

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):

I.3. Question:

What is the name of the organisation or authority?

Answer (free text):

Irish Road Haulage 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):

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 above factors in the context of drivers hours**

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): **Cognisance must be taken of the peripherality of certain Member States and therefore their ability to meet legislation 'tailored' for the industry; example: the international sector of the Irish transport industry and the difficulty in conforming with drivers hours when engaged in international traffic, there are many external forces at play; drivers hours, ferry journeys, delays at consignor premises etc.**

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):

The road haulage sector is already governed adequately and in some cases over-regulated but yet other sectors involved in the industry do not have to conform to such related legislation. Each category complies with minimum recognised quality levels which accompany the type of activities and operations carried out. For freight forwarders: 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.

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): An access to the profession scheme for the freight forwarding sector should be introduced.

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): 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 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.

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): 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) and 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.

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

Answer (free text): Provision of 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 also assist the recruitment and retention of drivers by actions to improve working conditions, suitable rest areas etc. Road transport associations can continue to promote road transport's role in society and the employment opportunities available.

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 means**
- No**

If yes, which jobs?

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. 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?

Answer (free text): 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. An acceptable level of consistency and predictability in controls across the EU is required. This can be achieved by:

- Establish harmonised interpretations, enforcement and appeal requirements and procedures for all aspects of road transport legislation.
- 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.
- Ensure that comprehensive information flows exist both between national enforcement authorities and domestic and foreign road transport operators. This should include information on national rule changes, as well as new enforcement practices and requirements.

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 when applied in an appropriate manner.
- 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): As above

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): 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 charges¹ 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?

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**

¹ Defined as toll in the legislation

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): 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.

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): 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 and what these taxes, charges and duties cover.

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.

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 licensing² 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): It was intended to reduce empty running but in no way has it achieved its raison d'être.

² 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.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): Increase the limit of seven days within which the cabotage operations have to be carried out and increase the maximum number of cabotage operations (3) that can be carried out within the 7 day period. Furthermore port areas of respective Member States should be considered an international zone in order to alleviate the negative affect the revised rules have had on RO-RO traffic and thus have resulted in a dramatic increase in road miles undertaken.

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):

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**