

ACEA's reply to the Consultation Paper
Review of the Internal Market
in road freight transport

Questionnaire

I. ABOUT YOU

To help us analyse the answers to this consultation, please provide the following information about you or your organisation.

I.1. Question:

In what capacity are you completing this questionnaire?

Answer (please tick one):

as a citizen

private sector enterprise

industry association or non-governmental organisation (NGO)

public authority

I.2. Question:

Please indicate if your organisation is registered in the Transparency Register of the European Commission?

http://europa.eu/transparency-register/index_en.htm

Answer (please tick as appropriate):

Yes

No

If yes, please indicate the identification number

Answer (free text):

0649790813-47

I.3. Question:

What is the name of the organisation or authority?

Answer (free text):

ACEA (European Automobile Manufacturers Association)

I.4. Question:

Please provide details of the activities of your organisation. If there are multiple activities (e.g. haulage, freight forwarding) could you please indicate the relative importance of each?

Answer (please tick as appropriate):

Road haulage

Freight forwarding

Other transport activity (please specify)

Other economic activity (please specify)

Answer (free text):

ACEA represents 16 major European Automobile (cars, trucks, buses) Manufacturers

Please note that in the cause of transparency if respondents do not provide the above details about their organisations, then under Commission rules their responses will be recorded as responses of individuals.

II. QUALITY IN THE ROAD HAULAGE SECTOR

Economic efficiency, environmental sustainability and social fairness in the road freight transport sector are dependent on its quality.

Quality must be approached both from the levels of quality aspects and the availability of information about the actual quality levels (i.e. market transparency). Quality can relate, for example, to the service being offered to shippers (reliability, flexibility, security etc.), safety and environmental performance and working conditions.

Depending on the aspects, quality levels and transparency can be addressed by self regulation and/or regulations.

II.1. Question:

Which aspects of quality in the road haulage sector do you think should be improved?

Answer (please tick as appropriate, you can select more than one answer):

- Economic efficiency**
- Reliability**
- Flexibility**
- Safety**
- Security**
- Environmental performance**
- Social fairness**
- Other (please specify below)**

Answer (free text):

II.2. Question:

Do you think that different quality aspects and different quality levels should apply in the cases of domestic transport, international transport and cabotage or other transport segments?

Answer (please tick as appropriate):

- Yes**
- No**

If yes, please specify which quality aspects and levels should be applied in each of these forms of transport?

Answer (free text):

Reliability and flexibility are certainly quality aspects that, besides economic efficiency, safety and environment performance, need to be urgently improved in other modes of transport, in particular in railway transport.

II.3. Question:

In order to improve transparency should there be recognised differentiated (i.e. higher and lower) levels of quality for each of the following categories: freight forwarders, hauliers and drivers?

Answer (please tick as appropriate):

Yes

No

If yes, please specify which quality aspects and levels should be applied for each of these actors?

Answer (free text):

It is not really about higher or lower levels of quality for drivers, freight forwarders and hauliers but about ensuring that each category is complying with a minimum recognised quality levels referring to the activities they are carrying out. Whereas certain quality criteria exist already for the hauliers (access to the profession rules) and the drivers (drivers licence and initial and continuous driver training requirements), nothing similar exists for freight forwarders.

II.4. Question:

If you answered yes to questions II.2 and II.3 then should the different aspects and levels of quality be implemented through:

Answer (please tick as appropriate):

self-regulation and industry standards?

legislation?

a combination of the above two approaches?

For each aspect of quality that you named above please specify below.

Answer (free text):

II.5. Question:

Since there are rules setting out qualitative criteria applicable to hauliers and drivers, should there also be qualitative criteria for freight forwarders?

Answer (please tick as appropriate):

X Yes

No

If yes, what should be the criteria for freight forwarders?

Answer (free text):

Access to the profession rules harmonising the already existing national rules.

If no, do you consider that current rules relating to hauliers should be modified to take account of situations where the haulage operations of an individual company are less important than the freight forwarding and subcontracting operations?

Answer (please tick as appropriate):

Yes

No

If yes, in what way?

Answer (free text):

II.6. Question:

Do you consider that innovation and its deployment are currently inhibited in the road haulage sector?

Answer (please tick as appropriate):

X Yes

No

If yes, what do you consider the major problems and what can be done to overcome them?

Answer (free text):

As a result of the economic crisis, the strong competition existing between operators as well as the high taxes and charges road freight transport operators have to face, the sector has little capacity to invest in innovation, as profit margins are increasingly reduced.

The automotive industry is one of the most regulated sectors in the EU due to its highly complex products and the many issues that must be considered relating to vehicle use. The European Commission has recognised the risk of over-regulation in the automotive industry and pledged to take action. With CARS 21, an important tool was established that is proving its value, and especially, in times of economic turbulence. However, despite progress, the CARS 21 principles still need to be applied much more coherently throughout European legislation. Approaching 2015, manufacturers face a barrage of new rules on emissions and safety. This means heavy investments for manufacturers. Clearly, vehicles need to remain affordable and policy makers cannot ignore the costs to consumers and the effect this may have on achieving policy goals. Cost-effectiveness, impact assessments and harmonisation are the key to ‘better regulation’.

Automotive manufacturers regret the approach to EMS (European Modular System) combinations taken by the Commission in the White Paper. Contrary to what the Commission seems to suggest, actual experiences and two independent reports financed by DG Move have already confirmed the positive effects of a wider use of EMS. Unfortunately, DG Move insists in ignoring these confirmed positive results and has undertaken a third, new study. It has in the meantime changed¹ its interpretation of Directive 96/53 EEC which limits cross border usage of EMS combinations. Supporting further use of EMS combinations would mean promoting cost-effective fuel efficiency measures for road transport.

III. SOCIAL ISSUES AND ENFORCEMENT OF ROAD TRANSPORT RULES

In order to maintain an efficient road transport system, jobs in the sector must remain attractive which implies the rewarding of higher qualifications and improved working conditions.

Moreover, fair competition and a level playing field for operators require more uniform national enforcement policies, of which dissuasive, effective and proportionate sanctions constitute an important element. In addition, all the actors throughout the transport chain must be committed to compliance with the rules.

¹ One Directive, three different and increasingly restrictive interpretations: [Barrot 2006](#), [Tajani 2009](#), [Kallas 2010](#)

III.1. Question:

Do you consider that there is a shortage of drivers in the road freight transport sector?

Answer (please tick as appropriate):

Yes

No

If yes, what do you think are the main reasons for the shortage of drivers?

Answer (free text):

Image of the sector, demography, increased regulation, end of obligatory military service

If yes, what actions do you think should be taken to improve the situation?

Answer (free text):

Recognise the road transport sector as a strategic area of economic activity and support campaigns that promote awareness of its positive role in the society and in the economy

Support recruitment and training strategies by road transport operators.

III.2. Question:

Do you think that certain jobs should be reserved for drivers with higher qualifications?

Answer (please tick as appropriate):

Yes

No

If yes, which jobs?

Answer (free text):

However, this should not be the object of regulation. The market will certainly decide to give highly skilled jobs for suitably qualified candidates.

III.3. Question:

Do you consider that enforcement practices are sufficiently harmonised across the EU?

Answer (please tick as appropriate):

Yes

X No

If no, what are the main problems?

Answer (free text):

Currently there is a completely lack of harmonisation of enforcement which varies not only from one MS to another but from one region to another. This is a problem in terms of fair competition and safety.

III.4. Question:

In your opinion are sanctions and the levels of penalties sufficiently harmonised?

Answer (please tick as appropriate):

Yes

X No

III.5. Question:

Do you consider that sanctions and penalties function as an effective deterrent against non compliance?

Answer (please tick as appropriate):

X Yes

No

III.6. Question:

What are your recommendations to improve the current situation in terms of enforcement practices, sanctions and levels of penalties?

Answer (free text):

The Commission needs to ensure that the penalties for infringements are effective, dissuasive and proportionate. The Commission should also encourage alignment of EU penalty systems around commonly agreed criteria.

Penalties are effective only if they are applied in an appropriate manner and backed by enforcement that is based on the principles of effectiveness, efficiency and fairness.

III.7. Question:

Do you think that mechanisms should be introduced to engage the liability of shippers and freight forwarders for certain serious infringements by road hauliers and their drivers?

Answer (please tick as appropriate):

Yes

No

If yes, which mechanisms should be introduced and for which serious infringements?

Answer (free text):

Co-liability could be an option

IV. ROAD USER CHARGES AND DRIVING RESTRICTIONS

Non discriminatory road pricing whereby vehicle operators pay a proportionate and fair price for using the road infrastructure independent of their country of establishment and the origin and destination of their load is an important element in ensuring fair competition in the internal market. In addition, variable road charges² can provide clear price signals to better manage traffic flows and create more resource-efficient and sustainable transport by reducing congestion and the environmental impact of road transport.

² Defined as toll in the legislation

Today many fragmented national charging systems and policies exist in parallel that require hauliers engaged in international transport to purchase the Eurovignette, several national vignettes and various different electronic tags and on-board units to be able to drive unhindered on Europe's tolled roads.

While road user charging can improve the use of infrastructure, at the same time there are many restrictions that limit the flexibility of hauliers to operate during certain time periods such as during the night, over the weekend and over certain holiday periods. However, technological solutions exist to successfully address the concerns that originally prompted many of these restrictions. For example, urban delivery vehicles can be specified with very low noise emissions.

IV.1. Question:

Do you consider that the multiplicity of road charging systems in the EU represent a problem for the internal road haulage market?

Answer (please tick as appropriate):

Yes

No

If yes, what are the main problems?

Answer (please tick as appropriate):

Insufficient interoperability of electronic tolls

Differences of charging principles

Others (please specify below)

Answer (free text):

The European automobile manufacturers want to highlight the criteria that charging has to meet in order to be acceptable. These criteria include:

- **avoiding double taxation. The charges be revenue neutral (including the cost of the equipment necessary) by reducing or removing other taxes or charges;**
- **revenue collected should be hypothecated for reducing the external cost for which the charge has been paid. Investing in new and existing road infrastructure is particularly important in order to further reduce the negative effects from road transport;**
- **that charges should apply to all modes of transport and that the level of the charge should be fair and based on scientifically measurable costs;**
- **the charging system should be as simple and transparent as possible;**
- **the collection systems must be as interoperable as possible.**

Regarding the reference to a mandatory infrastructure charge for HDV, manufacturers want to remind the Commission that, in accordance with the principle of subsidiarity, the system has to remain optional and there is no justification for considering mandatory options. A different approach would mean ignoring the existing differences between the Member States' road networks in terms of use intensity and efficiency. It is essential any revision of the Eurovignette directive does not imply imposing additional burdens on operators. Any attempt to introduce external costs charging should be accompanied by measures in order to avoid double charging due to already existing levies.

IV.2. Question:

Should existing taxes or charges like the annual vehicle tax and time-based road user charges (vignettes) or other taxes be replaced by distance based road user charges?

Answer (please tick as appropriate):

Yes

No

It depends

Please explain your position. If yes, what are the reasons? If no, what are the reasons:

Answer (free text):

See reply to previous question

If you answered "yes" to question IV.2, should such a variable charge include:

Answer (please tick as appropriate):

Infrastructure costs

Environmental costs like the costs of air and noise pollution

Congestion costs

Any other costs (**please specify below**)

Answer (free text):

The Commission should start by defining what the sector is already paying in taxes and charges and what they already cover. This is a must before further actions are considered.

IV.3. Question:

While road user charging can improve the use of infrastructure, do you agree that measures enabling a 24 hour use of infrastructure could be investigated as another means for achieving an efficient use of infrastructure?

Answer (please tick as appropriate):

Yes

No

Please explain if appropriate (free text):

V. CABOTAGE

The current EU cabotage rules entitle road hauliers to carry out up to 3 cabotage operations within 7 days after the full unloading of an international transport. One or more of these 3 operations may be carried out in other Member States (one per Member State within 3 days from the unladen entry into the territory of that Member State).

While giving more flexibility for international transport than previous rules, the current rules were conceived as a transitional step towards a more integrated internal market. They do not differentiate according to any quality criteria related to the operator, the driver or the vehicle contrary to existing schemes that promote higher quality transport (such as the ECMT licensing³ system which rewards operators using greener and safer vehicles with up to 10 times more licences). Moreover questions as to the proper enforcement of the current rules may arise.

V.1. Question:

Has the change in cabotage rules introduced in May 2010 been valuable to you?

Answer (please tick as appropriate):

Yes

No

³ ECMT licences are multilateral licences for the international carriage of goods by road for hire or reward by transport undertakings established in an OECD/ITF member country.

If no, please explain why.

Answer (free text):

V.2. Question:

Do you think that the controls aimed at ensuring compliance with the current cabotage rules are effective?

Answer (please tick as appropriate):

Yes

No

If no, please give reasons and your opinion how the controls can be improved.

Answer (free text):

V.3. Question:

In your opinion do the current rules on cabotage limit the flexibility of hauliers and hence their efficiency?

Answer (please tick as appropriate):

Yes

No

V.4. Question:

If you answered “yes” to the above question, then what changes should be made to the current cabotage rules in order to further the use of cabotage? You may select more than one answer.

Answer (please tick as appropriate):

Remove the link between international transport and cabotage

Remove the need for the completion of the international transport operation (full unloading) before the cabotage operations can start

Increase the limit of seven days within which the cabotage operations have to be carried out

Increase the maximum number of cabotage operations (3) that can be carried out within the 7 day period

Increase the limit of one cabotage operation that can be carried out in countries other than the one where the international transport operation was completed

Increase the limit of 3 days to carry out the permitted cabotage operation after the unladen entry into a Member State

Other. **Please explain below**

Explanation (free text):

Cabotage rules should aim at effectively reducing empty running, improving the load factor and reducing fuel consumption and CO2 emissions in road freight transport

V.5. Question:

As an alternative to the current cabotage rules do you think that the entitlement for hauliers to carry out cabotage could be determined as a maximum percentage of their total annual transport performance?

Answer (please tick as appropriate):

Yes

No

V.6. Question:

As an additional or alternative criterion, should vehicle, driver and operator quality be a factor in cabotage rules?

Answer (please tick as appropriate):

Yes

No

If yes, which aspects of quality for the vehicles, drivers and operators should be considered? Please select as appropriate. You may select more than one option.

Vehicle

Use only vehicles that meet the latest applicable EURO standard

Install satellite positioning (e.g. GPS, EGNOS, later Galileo) units specifically designed for trucks in their vehicle to prevent the use of roads that are unsuitable for heavy goods vehicles

Install tracking and tracing functionality into their vehicles to allow easier enforcement and compliance monitoring by control authorities

Install (when available) integrated Intelligent Transport System (ITS) applications

Other criteria (**please specify below**)

Other criteria (free text):

Driver

Driver qualifications (e.g. ecodriving)

Other criteria (**please specify below**)

Other criteria (free text):

Operator

Whether the operator signs up to a "Social Code" on the minimum pay and other relevant working conditions for their drivers

Whether cabotage operations are carried out only during non congested time periods

Whether the operator enters into a commitment to improve the CO2 efficiency of their transport operations by an agreed percentage

Other criteria (**please specify below**)

Other criteria (free text):

VI. OTHER QUESTIONS

VI.1. Question:

Do you have any other comments or suggestions which you consider should be taken into account during the revision of the European legislation concerning the road haulage sector?

Answer (free text):

VI.2. Question:

Do you agree that the Commission publishes your response?

Answer (please tick as appropriate):

Yes

No