



# Position Paper

June 2018

## ‘Europe on the Move’

### Main points relating specifically to:

- Posting of Workers in Transport
- Driving and Rest Periods
- Access to Road Haulage Market (Cabotage Operations)

### Posting of Workers in Transport

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EUROCHAMBRES welcomes that the Commission has proposed rules specifically designed for the transport sector. However, the new proposal is still not clear enough and has to be adjusted in the course of further discussions to really meet the requirements of our member companies.

When applying the general posting directive, we ask for:

- Exclusion of transit and international transport from the scope of the general posting directive.
- Application of the elements of the general posting directive to cabotage operations from the very first day.

EUROCHAMBRES asks for harmonised and simple notification obligations for businesses laid down by EU law with:

- Simple documentation requirements.
- No or minimal obligation for the driver to carry documentation in the vehicle.
- One notification every six months ahead of time for all potential drivers.
- Member States shall not be allowed to introduce deviating national rules. Different rules in Member States would raise considerable and disproportionate administrative barriers for operators, in particular for SMEs. This would also increase the complexity of the legal framework and thus prevent the creation of an internal market in the road transport sector and create obstacles to the free movement of services and goods in the EU.

## **Revision of Regulation on Driving Time and Rest Periods**

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EUROCHAMBRES welcomes the clarifications proposed by the Commission and call for more flexibility in the following aspects:

- Weekly rest requirements shall be adapted: The driver should be allowed to spend the regular weekly rest in the vehicle, provided that it is his free choice or it is justified by the circumstances. This is the simplest, clearest and most convenient solution for operators and drivers. The current proposal is hard for businesses to comply with and difficult for authorities to control (definition of “adequate” accommodation, proof where the rest period was spent in case of private accommodation...). As an alternative, there are suggestions from the European Parliament (TRAN) to allow the driver to spend the weekly rest period in the vehicle under certain conditions. According to these, the vehicle shall be parked in a "Dedicated Parking Area (DPA)" complying with certain standards to be set out in the Annex of the law. However, we doubt that the proposed specifications are feasible in practice.
- Drivers may arrange their (reduced) weekly rest periods in a more flexible manner over a period of 4 consecutive weeks. It should be possible to compensate for a reduced weekly rest by attaching it to any rest period.
- Rules specifically designed for bus and coach services are necessary in order to allow more flexibility in seasonal peaks. They should provide for longer reference periods for weekly rest.
- For all drivers, a break of minimum 45 minutes may be split into maximum 3 periods of at least 15 minutes each.
- Exemptions for regional transport operations like construction site traffic and winter road maintenance must be granted.

## **Access to the Road Haulage Market – Cabotage Operations**

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The proposal to remove the maximum number of cabotage operations while reducing the maximum period for cabotage operations (5 days) would lead to a complete liberalisation of cabotage operations, which cannot be accepted as long as social and economic framework conditions differ throughout the EU.<sup>1</sup>

We support the current system and maintaining the existing system of 7 days and 3 operations. Systematic, continuous cabotage must be prevented and an effective and uniform enforcement of the current set of rules has to be established. That includes a clear definition of the term cabotage and the promotion of the use of the digital tachograph equipped with Global Navigation Satellite System (GNSS) capability. This helps to identify start, end and periods of cabotage operations to target cabotage checks.

## **EUROCHAMBRES also calls for:**

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- Further improvement of the trans-European transport infrastructures with guarded parking places. Numerous bottlenecks persist in border transit between some Member States, with very different infrastructure that impede uniform transport throughout the European territory. Improvement requires greater cooperation among Member States, binding commitments and explicit impulse from the European Commission itself.

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<sup>1</sup> The Chambers of Commerce of Luxembourg and Spain do not support this paragraph.

- Specific attention should be paid to the most peripheral and outermost territories of the European Union that encounter greater difficulty to access the internal market. This necessitates the articulation of a mechanism to alleviate the burdens borne by road transport operations from the peripheral Member States, their territories and EU outermost regions.<sup>2</sup>
- Better progress in the environmental efficiency of road transport in order to fight climate change more effectively.

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*EUROCHAMBRES – The Association of European Chambers of Commerce and Industry represents over 20 million enterprises in Europe – 98% of which are SMEs – through members in 43 countries and a European network of 1700 regional and local Chambers.*

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<sup>2</sup> The Chamber of Commerce of Luxembourg does not agree with this paragraph.