time and rest periods (Rapporteur: Wim Van de Camp - 2017/0122(COD)) and
- Proposal on access to profession and market (Rapporteur: Ismail Ertug - 2017/0123(COD)),

have been brought forward to voting during II plenary session of the European Parliament in March, despite the controversies surrounding it and the risk of fueling Eurosceptical sentiments on the eve of European elections.

The MP I is an ambitious reform of the European road transport sector, however, we feel that during the process of its negotiations the initial goals have been lost in favour of protecting national interests. As a result, Europe risks adopting rules that will impose restrictive measures going far beyond the basic Treaty principles and which may worsen the situation in the sector without properly delivering on the social agenda. It also has to be underlined that the proposed solutions will disproportionately affect especially road transport hauliers and economies from the undersigned countries.

Given the above, once again we would like to reiterate that we fear that instead of balanced provisions supporting the European road haulage and improving drivers' working conditions,

these rushed proceedings may result in agreeing solutions which, in fact, will jeopardise an effective and efficient functioning of this sector. This is especially worrisome since the enacted solutions will have long term effects not only on the transport sector, but also on EU economy. Taking the above-mentioned issues into account, in our view it would be more appropriate to spend more time on deliberations and, for the sake of high quality of the EU law, postpone the discussion on MP I for the next European Parliament` s term.

Nevertheless, in the view of the upcoming vote in the plenary, we would like to draw your attentions to the major risks for the entire sector that these proposals may pose:

- The option to adopt **split model in posting of drivers** will lead to fragmentation of the EU market, discriminating some Member States and drivers from these countries. Moreover, it will create disproportionate administrative burden for operators, especially small and medium-sized enterprises and in addition, will deepen the unfair competition between EU and non-EU operators to the detriment of the former. Such a restrictive approach does not take into account the business models used in the international road haulage. Therefore, we believe that adoption of the hourly-based exemption from posting would be a more viable and fair solution. Alternatively, the reference to a considerably high number of cross-trade operations after and between the bilateral transports could be an option. These approaches will significantly decrease the amount of empty runs and improve road safety.
- The draft documents also put **all EU transport companies** at a competitive disadvantage for third countries and will result in the mass of European businesses going bankrupt or settling in a third country, while a substantial part of the EU market will be immediately taken over by third country suppliers.
- The **definition of bilateral transport** is also too restrictive in our view and we consider it is necessary to comprise the phrase “from the first crossing point of the EU external border” as its integral element.
- Inclusion of the **reference to the “Rome I”** regulation goes far beyond the initial objectives of the Mobility Package, it does not take into account a highly mobile nature of employment of drivers and will create legal chaos not only for road transport hauliers, but also drivers, resulting in reduction of the role of transport undertakings to the local operations.
- The marginal market share of **cabotage** operations in European transport does not justify an extensive legal intervention. **Further restrictions on this type of operations** are considered to be disproportionate and unjustified, especially because of the proposal to apply posting of workers rules to such operation. This includes primarily the

shortening of the time allowed for cabotage activities, introducing a cooling-off period and return of the vehicle to the country of establishment. In consequence the adoption of the MP I in these unfavorable conditions will result in limitation of access to the national road transport markets, withdrawal from liberalisation policy and protectionist measures. In this context, keeping at least the current rules unchanged would have been more beneficial.

- Imposing **disproportionate obligation for a regular return of the vehicle** as an establishment criterion constitutes a discriminatory measure for not centrally located Member States. Such a restrictive measure goes against the European principles and endangers our efforts to improve environmental footprint of the transport sector. Therefore, it puts into question the legality of the whole regulation and damages the reputation of European legislators against the citizens.
- Introduction of a **full ban on regular weekly rest in the cabin** does not take into account the shortage of suitable rest areas with proper accommodation for lorry drivers. The Commission has evaluated that today in Europe not more than 7 000 safe and secure parking places are available for nearly 400 000 trucks. Given such a shortage of infrastructure, this solution will not help improve working conditions and in fact, may go against the social agenda goals. EU legislation should not ignore the need for a proper transition period to create sufficient number of dedicated parking zones. Furthermore, fundamental rights of the driver need to be respected as regards choosing the location where to spend his/her compensated weekly rest.
- Enforcement and effective control are the key factors in the road transport sector, however further acceleration of **introduction of smart tachographs** must be justified in a reliable, technically feasible and cost effective way. In this context, we find the idea of mandatory installation of tachographs in vehicles above 2.4 t and below 3.5 t performing international road transport to be a disproportionate measure, which will severely affect small and medium sized companies. Moreover, since the issue of replacement of driver cards has not been solved, such situation raises considerable legal, financial and unequal treatment issues for drivers. Retrofitting jeopardises legal certainty by giving only a couple of years to prepare instead of the current rule (moved ahead more than 10 years). It is not known how and by what time these rules will be enforced in third countries, the Member States of the AETR, as a consequence the much earlier introduction in the EU provides a competitive advantage for third countries.

We are convinced that the new legislative measures should be closely linked to the reality of the sector in order to increase the competitiveness and ensure the proper level of social protection for the drivers. The objective of the agreement is to regulate the sectors for a long term, but it may have unexpected consequences: the competitiveness of the Union can

deteriorate, and because of stricter regulations for EU Member States third country carriers can have a competitive advantage. In our view, focusing on the initial goals of the Mobility Package I should be the main indicator for the EU legislators to take the right decisions for fair and balanced rules in the sector.

Yours sincerely,

Andrzej Adamczyk

На осн. Чл.2.ал.1 от 33ЛД

Minister of Infrastructure
of the Republic of Poland

Rossen Jeliaskov

На осн. Чл.2.ал.1 от 33ЛД

Minister of Transport, Information
Technology and Communications of the
Republic of Bulgaria

László Mosóczy

На осн. Чл.2.ал.1 от 33ЛД

Minister of State
for Transport, Hungary

Rokas Masiulis

На осн. Чл.2.ал.1 от 33ЛД

Minister of Transport and Communications
of the Republic of Lithuania

Tālis Linkaits

На осн. Чл.2.ал.1 от 33ЛД

Minister of Transport
of the Republic of Latvia

Cc:

Mr Aleksandru Razvan Cuc, Minister of Transport of Romania, Presidency of the Council of the EU.

Ms Karima Delli, Chair of the Committee on Transport and Tourism (TRAN), EP.

Mr Wim van de Camp – Coordinator of the EPP group in the TRAN Committee.

Mr Ismail Ertug - Coordinator of the S&D group in the TRAN Committee.

Mr Robert Zile - Coordinator of the ECR group in the TRAN Committee.

Mr Pavel Telicka - Coordinator of the ALDE group in the TRAN Committee.

Mr Jacop Dalunde- Coordinator of the Greens group in the TRAN Committee.

Ms Merja Kyllönen - Coordinator of the GUE group in the TRAN Committee.

Ms Daniela Aiuto - Coordinator of the EFDD group in the TRAN Committee.

Mr Georg Mayer - Coordinator of the ENF group in the TRAN Committee.