



Galerie Agora,  
Rue du Marché aux Herbes 105, Bte 11  
B-1000 Brussels  
Telephone +32 2 285 46 60  
Fax +32 2 280 08 17  
Email: [etf@etf-europe.org](mailto:etf@etf-europe.org)  
[www.etf-europe.org](http://www.etf-europe.org)

European Transport Workers' Federation  
Fédération Européenne des Travailleurs des Transports  
Europäische Transportarbeiter-Föderation  
Federación Europea de los Trabajadores del Transporte

## ETF welcomes the Council Progress Report on “Mobility Package 1” with certain reserve

Today, 5 December 2017, the Council of Ministers of Transport discussed a progress report on the Mobility Package.

The European Transport Workers' Federation (ETF) welcomes the fact that the Council did address some important gaps of the European Commission proposal.

We particularly welcome the progress made with regard to the inclusion of Light Good Vehicles within the scope of Regulation (EC) No 1071/2009 on access to occupation. To operate outside of the country of establishment with this type of vehicles, a haulier will have to meet the four criteria set by the aforementioned regulation, including the criteria of complying with the EU rules applicable to road transport, an important change compared with the European Commission initial proposal. This is an important development in as much as an increasing number of haulage companies use LGVs in international transport while they are not covered by the EU rules applicable to commercial road transport. This leads to precarious working conditions since for instance drivers driving LGVs are not covered by the driving and rest time limits.

We equally welcome the progress made by the Council on the definition of the mandatory establishment criteria for road transport undertakings. According to the European Commission proposal of 31 May, in order to obtain an authorisation to operate within the EU from the Member State of establishment, a road transport undertaking must prove that they “hold assets and employ staff” on its territory. The Presidency proposal replaces “assets” and “staff” with “vehicles” and “drivers”. In the ETF view, this gives a strong signal on the willingness of all Member States to tackle the phenomenon of letter-box companies and restore the climate of compliance and fair competition in the road transport sector.

The Estonian Presidency also proposes for undertakings to be registered in a national register of economic activity. The ETF hopes that this proposal will not affect the National Electronic Registers and their interconnection to the European Register for Road Transport Undertakings (ERRU), a legally binding system in which the Member States already invested over € 22 million and whose added value in terms of cross-border enforcement is substantial.

The ETF links the Member States' reticence in accepting the newly proposed thresholds for cabotage checks is due to the constant decrease in enforcement capacity across the EU, in the past recent years. Enforcement of cabotage rules requires smart solutions and targeted checks, as well as a clear,



**President** Frank Moreels

1

**Vice Presidents** Alexander Kirchner  
Ekaterina Yordanova

**General Secretary** Eduardo Chagas



enforceable cabotage definition. To this end, the ETF is surprised that the Council has not yet given a green light to the early mandatory introduction of the smart tachograph on all commercial vehicles engaged in international transport, including cabotage.

As for the driving and rest time rules, the ETF disagrees with the compromise proposed by the Presidency, notably that the weekly rest can be spent in the cabin when the truck is situated in secure and comfortable parking areas. This condition is subjective, thus un-enforceable and risks to be a way of legalising a current practice that has negative repercussions on drivers' health and safety and on road safety. The driver can spend, within his/her consent, 12 consecutive days in the cabin. A cabin of 4m<sup>2</sup> provided with no sanitary facilities and mainly taken up by vehicle dashboard, stir wheel, driver's seat and a maximum 80cm bunkbed cannot be considered an adequate space for living and resting. Fair is that, if the company wants the driver at its disposal the maximum of working / driving time possible, drivers must benefit, in compensation, of suitable accommodation for week-ends.

On the drivers' return home, the ETF believes that a clear definition of 'home' is absolutely needed, notably as a country of residence of the driver. The new rules should also envisage the possibility for the driver to spend the weekly rest elsewhere.

With regard to the application of posting to road transport sector, the ETF disagrees with any positions, agreements or compromises based on the European Commission proposal.

To conclude, despite the mixed signals given by the Council progress report, we do hope the ETF solutions for the Mobility Package will be taken on board by the Member States, as they are concrete, enforceable and fully respond to the social problems the road transport sector currently struggles with.

A full set of the ETF position papers and concrete solutions can be found on the ETF Road Section blog [www.etfroadsectionblog.eu](http://www.etfroadsectionblog.eu).

*Brussels, 5 December 2017*



**President** Frank Moreels

2

**Vice Presidents** Alexander Kirchner  
Ekaterina Yordanova

**General Secretary** Eduardo Chagas

