

IRU Priorities and Recommendations for the Road Initiatives

1. Access to the profession and to the road haulage market

Main IRU concerns are:

- Lack of fair competitive framework in the road haulage market
- Lack of enforcement capacity of the Member States – unclear rules
- Lack of cooperation between the Member States

Main IRU messages:

- **Scope:** The access to the profession (Regulation (EC) No 1071/2009) and road haulage market (Regulation (EC) No 1072/2009) rules should be extended to include vehicles below 3.5 tonnes.
- **Clarification of the rules on “establishment” (Regulation (EC) No 1071/2009):** Possibilities for Member States to introduce extra criteria should be removed. Introducing new rules on the contracts of employees will not take away the problem of a lack of alignment and lack of cooperation between Member States.
- **Good Repute (Regulation (EC) No 1071/2009):** The rules should be further aligned, especially those relating to the evaluation or rehabilitation of the “good repute” of the transport manager or/and the company.
- **ERRU (Regulation (EC) No 1071/2009):** The European Electronic Register for Road Transport Undertakings (ERRU) should be fully implemented and the national risk-rating systems for transport undertakings should be further aligned.
- **Control documents (Regulation (EC) No 1072/2009):** An electronic version of the “True Certified Copy of the Community Licence”, which should always be on board the vehicle, should be introduced.
- **Cabotage (Regulation (EC) No 1072/2009):**
 - The rules should be clarified – what is a journey, including an incoming (loaded) international journey, which rules apply to cabotage, including the posting of workers? The questions and answers document on cabotage, prepared by the European Commission, should be codified in the Regulation.
 - The removal of the number of journeys may not improve the clarity of the cabotage rules. It is perceived by too many as a further opening of the market; others see it as an additional restriction. Reducing the number of days to do cabotage could create discrimination between the large and small Member States, the latter being easier to cover during a shorter period of time. It also does not solve the challenge of “systematic cabotage” as identified by the European Commission.
 - **IRU solution for cabotage:** more effective enforcement with a control document on board the vehicle. The control document should be the consignment note (including CMR) or its electronic version. It should always be available. Electronic documents provide the advantage of being easy to register in a database which could be consulted by the enforcement authorities.
 - Closing of the **combined transport** loophole by clarifying which rules, including posting of workers, apply to road freight transport in the framework of combined transport. Positive to have a parallel revision of Directive 92/106/EEC on combined transport.

2. Social issues and enforcement

Main IRU concerns are:

- Proliferation of uncoordinated national measures
- Mismatch of measures and aims – those most affected are SMEs
- Protectionism sometimes disguised as fight against social dumping
- Driving and rest time rules need modernising
- Member States have to be forced to cooperate and exchange information
- EC needs to take tighter control over the transposition of the EC laws into national laws

Main IRU messages:

- **Posting:** At the moment, it seems very ambitious and next to impossible to develop and agree on universal principles regarding the applicable law and the Posting of Workers Directive. Generally, any solution must guarantee the principles of the EU Single Market and fair competition, such as the creation of a better balanced distinction between the freedom of establishment and the freedom to provide services, and ensure a larger degree of social cohesion in the EU.
- Regulating in this area is a highly sensitive issue that might in certain cases interfere with entrepreneurial freedom and endanger the business viability of SMEs. Whatever solution is brought forward, the impact on other market segments and operations must be carefully assessed. The decision to potentially further regulate in this area must be supported by a robust impact assessment and any arbitrary, albeit politically fashionable solution must be avoided.
- **Rest in the cabin:** The highly mobile character of road transport inevitably requires, in case of certain long-distance transport operations, the absence of the driver from the base. This fact has been accepted as one of the features of the job of a truck driver. Moreover, the planning of long distance transport operations and customers' demands make spending a certain amount of rest away from base or in the vehicle inevitable.
- **Applicable law:** IRU will not support any solution based on the obligation for the haulier to monitor, record and provide evidence of the driver movements on the EU territory. This would be administratively very heavy and prone to unintentional mistakes resulting in fines.
- A number of definitions and provisions remain unclear, are interpreted and enforced differently across the EU, or if there have been attempts to establish clarity these are not legally binding or accepted by all national authorities. Issues such as periods away from the vehicle or rest in the cabin need to be clarified.
- **Driving and rest time rules** - the technological, operational and business reality in road transport has changed. This must be reflected in the revision of the rules that should allow for increased flexibility not only in the normative text but also when enforced.

One particular example would be the occasional passenger transport segment whose characteristics (seasonality, different driving patterns) do not correspond to the current provisions of Regulation 561/2006.

IRU suggest to return to the more flexible 12 day derogation rule (abolish the single trip limit and extend it to domestic trips) with simple compensations.

Introduce a reference period of 4 weeks for the weekly rest with an average rest of no less than 45 hours and minimum weekly rest no less than 24 hours.

Extend the daily spread over to 16 hours which could be used twice between two weekly rest periods.

- **Enforcement:** IRU favours intelligence lead enforcement based on the increased use of e-documents, relying on aligned risk-rating systems, electronic exchange of information and increasingly on company controls.

3. Access to the bus and coach market

Main IRU concerns are:

- Absence of competition in some domestic markets
- Lack of bus/coach/multimodal stations and difficulty for operators supplying commercial services to be allocated slots
- Disproportionate and unjustified protection of internal operators supplying local bus and rail services against the competition of long distance bus services
- Non-transparent authorisation mechanisms
- Unnecessary administrative burden (e.g. journey form)

Main IRU messages:

- **Organisation of national and international regular service markets:** IRU supports the provision of a common EU framework for the non-discriminatory access to markets in EU Member States that have liberalised their domestic markets or intend to do so. The EU framework should provide that national authorities may request operators established in another Member State to register in the host country, in accordance with national law.
- **Passenger terminals:** IRU supports the provision of common EU rules for the governance of passenger stations (bus and coach stations and multimodal terminals). Common EU rules must aim to guarantee the non-discriminatory and equal access to passenger terminals, their essential infrastructure and facilities to all operators which are duly authorised to provide regular international and domestic services, irrespective of their Member State of establishment. Common EU rules should tackle the definition of a terminal, allocation of responsibilities, setting of charges, capacity allocation and capacity constraints.
- **Competition between transport modes and protection of services covered by public service contracts:** IRU supports a revision of the criteria for refusing applications for regular non-urban domestic and international coach services. While it is natural to ensure a minimum level of protection of all public service contracts (road and rail) from the competition of other regular domestic or international coach services, the level of protection should be lower for internal operators benefitting from direct award procedures and bearing a lower financial risk than for operators supplying services awarded following a competitive tendering procedure and bearing a higher financial risk.
 - To protect public service contracts awarded following a competitive tendering procedure, refusals must be based on a detailed analysis that the service concerned would seriously affect the viability of the comparable service covered by one or more contracts on the direct sections concerned.
 - To protect public service contracts awarded directly to internal operators, refusals must be based on a detailed analysis that the service concerned would seriously affect the viability of the entire network covered by one or more contracts.
- **Authorisation procedures:** IRU supports a system whereby authorisation procedures would be simpler, clearer, more rapid and transparent than the current practice in most EU Member States.
- **Administrative formalities:** IRU proposes to abolish journey forms for occasional coach services and to establish a concrete plan and timeline for the digitalisation of all other control documents, including the Community Licence, the authorisations of regular services and their certified copies.

4. Road user charging (Eurovignette and EETS)

Main IRU concerns are:

- The use of Eurovignette to support modal shift policy
- Risks of double payment (CO₂, congestion, accidents)
- The absence of a level playing field between transport modes
- The absence of progress on EETS

Main IRU messages:

Aim of the legislation: The principle behind EU legislation on road charging must not be a penalisation of the commercial road transport sector. In return for its contribution, the sector should receive benefits and incentives that would facilitate the further improvement of its sustainability.

Contribution of the European road freight transport sector: Within the current Eurovignette framework, heavy goods vehicles cover 130% of their infrastructure and external costs on EU motorways via infrastructure charges, fuel excise duties and vehicle taxes.

Contribution of the European bus and coach sector: Bus and coach operators work in a highly competitive environment. They pay tolls, fuel tax and VAT, whereas private cars users are exempt from VAT, railways are exempt from fuel tax, and airlines are exempt from fuel tax and VAT. Buses and coaches are already subject to tolls and charges for the use of highways in half of the EU Member States. In Germany (no tolls or vignettes), coaches used on the inter-city market cover 133% of their infrastructure costs, whereas inter-city trains only cover 37%. Buses and coaches are part of the solution to the mobility challenges Europe is facing, primarily congestion and emissions. As such, their use should be encouraged rather than penalised (they are the cleanest mobility alternative with minimum occupancy rate of 1/3, according to ADEME – not to mention the impact on congestion).

Infrastructure and external cost charging of the different transport modes: No transparency exists as to whether the other modes also sufficiently pay for infrastructure usage and externalities. Clarification is needed before any decision is taken. In order to avoid distortions of competition, the future legislation must guarantee that the charging of infrastructure and external costs is applied at a comparable level to all competing modes of transport.

Earmarking: The revenues from road infrastructure and external costs charging should flow back to road transport projects, including infrastructure related and environmental performance-related projects. These revenues must not be used to cross-subsidise other transport modes.

EETS: A binding roadmap is needed to make existing and new systems covering all EU Member States operating an interoperable toll system. Toll chargers must be required to open up existing contracts and not to limit new contracts to national markets. The technical harmonisation of national electronic tolling systems must be guaranteed and EETS providers should potentially be required to provide one single financial guarantee covering the whole EU. The realisation of the single market for electronic tolling systems should result in an overall cost reduction for EU hauliers.