

Sent: 06 October 2017 10:56

Subject: RE: Meeting with IRU - Passenger Transport

Social issues discussed at IRU meeting focused on posting, 12-day derogation, weekly rest arrangements and enforcement. As expected they claimed that 'people business' is different from transporting freight and hence it should be subject to separate social rules, including those on posting.

- 1) **Posting** – should apply to national operations carried out by foreign operators in host MS, but never to international passenger trips; administrative burden is still seen as huge burden (several posting declarations in case of trips covering several states, several minimum wage legislations); posting controls will further delay journey and cause discontent of passengers;
- 2) **Enforcement** - frequent controls (sometimes a few controls within the same day by different controllers) affect negatively image of operators discouraging passengers from using their services in future; temporary solution, before smart enforcement with DSRC is widely applied, would be issuing an evidence of 'clean check' so that a driver is not bothered few times a day with checks; also controls should be carried out at well-equipped parking areas, where passengers can spend time of control outside the coach in a safe and pleasant place;
- 3) **Driving and resting times** – 12-day rule, as re-introduced via 1073/2009, has too many restrictions, which make the derogation hardly useful. IRU wants 12-day derogation for domestic occasional journeys claiming that proposed flexibility in arranging regular and reduced weekly rest does not solve the problem; flexibility is needed to answer the demands of passengers; they come back to their previous proposal of an average 45h weekly rest over the reference period of 13 weeks;

will send their proposals, validated by their membership in coming weeks.

Sent: Friday, October 06, 2017 10:19 AM

Subject: Meeting with IRU - Passenger Transport

The participants at the IRU meeting on Wednesday raised the following concerns about the legislative proposal to amend Reg 1071/2009:

1. They considered that the proposed amendment of Article 1 to clarify the exemption for services for non-commercial purposes or which have a main occupation other than that of road passenger transport operator is still too general and they would like to see it better defined and specified in more detail. They are concerned that operators could arrange their business in such a way as to fall under this definition so as to avoid coming into scope of Regulations 1071 and consequently other legislation such as 1073 and the social legislation. They consider this would have a negative impact on road safety, create a risk for the reputation of the industry and be negative for passengers. They called for a clearer definition and also requested that the same definition of non-commercial purposes should be used in Reg 1071 and in the social legislation.
2. They are concerned that the changes to good repute have gone too far and it is unclear (other than the transport manager) who needs good repute in the business. They do not like that the Commission has left it to the MS to determine other relevant persons and would rather the

Commission specify this. They also consider that the Commission should further specify what laws and contracts they refer to in the point "the law applicable to contractual obligations".

3. They would like to see the proposed amendment to the requirement for establishment further specified as they consider the present provisions very vague. In particular they requested that in point (e) "hold assets and employ staff proportionate to the activity of the establishment" should be replaced with "hold vehicles and employ drivers proportionate to the activity of the establishment".

Regards,

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