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IRU CONTRIBUTION TO THE EU CONSULTATION ON THE INTERNAL EU ROAD FREIGHT TRANSPORT MARKET

IRU contribution to the EU consultation on the internal road freight transport market.

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

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

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 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 prejudge, 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):

63132502963-54

I.3. Question:

What is the name of the organisation or authority?

Answer (free text):

International Road Transport Union (IRU)

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 IRU represents road freight transport activities for hire and reward and own account carried out by transport operators (companies of all sizes) from all EU Member States, as well as from the EEA.

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)****IRU Answer (free text):**

The rules for access to the profession in road transport represent an important element determining the competitive situation on a market, the structure of an industry and, importantly, operators' behaviour and profitability. With Regulation 1071/2009, the qualitative access criteria have been fundamentally enhanced. The Regulation still leaves substantial flexibility to Member States in relation to the application of the rules. It is important that the application of these rules is reinforced and better harmonised.

The criteria of access to the profession should be enhanced by additional accompanying measures. Such measures could be the following:

- Introduce and/or consolidate fragmented but existing parts of a traffic monitoring system to follow crucial developments in the road freight transport sector as an orientation tool for the industry, e.g. to observe traffic flow developments, changes in demand and supply, company structures, profitability levels, supply/demand of drivers on the labour market, etc...
- Check transport companies/businesses according to all rules regulating the general economic activities of any business entity in a country (e.g. application of mandatory pension and social insurance schemes) and include self-employed drivers in these checks. Elaborate/introduce/implement as necessary, further criteria of defining independent companies. Encourage schemes (e.g. through social sector dialogue or, if that does not work, through targeted auditing and sanctioning) to stop reported practices of forcing employed drivers to take self-employed status, in particular without appropriate social security coverage.
- Raise awareness of and apply strict rules for shared and transparent responsibility/legal liability relations with customers/shippers. This will reduce the chances of irresponsible contracting and subcontracting practices through which the onus of responsibility is put on the contractor at the end of the chain, who is often forced to accept the worst quantitative, qualitative and price-related conditions of any contract imposed. In any case, liability for actors in the chain should correspond to contractual agreements; therefore reinforce the use of contracts, as far as possible based on CMR. Encourage customers to take into account the facilities and qualities of an operator when awarding contracts.
- Reinforce and harmonise controls checking the application of various rules by an "across-the-board" and well coordinated control spanning from social to fiscal and safety and technical issues to ensure vehicle road worthiness, whilst at the same time avoiding discrimination between larger and smaller companies.
- Consider the application of a "black list" of companies whose licences have been withdrawn.
- Set up public-private partnership consultation platforms with the participation of trade associations to support fair control and enforcement, collect and make available national best control and enforcement practices.
- Road transport associations may want to consider introducing quality requirements related to their Membership. The IRU and its Member Associations may develop and help their Members to apply a voluntary Quality Charter for the profession which would indicate for all, public and professional alike, the desired orientation of development. This could be completed by further measures of all stakeholders to increase the image of the profession in the public eye.

- Avoid introducing measures in the framework of a forced modal shift policy which could have a negative impact on the flexibility and reliability of road freight transport and could jeopardise the efficiency of the European economy.
- Support and promote effective harmonised and internationally recognised standards for vocational training of road transport professionals (operators and drivers).
- Further encourage preparatory and continuous professional driver training and awareness building of other road users on how to interact with commercial vehicles as it is scientifically proven that out of all accidents involving trucks, 85% are caused by human error, and out of these 85%, 75% are caused by road users other than truck drivers.
- Further encourage EU Member States to establish more secure parking areas for trucks and communicate their location to the IRU and ITF in order to include them in the on-line TRANSPark application.
- Undertake more efforts to replace fossil fuels with alternative energy sources and/or CO₂ neutral fuels from renewable sources with the aim to dramatically reduce CO₂ emissions from commercial road transport in absolute terms.
- Stop introducing new legislation solely aimed at the reduction of toxic emissions but rather focus on integrated measures aimed at reducing fuel consumption.

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):

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?

IRU Answer (free text):

It is not a question of higher or lower levels of quality for hauliers, drivers or freight forwarders, but a question of ensuring that each category complies with minimum recognised quality levels which accompany the type of activities and operations carried out. For hauliers and drivers, certain minimum quality criteria are already laid down in European legislation, and Member States are provided flexibility to add additional features. But not everything should be laid down in legislation. Hauliers should continue to have the liberty to pursue higher quality standards towards their customers as part of their commercial policy.

For hauliers: As already indicated, access to the profession rules represent an important element determining the competitive situation on the market, the structure of the industry and the behaviour of hauliers and their profitability. In addition, hauliers active in certain sub segments of the industry such as the transport of dangerous goods, food or live animals must comply with additional quality related criteria relating to drivers, accompanying persons and/or vehicle. Training is an important aspect of quality, but the rules relating to operator training vary considerably between Member States. A further harmonisation of examinations is necessary in order to achieve a solid standard of examinations EU-wide. Test centres should be certified at EU level together with training centres which prepare applicants for the CPC examinations. Concerning the latter, industry initiatives such as the IRU Academy should be supported and recognised.

For drivers: Drivers licence, CPC and initial and continuous driver training requirements already have to be met by drivers. The CPC covers similar aspects to the CPC for transport managers but approaches issues from a perspective which is more adapted to the tasks of a driver. The whole EU driver licensing framework is structured according to progressive qualifications based on commercial vehicle type. In addition, drivers with specialised jobs such as transport of dangerous goods and live animals need additional qualifications. Again training is an important aspect to ensure continued levels of quality.

For freight forwards: An access to the profession scheme for the freight forwarding sector (“contractual transport operators”) should be created duly bridging the differences in existing national legislation in the field, whilst preventing the creation of monopolies and harmful concentration on the forwarding market.

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.

IRU Answer (free text):

See the answer to questions II.1, II.2 and II.3

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?

IRU Answer (free text):

An access to the profession scheme for the freight forwarding sector (“contractual transport operators”) should be created duly bridging the differences in existing national legislation in the field, whilst preventing the creation of monopolies and harmful concentration on the forwarding market.

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?

IRU Answer (free text):

The road freight transport sector is facing increasing taxation, charges and duties which have a negative impact on costs and profit margins, which in turn limit the capacity to invest in innovation.

Difficulties in relation to access to investment funds from banks and financial institutions and the lack of investment guarantees in legislation further exacerbate the problem.

Incentives for operators should be included in deployment strategies in order to accelerate the market take up of the cleanest and most innovative technologies.

Furthermore, in order to serve a forced modal shift policy, the use of innovative technologies such as the European Modular Concept are also often arbitrarily blocked in order to curtail the efficiency of road freight transport versus other modes of transport. Arbitrary protection of certain transport modes should stop. Instead, an approach to support an increased use of all the modes of transport and the optimal use of co-modality should be supported through an extended use of the European Modular Concept.

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 (But skilled drivers in particular)

No

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

IRU Answer (free text):

In contrast to many other sectors in Europe, commercial road transport is a long term growth sector for employment. Increased transport demand, rising year on year, make it inevitable that the sector experiences driver shortages, especially of skilled labour. This pressure to find skilled labour is driven by the increasing regulatory (working and driving time limits), technical, market and operational complexities in a driver's work.

Wider social changes are also playing a part. The sector faces a looming demographics threat stemming from a large section of the driver population approaching retirement and a lack of younger entrants to replace them.

However, recruitment is hampered by a largely uninformed public, unaware of the key contribution to society that commercial road transport makes, and – perhaps more importantly – of the work opportunities and benefits that can be found through commercial road transport employment. 85% of road transport takes place under a distance of 150km, so there are substantial numbers of local driving jobs (city distribution or public transport) that can enable a fully reconciled work/life balance. There are highly skilled and well paid jobs for those responsible for dangerous goods or temperature controlled transport and others particularly well suited to young people with well developed IT skills. There are jobs which demand a high degree of people skills, such as in urban distribution. Yet the public misconception of road transport is that it consists almost exclusively of long distance, poorly paid and solitary work. This image, not always helped by some public authorities and political forces, must be corrected if we are going to overcome recruitment shortfalls.

Equally, to ensure that positive experiences of road transport employment improve the image of the sector, sub-optimal working conditions in some parts of the sector must not be ignored but should be rectified.

A strengthened skill culture is essential for road transport's future. It is hoped that the EU driver Training Directive will be instrumental in furthering this process. However, the Directive's transposition and implementation must avoid introducing unnecessary barriers or costs that could exacerbate the challenges faced by employers for putting new job seekers into driving jobs.

Limited cross border mobility within the EU is also another cause of unnecessary driver shortages. Perversely, the Driver training Directive which was meant to strengthen cross border mobility must not be allowed to reduce it through a system of qualifications and requirements that are implemented differently between Member States and are not mutually recognised.

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

IRU Answer (free text):

Many actions can be undertaken by **Governments, Employers and Industry Associations:**

Government's must recognise road transport as a strategic area of economic activity, prone to skills shortages and thus promote positive awareness of the road transport industry, its role in society and its employment possibilities. It can do this by supporting and leading communication campaigns and by ensuring there is a structure of state run employment centres and advisors with adequate knowledge of the qualifications required to be a driver. It can support the entry of new drivers into the occupation by ensuring that access rules - such as driver training legislation in the European Union - are implemented efficiently without imposing unnecessary administrative or financial burdens on companies and drivers;

It can provide financial assistance to companies, first time job applicants and the unemployed who are prepared to invest in acquiring entrance level skills through training. It can finance the retraining of older workers to become drivers.

Governments can reinforce the growing skills culture in the sector by allocating funds, dedicating a programme to support initial training and by providing concrete assistance to Accredited Training Institutes such as the IRU Academy notably by recognising diplomas and certificates issued, thereby proving that they offer the highest quality training in full compliance with international rules and standards.

They can reduce occupational dangers and threats to drivers' personal safety resulting from increasing transport crime by building an adequate network of secure and well situated motorway rest areas and parking areas and by providing information to the IRU and the ITF on their location, who will ensure dissemination of this information free of charge to companies and drivers. Governments can also build more parking areas and/terminals in cities for buses and coaches. The consequence of these key infrastructure improvements will be a dramatic enhancement in working conditions and thus the recruitment and retention of drivers.

Governments can also assist the recruitment and retention of drivers by actions to improve working conditions including: applying international legislation - from driving and rest time rules to harmonised border crossings - in a correct, harmonised and efficient manner and by training their agents to treat drivers fairly and correctly; only issuing penalties where necessary, in a proportionate and transparent manner.

Road Transport Associations can continue to promote road transport's role in society and the employment opportunities available, as well as ensuring that potential recruits are well supplied with information about entrance requirements and possible routes to become a driver.

They can promote the use by national training institutes of high quality training materials and programmes, developed by the IRU Academy or similar organisations, to ensure that drivers only receive the best level of instruction for the money invested.

They should work wherever possible with their trade union partners to jointly develop strategies, lead campaigns and tackle problems that will improve the recruitment and retention of drivers. They can identify working condition issues for drivers to enable the prioritisation of tasks for improving the conditions and the attractiveness of the sector.

Road Transport companies, should diversify their recruitment focus to include social groups not traditionally associated with road transport, such as women, migrant and older workers.

They should plan recruitment and training strategies carefully, mindful of all legal requirements and allocating adequate time and funds for drivers to pass entrance level and refresher training, so that they can be deployed exactly when their services are required. They could establish an employee's skills development path that will help keep drivers competent, confident and content in their jobs and thus less likely to leave their position. They should attempt to plan transport operations to ensure that, to the greatest extent possible, drivers are able to enjoy a good work/life balance.

They should only transport at a profit so that ultimately the revenues of road transport companies will rise sufficiently to attract new drivers through an attractive remuneration and benefits package.

III.2. Question:

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

Answer (please tick as appropriate):

Yes, but not by regulatory intervention.

No

If yes, which jobs?

IRU Answer (free text):

Some road transport jobs are already reserved for those with higher qualifications. The whole EU driver licensing framework is structured according to progressive qualifications based on commercial vehicle type. Dangerous goods drivers must also be additionally qualified. In conclusion the IRU believes the existing qualification framework based on safety is sufficient.

Beyond this, and in the area of service proficiency and quality, the market will inevitably reserve highly skilled jobs for suitably qualified candidates. This should not be an area of regulatory intervention.

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?

IRU Answer (free text):

Commercial road transport operators call upon the European Institutions to establish a common EU enforcement area to complement the common regulatory framework for road transport in the EU. The current fragmentation of the EU into country specific or even regional enforcement areas undermines the regulatory framework, the achievement of fair competition and road safety objectives, while also imposing damaging costs on operators and undue work-related stress for drivers. A quantum leap forward is needed to achieve an acceptable level of consistency and predictability in controls across the EU. This can be achieved by the following remedial actions, which illustrate the problem issues in this area.

- Establish harmonised interpretations, enforcement and appeal requirements and procedures for all aspects of road transport legislation
- Establish minimum standards for the training of EU Enforcement Officers

- Adopt a common road side check form, valid throughout the EU and AETR region, to accompany drivers. This would ensure that no infringement is sanctioned twice and would provide an accepted record of national tolerances or exemptions
- Oversee the harmonised application of fair and non discriminatory operator risk rating systems by EU Member States, in such a way that intelligence-led enforcement becomes the norm, maximizing the efficiency of controls and removing the burden of enforcement from the majority of law abiding operators
- Ensure that comprehensive information flows exist both between national enforcement authorities but also between the latter and domestic and foreign road transport operators. This should include information on national rule changes, as well as new enforcement practices and requirements. Member State information points providing such information should be obligatory and interconnected until such time as there is full harmonisation of control techniques and requirements in the EU
- Develop a model for use throughout the EU of progressive dialogue between the enforcement bodies and operators. Such dialogue should be founded on the principle that both parties have a joint stake in shaping how controls are conducted and that official consultation and dialogue is required to ensure that the needs of both parties are taken into account.

III.4. Question:

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

Answer (please tick as appropriate):

Yes

No

The EC needs to:

- Monitor Member State adherence to the obligation that penalties for infringements of road transport rules should be effective, dissuasive and proportionate. The European Commission should intervene where necessary to defend this principle and more generally encourage an alignment of EU penalty systems around commonly agreed criteria. Directive 2009/5 is not suitable to serve as the basis for this initiative since it lacks sufficient nuance and differentiation between offences and the severity accorded to them
- Examine the possibilities arising from powers conferred on it by the Lisbon Treaty to harmonise criminal sanctions in the road transport legislation and to review the results of this examination with stakeholders before any action in this field is taken.

III.5. Question:

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

Answer (please tick as appropriate):

Yes (but only when applied in an appropriate manner and backed up by effective, efficient and fair enforcement)

No

III.6. Question:

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

IRU Answer (free text):

Please see answers above to questions II.3 and III.4

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?

IRU Answer (free text):

Concrete implementation of the co-liability principle contained in Regulation 561/2006/EC for infringements of that Regulation is needed as a first step. The EC should review how this has been implemented across the EU 27 and elaborate guidelines for its wider application based on best practice from Member States where co-liability is actually practiced.

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

² Defined as toll in the legislation

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)

IRU Answer (free text):

- There is little or no interoperability between the existing electronic or semi-electronic charging systems, and newly introduced systems do in general not aim to be interoperable with others. There are persistent delays in the implementation of the EETS Decision. The problems causing these delays are not necessarily of a technical nature but are more legal and commercial. The European Commission undertake action in order to make Member States and toll chargers keep the deadlines set in the guidelines for the implementation of the EETS.
- The principles of charging are, first of all, to cover the costs relating to the use of the infrastructure and once the new Eurovignette Directive enters into force, to reduce the externalities caused by road freight transport. However, there are no guarantees that charging revenues will in fact be used to improve road infrastructure and reduce road transport's environmental footprint at source as Member States do not have to commit to earmark revenues for these purposes.
- Trucks represent only about 10% of all road users. Infrastructure charging and the internalisation of external costs can only be effective if applied to all road users.
- The introduction of infrastructure charges and internalisation of external costs should be accompanied by a review of general road freight taxation in order to avoid double taxation.
- Today, the EU road freight transport sector already pays more than 100 billion euro in taxes, duties and charges every year. Tax neutrality is important, the introduction of user charges and internalisation of external costs should not lead to an increase of the overall fiscal burden for road freight transport
- User charging and the internalisation of external costs should also be fully applied to all other modes of transport in order to guarantee a level playing field.

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 (under conditions, see below)

No (if conditions cannot be met)

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

IRU Answer (free text):

This question suggests a complete overhaul of the existing system of taxes, charges and duties applied to road freight transport. As said earlier, the introduction of infrastructure and external cost charging should be accompanied by a review of the general road freight taxation in order to avoid double taxation and to respect tax neutrality. Such an overhaul must not lead to an increase of the tax burden on road freight transport.

All too often, the European Commission and Member States use overhauls of tax legislation as a pretext to increase the tax burden on industry. A good example is the recently published new proposal to revise the Energy Taxation Directive whereby additional transparency is created in relation to the taxation of CO₂ emissions accompanied by an increase of the general excise duty on diesel for road transport. This amounts to a double taxation of CO₂ emissions. The other modes retain their exemptions on energy taxation. This situation increases the gap of the energy tax burden between road transport and the other modes. Such an approach is unacceptable.

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)**

IRU Answer (free text):

See the answer to Question IV.1

Before it can be determined what should be included, who should pay and how much, it should first be determined what the road freight transport sector already pays in taxes, charges and duties in the different Member States, how much they pay, and what these taxes, charges and duties cover,

or whether a certain aspect is not covered by other means. The European Commission currently does not have the answers to these questions and should undertake a comprehensive study on this topic.

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):

With the extension of the scope of the possibility of using charge variations in order to combat congestion and given the fact that road freight transport operators do not always have free choice as to when to drive and cannot always pass increased costs on to customers, the importance of being able to use the infrastructure during off-peak periods has increased in importance.

Some Member States such as Austria impose higher charges on night time driving which discourages heavy goods vehicles to drive at night when the infrastructure is much less used.

In addition, the many traffic bans for heavy goods vehicles, including night time and weekend bans limit the options for optimal use of infrastructure.

The IRU and its Member Associations aim for more efficient transport, and therefore call on the European Commission to prepare a new proposal to limit, where feasible, the introduction of new traffic bans and restrictions, and to prepare guidelines for rules on traffic restrictions and bans – in a phased approach starting with the TENs road network and later extending where feasible to other parts of the network – as this will facilitate drivers' ability to meet social rules, reduce problems for drivers having to find truck parking places to comply with a traffic ban or restriction, reduce congestion, fuel consumption, CO₂ and emissions as well as the risk of accidents, improve EU competitiveness and facilitate access of the peripheral countries and regions.

This new EU proposal should also contain provisions:

- Forcing Member States, to invest in more (secure) parking areas for trucks and in the provision of location and qualitative information to truck parking information systems such as IRU/ITF TRANSPark;
- Harmonising definitions and interpretations of the exemptions for heavy goods vehicles in all Member States and regions of the European Union and general exemptions of certain types of road freight transport operations, such as combined, refrigerated and live animal transports;
- Obliging Member States to provide, well in advance, clear, basic information on traffic bans for heavy goods vehicles to the road freight transport industry and the European Commission;
- Acknowledging the leading role of the organisations representing the road freight transport industry in passing on information on traffic bans to transport operators.

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

If no, please explain why.

Answer (free text):

The new rules have established a clearer definition of "cabotage", but there are indications that Member States still interpret the rules in different ways. So, the legal certainty for road freight transport operators could still be improved.

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.

IRU Answer (free text):

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.

The IRU received indications that there are issues with the controls of the new cabotage rules.

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):

Any rule on cabotage 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?

IRU Answer (free text):

It is important not only to consider rules for which DG MOVE is competent but also look at rules for other DGs are competent as these also have an impact on aspects dealt with in this consultation paper. For example, the rules on live animal transport have an impact on quality aspects dealt with under Section I, taxation issues have an impact on aspects dealt with in Section IV.

VI.2. Question:

Do you agree that the Commission publishes your response?

Answer (please tick as appropriate):

Yes

No