

CONSULTATION PAPER

REVIEW OF THE INTERNAL MARKET IN ROAD FREIGHT TRANSPORT

The current EU policies and legislation

The White Paper on Transport¹ presented by the Commission on 28 March 2011 called for additional actions to further integrate the internal road freight transport market. The Commission's objective is to create an economically efficient, environmentally sustainable and socially equitable internal market that ensures fair competition between transport operators, delivers high quality services to shippers, provides quality jobs for transport workers and minimises the road haulage sector's environmental and climate footprint. The White Paper recognises:

- that market opening needs to go hand in hand with measures to ensure a level playing field, quality jobs, working conditions and environmentally sustainable transport;
- that human resources are a particularly crucial component of any high quality transport system;
- the need to align the competitiveness and the social agenda, building on social dialogue and promoting social progress in the sector;
- technological innovation together with the related social, business and organisational innovations can help the transition to a more efficient and sustainable European transport system.

The most recent change in the relevant EU legislation took place in December 2009 when new regulations modernising the rules governing road transport were adopted, including Regulation (EC) No 1071/2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator and Regulation (EC) No 1072/2009 on common rules for access to the international road haulage market. Regulation 1072/2009 also changed the rules applicable to cabotage operations. The objective was to eliminate the uncertainties associated with the possible differing national interpretations of the applicable cabotage rules.

The EU has also harmonised the social rules, in particular the driving times and rest periods through Regulation (EC) 561/2006, enforcement through Regulation (EC) 3821/85 and Directive 2006/22/EC and the technical, environmental and safety standards related to the vehicles. Attempts have been made at the harmonisation of the relevant fiscal conditions as well. A framework for charging trucks for the use of infrastructures has also been put in place (Directive 1999/62/EC, the so-called Eurovignette Directive).

Under Regulation 1072/2009 the Commission is bound to draw up a report on the state of the Community road transport market by the end of 2013 assessing whether harmonisation of the

¹ Roadmap to a Single European Transport Area - Towards a competitive and resource efficient transport system.

Available on http://ec.europa.eu/transport/strategies/2011_white_paper_en.htm

rules applicable to the road transport market has progressed to such an extent that the further opening of domestic road transport markets, including cabotage, could be envisaged.

High Level Group for the Road Haulage Market

As a consequence of the Commission's reporting obligation, in June 2011 Siim Kallas, Vice-President of the European Commission and Commissioner responsible for transport set up a High Level Group composed of independent scientific experts to assess the state of the EU road haulage market and make published recommendations about what course of actions should be pursued to further integrate the market.

Scope of the questionnaire

The aim of the present consultation exercise is to collect the views of the stakeholders as part of the enquiries of the High Level Group. The Commission will take into consideration both the recommendations of the High Level Group and the feedback received from stakeholders in this initial consultation exercise when deciding how to proceed with the revision of EU legislation.

The questionnaire addresses issues related to the quality of road transport, new technologies, social issues and enforcement of rules, road user charges and driving restrictions and cabotage as they all form integral and interrelated parts of the internal market for road freight transport.

How to reply to this consultation

Stakeholders may reply to this consultation via the Commission's on-line interactive policy-making tool or by submitting their replies either by e-mail or mail to the addresses indicated below. Responses submitted by any of these means will be taken into consideration but stakeholders are encouraged to fill in the questionnaire on-line as it will facilitate the processing of the replies. Contributions are welcome from citizens, organisations and public authorities.

You are strongly advised to prepare your contribution in advance before filling-in the questionnaire online. We recommend you download the PDF file of the questionnaire, to allow you to draft your answers to the open text questions carefully. After preparing all your answers, please open the online questionnaire and fill it out.

Please note that the on-line version of the questionnaire will go live before the end of August 2011. Respondents will be able to access it through the European Commission's Interactive Policy Making website at:

<http://ec.europa.eu/yourvoice/ipm/forms/html/index.html>

Both a Word and a PDF version of this consultation document can be downloaded from the following website:

http://ec.europa.eu/transport/road/consultations/index_en.htm

Respondents can send an electronic copy of their replies to the following e-mail address:

MOVE-D3-CONSULTATION-TRANSPORTS@ec.europa.eu

and/or respondents can send a paper copy of their replies to the following postal address:

European Commission

Directorate-General for Mobility and Transport

Unit D3 – Road transport

B – 1049 Brussels

Please note that this document has been drafted by the High Level Group for information and consultation purposes only. It has not been adopted or in any way approved by the European Commission and should not be regarded as representative of the views of Commission staff. It does not in any way prejudice, or constitute the announcement of, any position on the part of the Commission on the issues covered.

The European Commission does not guarantee the accuracy of the information provided, nor does it accept responsibility for any use made thereof.

The contributions received from stakeholders will be published on the Commission's website, unless requested otherwise by their authors. A consent box is provided at the end of the questionnaire.

Consultation period

In order to meet the High Level Group's tight reporting schedule, questionnaires should be returned by **30th September 2011** or preferably sooner. Nevertheless, questionnaires that are returned before 31 October 2011 will still be taken into consideration

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):

92545571128-74

I.3. Question:

What is the name of the organisation or authority?

Answer (free text):

European Transport Workers' Federation (ETF)

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):

The ETF is the pan-European trade union organisation representing more than 2.5 million transport workers from 243 transport unions and 41 European countries, in the following sectors: railways, road transport and logistics, maritime transport, inland waterways, civil aviation, ports & docks, tourism and fisheries. The ETF is the recognised European social partner representing the employee side in the European Sectoral Social Dialogue in the above mentioned sectors.

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):

The ETF considers the ‘Social fairness’ criterion too vague to be part of such a crucial evaluation process. ‘Social fairness’ should be replaced by a number of criteria focusing more clearly on working and social conditions. This would make the High Level Group contribution more thorough and would benefit the overall work of the European Commission on the topic, when carrying out its report – due by 2013 – on the access to the market in road transport (Regulation EC No 1072/2009, Art. 17/3). The quality criteria to be added to the above list should be:

- **the social sustainability of the sector** / to evaluate the impact of the current business trends (development of certain business models and business practices, growth in volumes and transport operations, etc.) on the social and employment conditions offered by the sector (thus, the “development of certain business models and business practices” should be measured against the expansion of social dumping practices; the growth in volume and transport operations should be measured against the increase in work load and work intensity for professional drivers);

- **the quality of jobs and employment in the sector** / to evaluate the attractiveness of the sector, the capacity (or incapacity) of the sector to retain highly qualified drivers and, the impact of shortage of skills on the road safety (taking into account the ever so demanding conditions imposed by the just in time model, the traffic conditions, etc.); the labour turn-over in the sector would also be instrumental in measuring the social sustainability of the road sector;

- **enforcement of the EU legislation** (with respect to both labour, and road transport legislation) / to evaluate the current (poor) level of enforcement and to develop scenarios – on the benefit and sustainability of the sector – based on correct and adequate enforcement of the above legislation;

As for ‘flexibility’, this can only be a quality criterion as long as it does not have a negative impact: on occupational health and safety, on road safety, on fair competition in the sector. The same applies to the ‘economic efficiency’ criterion.

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):

From the social point of view, as well as from the point of view of road safety and security, the ETF sees no possibility to apply the above quality criteria differently, by type of transport (domestic, international, cabotage).

Roads are equally shared by operators, vehicles and professional drivers involved in any of the three types of transport. It is precisely why a distinction of such kind would in effect not be possible. Take for instance the safety criterion, or the job quality one: setting different levels of safety or job quality (training, working conditions, etc.) would implicitly impact on all type of transport defined above. On contrary, in order to meet the targets set by the White Paper, in terms of sustainability, reduction in number of road accidents, high level criteria should be applied equally throughout the road transport sector.

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):

From the social point of view, as well as from the point of view of road safety and security, the ETF sees no possibility to apply the above quality criteria differently, by 'actors' participating in the transport chain.

The ‘quality’ criteria met by the freight forwarder will certainly impact on the ‘quality’ applied by the road transport operator, to the transport operation itself.

To this point, the ETF welcomes the step made by the European Commission in introducing the ‘co-liability’ principle in Regulation (EC) 561/2006 (Art. 10). However, European legislation should be in place to regulate the contractual relation between the freight forwarder and the transport operator, to be accompanied by clear enforcement measures, control and sanctions. The social partners must be consulted with regards to this, as they can offer solutions with regards to content and enforcement.

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):

- Yes**
- No**

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

Answer (free text):

In a contractual relation with the transport operator, the freight forwarder must equally share the responsibility for compliance with the EU road transport acquis. This is already achieved with the driving and rest time regulation (Regulation (EC) 561/2006, Art. 10). What is missing are mechanisms of enforcement and control, in this respect.

For example, any contractual party – be it freight forwarder or transport undertaking – should share responsibility in using false self-employed drivers. The use of false self-

employed drivers is a major issue of subcontracting, in road transport. A definition of the self-employed driver is given by in Directive 2002/15/EC. The definition offers clear scope for enforcement.

Furthermore, freight forwarders should also share responsibility, along with the road hauliers, for performance of illegal cabotage operations.

To eradicate social dumping practices used on large scale in subcontracting, the freight forwarders should have the obligation to prove that they work with law-binding road hauliers in respect of social and employment rights.

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):

- Yes
- No

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

Answer (free text):

Innovation is increasingly used to monitor the freight, and the driver, and not sufficiently enough to monitor company behaviour. This trend should be reversed.

For instance, key global companies in the sector already have systems in place to monitor drivers, to the point to which drivers have to account even for the smallest amount of time they spend away from the vehicle. Companies use the information to determine performance criteria and salary calculation. The systems are intrusive and pose a real problem from the point of view of privacy rights at work. However, the same companies oppose to measures such as recording of exact location of the start and end of

daily work via the GNSS system (see the current European Commission proposal on the revision of the digital tachograph regulation). The ETF went even further, by asking that the recording of the exact location via the GNSS to be extended to each transport operation. This would facilitate the enforcement of the cabotage regulation.

Concluding, innovation should be used on a larger scale in enforcing the EU legislation, in as much as it supports the improvement of road safety, health and safety of drivers and ultimately fair competition. Again, an example related to the digital tachograph and the current revision of the respective EU regulation: the ETF asked for the introduction of a mandatory weight sensor interconnected with the digital tachograph. This would allow: a) better enforcement of the maximum vehicle weight limits; b) an appropriate level of control of the empty runs; c) control of the working time for professional drivers (loading and unloading activities).

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.

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):

Poor attractiveness of the profession caused by poor working conditions, low remuneration, poor life-work balance. The sector does not enjoy a good image and reputation.

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

Answer (free text):

The ETF considers that the following actions should be taken:

The legislator (both EU and national level) to take measures to put an end to the discrimination on basis of nationality, in terms of wage, social and working conditions, between drivers. Currently, employing professional drivers in low-labour cost countries (mainly the New Member States) is common practice. These drivers are paid a low salary (can go as low as 200 – 300 € / month) thus their social contributions are minimum. Some daily subsistence allowance is paid per working day. The drivers are brought into – usually – Western European countries, from where they carry out transport operations for a duration of up to 6 months. During this time, they live in substandard conditions (barracks on company premises or in vehicles). They are shipped back to their country of origin for 1 to 3 weeks. Apart from the fact that this gives a bad reputation of the sector and resembles practices associated with modern slavery, this creates a net competitive advantage in favour of those companies practising social dumping. The practice can be stopped by: a) a thorough and correct enforcement of Regulation (EC) 1071/2009 (access to occupation) to the extent that a thorough enforcement of the afore mentioned regulation would eliminate the letter-box practices, the flagging out of business for the mere reasons of access to cheaper, unprotected labour; b) adoption of new legal requirements, at the EU level, to stipulate that this category of drivers would be covered by the rights and social conditions provided by the Member State from where the driver actually carries out his activity; c) new legal requirements to provide for the driver to return regularly to his country of origin (ex: every two weeks).

To step up efforts for the correct implementation of the posting of workers directive in the context of cabotage.

With regards to the self-employed drivers, to step up effort and coordination in enforcement and control, both at the European and Member State level. The definition given in Directive 2002/15/EC gives ample possibilities to enforce. To start with, the European Commission should include the ‘use of false self-employed drivers’ as part of the list of infringements – as a most serious infringement – to lead to the loss of good repute of transport undertakings (see Regulation (EC) No 1071/2009).

The European Commission and the Member States to step up investment into safe and accessible parking areas. Currently, taking the daily – and even weekly - rest period in the vehicle is common practice. This is also due to the fact that drivers have to regularly patrol their vehicle during night time and week-end to prevent theft. This impacts on the quality of sleep of the driver, and more generally, on the quality of life.

With regards to driver’s training (Directive 2003/59/EC), amendments should be brought to the current legal frame to introduce uniform and adequate mandatory curriculum, quality of training and accreditation criteria.

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):

The driver's qualification impacts directly on road safety. The ETF does not see how the sector could operate with different levels of qualifications, particularly given the goals set in terms of road safety, by the White Paper and the Road Safety Action Plan.

On the other hand, this approach would hinder mobility and employability of workforce in the sector.

III.3. Question:

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

Answer (please tick as appropriate):

Yes

No

If no, what are the main problems?

Answer (free text):

Reports by the European Commission on the transposition and implementation of EU legislation in road transport show that Member States fail to comply with their obligations in this sense. The poor transposition and implementation of the definition of the self-employed driver (Directive 2002/15/EC) stands as an example. Member States invoke the lack of resources, but also the lack of solutions around the implementation into national law.

The European Commission should on one hand monitor more strictly the transposition process, but on the other hand guide Member States in the process. For instance, in respect of the application of the sectoral working time directive (Directive 2002/15/EC) to self-employed drivers, the ETF provided solutions which have not yet been taken into account by the European Commission. Furthermore, the European Commission should set legally binding levels of enforcement, as it is the case with Directive 2006/22/EC concerning the enforcement of Regulation (EC) 561/2006.

III.4. Question:

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

Answer (please tick as appropriate):

- Yes
 No

III.5. Question:

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

Answer (please tick as appropriate):

- 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):

Sanctions and penalties have a preventive character as long as their level is not too low. Equally important is the level of controls – the EC report on the implementation of Regulation (EC) No 561/2006 (period 2007 – 2008) clearly shows that, once the level of enforcement and controls raised (according to the levels stipulated by Directive 2006/22/EC), the number of detected infringements related to driving and rest time has gone up 3 times.

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):

The ETF feels some clarifications should be brought to the above question: it is for the road hauliers to bear the sole responsibility for infringements related to EU Road transport regulation (Regulation (EC) No 561/2006). So the reference to ‘drivers’ at the very end of the question should be deleted.

Secondly, Regulation (EC) No 561/2006 already stipulates the co-liability of all actors involved in the transport operation, in respect of compliance with driving and rest time rules. The problem still to be addressed is indeed to have clear mechanisms to control and sanction the freight forwarders. In what driving and rest time are concerned, one way would be a legal obligation – at the EU level – for the freight forwarders to include a detailed planning of transport operations, in compliance with the driving and rest time rules. This should be subject to company checks, and even road side checks.

To eradicate social dumping practices used on large scale in subcontracting, the freight forwarders should have the obligation to prove that they work with law-binding road hauliers in respect of social and employment rights.

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.

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?

² Defined as toll in the legislation

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):

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

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

Answer (free text):

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):

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.

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.

V.1. Question:

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

Answer (please tick as appropriate):

Yes

No

If no, please explain why.

Answer (free text):

Unfortunately, the way the current rules are interpreted by the European Commission, already defy the cabotage definition, making full liberalisation possible. Regulation (EC) 1072/2009, Recital 15 specifies that the cabotage operations must not be carried out in a way that creates permanent or continuous activity within a Member State. The same regulation provides a (harmonised) definition of cabotage which – in the spirit of the above quoted recital – limits the cabotage operations to 3, within an interval of 7 days following the full unloading of an international carriage. The current interpretation practically abolishes the 7-day limit, by promoting 3 cabotage operations after each international carriage, with as many as possible fitting into a period of 7 days. Furthermore, the operator engaged in cabotage operations can do as many loadings and un-loadings within a Member State, as allowed by the relevant registration document (CMR form). This interpretation has allowed cabotage to become, against the aforementioned regulation, a regular and permanent activity. It has already given way to the expansion of dumping practices within the domestic road transport markets. Companies open subsidiaries in Member States (preferable just across the border, to ensure a minimum distance for a cross-border operation), with laxer social provisions, cheaper labour, lower taxation, to engage in permanent and continuous domestic road operations in other Member States where labour force is more expensive, and the social and working conditions more costly. With the liberalisation of international road transport, in 1992, in certain Member States international road transport operations are mainly run with low-paid non-resident drivers, which has led to a major shift in jobs from Western European to the Central and Eastern European countries. In France for instance, almost all international journeys are today carried out with non-resident drivers. Liberalisation of domestic markets risks leading to the same phenomenon. Transport Commissioner Siim Kallas already pointed out publicly that persisting difference in fiscal and social regimes risk resulting in a significant shift in jobs between countries. It is clear that not all conditions have been met to allow further opening of the market in a socially and economically fair and sustainable way. The posting of workers directive - which will eliminate the risk of major job shift – as well as aspects related to payment of VAT in the Member States hosting the cabotage operations are only two of the many aspects needing urgent enforcement and implementation.

It has to be mentioned that the percentage of cabotage operations within the whole range of transport activities is small, but this is because cabotage activities are simply not declared.

The ETF field visits (the ETF organises regular visits and interviews with professional drivers in parking areas) revealed the fact that professional drivers are not aware of the cabotage rules, while they carry out illegal cabotage operations on a large scale.

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):

Again, to reach a level of adequate and uniform enforcement, the role of the European Commission in recommending solutions for enforcement is key. A solution should be mandatory regular controls of the CMR form. This can be done not only as part of company checks, but also of road side checks, which could serve as an early notification system of infringements to the cabotage rules.

Another effective way would be to introduce – with the current revision of the digital tachograph regulation – the obligation to record the location via the GNSS system at the start and end of each transport operation. This would allow a clear possibility to check on the cabotage rules during the roadside checks.

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 / mindful of the level of abuse of cabotage rules – in the absence of an effective enforcement – the ETF considers that these rules are needed, along with a step-up of enforcement at both European and national level.

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):

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 / in the absence of an effective enforcement of the cabotage rules, in the absence of reliable monitoring – and statistics – of the cabotage operations, the above proposed approach would be practically ineffective.**

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 / please see details in ETF answers below.**
- 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):

Only vehicles equipped with the latest generation of recording equipment (digital tachograph).

The quality of vehicle would be key in this context, as many operators have registered their old vehicle fleets in countries from where they recruit low-paid drivers. These are the vehicles and drivers used on an increasing scale in cabotage operations throughout Europe.

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):

Only operators that can prove – in advance - that they run cabotage operations in full compliance with the posting of workers directive should be allowed to engage in cabotage operations.

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**