

## IRU positions on European Commission Mobility Package

IRU broadly welcomes the release of the long awaited European Commission proposals for commercial road transport. The package of proposals addresses many IRU concerns regarding the practical functioning of the European commercial road transport sector. In some areas, however, the proposals as published represent a missed opportunity.

### **Access to the profession for road freight transport**

- Strengthening of the rules of establishment will make it harder for letterbox companies to operate, which will be beneficial to the wider legitimate industry.
- Mandatory cooperation between Member States will be required on enforcement
- Scope of the legislation extended to include 3.5 tonne vehicles in a phased approach. A yearly reporting obligation is introduced for Member States on the use of 3.5 tonne vehicles in the market.

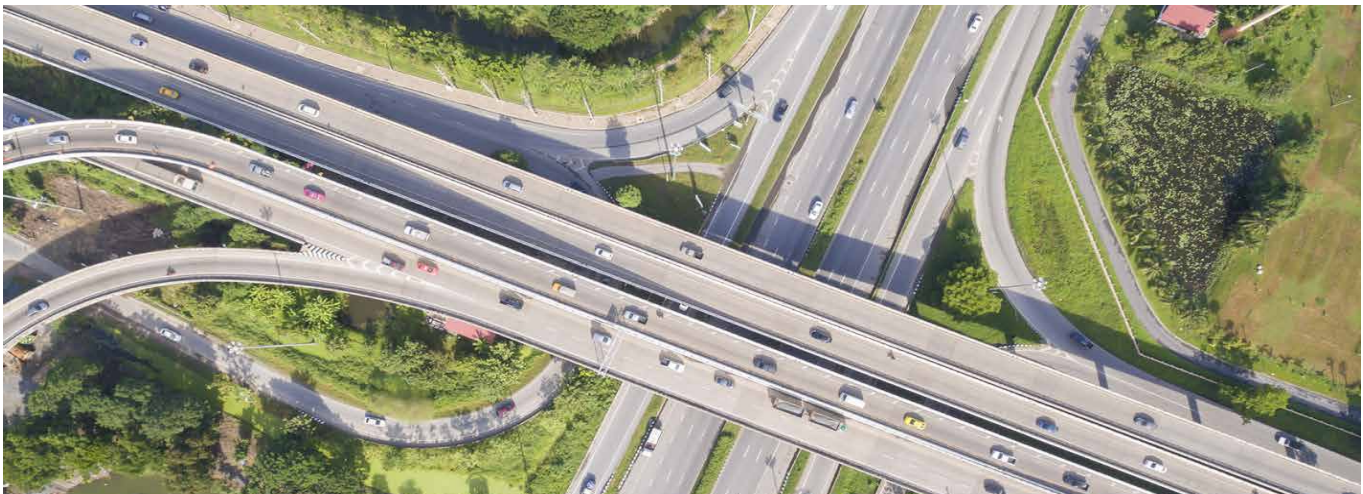
### **Access to the market**

- Cabotage rules not fully clarified. The number of operations is removed to be replaced by only a number of days in which operations are permitted. Missed opportunity to clarify when Cabotage operations actually start. Cabotage operations are to include not just the host country but neighbouring countries to the host. This will significantly add to the administrative burden and the rules are not clear. Rules are potentially more confusing and harder to enforce.
- Member States must conduct checks on 2% of Cabotage operations. Cross-border checks with other Member States must be conducted three times a year.



“The Mobility Package is an interesting set of proposals but further analysis is required. IRU will continue to be an honest broker in the ongoing discussions on behalf of thousands of transport operators in Europe. The real hard work on creating workable new rules starts now.”

**Matthias Maedge, Head of IRU  
Permanent Delegation to the EU.**



- The use of proof in electronic format including eCMR is introduced.
- No single document can be used as proof for enforcers. This is a missed opportunity to reduce the time of checks.
- Enforcement will focus on companies with a higher risk profile. This is very much welcomed by IRU.
- Shared liability penalties introduced for all transport chain actors ordering road transport services.

#### **Driving & Rest Time and Tachograph**

- The proposals for the redistribution of rest periods, introducing a requirement for long breaks to be taken out of the cab as well as the need for employers to financially cover costs need further analysis. The viability of this proposal requires further analysis.
- For double-crewed vehicles the new rules clarify where the second driver can rest. Breaks can be taken on in the vehicle if the driver is not driving. This is a pragmatic and positive proposal.
- The 'reach home clause' in the driving & rest time rules provides much needed flexibility and will facilitate improved home life for employees.
- Codified European Court of Justice ruling on what constitutes non-commercial transport
- Tachograph rules add the requirement to enter a country code when or when crossing an international border. This is aimed at aiding enforcement.

#### **Enforcement Directive**

- Member States are to be forced to cooperate more closely. A request for information as part of an investigation must be responded to within 25 days or within 3 days if urgent. Replies are mandatory. IRU welcomes this element.
- Data on risk-rating of companies will be available to all Member States. This will make it easier to target cowboy operators and help protect legitimate companies and the industry's reputation.

- Member States will need to report and enforce the Working Time Directive. This is a practical and sensible proposal.

#### **Posting of Workers**

- Introduces sector-specific rules for the transport sector with the introduction of threshold days before the Posting of Workers Directive applies. This is a major change regarding access to the international road transport market with a heavy administrative burden. Further analysis is required to assess the impact on businesses

#### **Eurovignette**

- All road vehicles to be gradually included in the scope of the legislation.
- Congestion charging will be possible on all roads but must apply to all users. For IRU all commercial vehicles should be exempt as a matter of fairness. The use of buses and coaches is part of the solution to congestion problems. Applying a congestion charge to trucks, for which there is no mobility alternative would represent an unacceptable double payment as operators already suffer from costs associated with congestion.
- The phasing out of time based charging in favour of distance based charging will lead to an increase in costs. IRU considers that Member States must be able to choose between time or distance-based charging. Trucks and buses already cover their infrastructure and external costs.

#### **European Electronic Tolling System (EETS)**

- Further facilitation measures for EETS providers is welcomed.
- The proposals will not realise the EETS by 2025 if the European Commission continues to follow a market-based only approach.
- The proposals will not allow the introduction of the necessary competition in all national markets.