

Dear Sirs,

Please find herewith the opinion of the Finnish Transport and Logistics SKAL concerning the Commission's consultation paper "*Revision of The Community Legislation on The Access to the Road Transport Market and on The Admission to the Occupation of Road Transport Operator*"

SKAL is representing the 7.500 road transport operators and logistics companies in Finland. Due to this we only concentrate on the questions related in the road goods transport sector instead of the passenger transport.

Part A - The Access to the Road Transport Market

Question 1 – Is the merging of goods transport and passenger transport a real simplification? Which option is the preferred one?

→ In order to avoid disorder of decrees within the road transport sector SKAL is not in favour of merging road haulage and passenger transport.

Question 4 – Should Member States be required to verify whether the haulier/operator still satisfies the conditions for maintaining the licence at shorter intervals on a regular basis?

→ We fully agree the idea of continuing supervising of the criterias, thus the licence holder should immediately be taken out from the market when losing required qualifications

Question 5 – Should the validity of the Community licence be reduced to a shorter period of validity than 5 years? If so, to how many years should it be reduced?

→ Referring to the previous answer we are not supporting reduced validity period but more efficient daily control of the conditions during the existing (5 years) time cycle

Question 6 – Should the Regulation provide more detailed specifications for certified copies, i.e. standardize them in order to avoid confusion during an inspection? If so, what specifications or new (security) features should be introduced? Could a gradual shift to an on-line registry of the issued Community licences be envisaged?

→ To help controlling at the EU –level on-line registration and checks are necessary steps in the future. Before that remarkable harmonisation of the certified copies is needed

Question 7 – Should the driver attestation be made more uniform across the Community? Should

the format of the current paper based document be changed? Should it gradually be made electronically readable?

- The only way to improve this measure is to harmonise further the attestation in paper form. It may not be connected e.g. to digital tachograph driver card or any other personal document of the driver. Then it is not any longer linked to the lawful contract between the third country driver and the road haulage company in the EU.

Question 8 – Should the current maximum period of validity of 5 years be shortened?

- The driver attestation should be valid as long as the basic principle of lawful employment is fulfilled. Therefore there is no need to shorten or prolong the period of validity.

Question 9 – Are stakeholders of the opinion that the obligation to hold a driver attestation should be extended to drivers who are EU nationals?

- The driver attestation is designed to prevent illegal employment from the third countries. The extension would not bring any added value but only bureaucracy and costs for the road transport sector.

Question 17 - Do stakeholders perceive the varying rules as a problem? Do stakeholders consider that a clearer and more precise definition of road cabotage would be useful?

- Definitely there is a strong need for exact definition of the cabotage in order to stop national interpretations and preventive measures that are against the free movement of goods and services in the European Union.

Question 18 - What are the stakeholders' views on these approaches? What alternatives could be proposed for a clear and easily enforceable definition of road cabotage?

- We prefer the example no. 2. of restricted number of consecutive transport (2-4) and limited time period (e.g. 7 days) per visit. The number of these visits may not be restricted annually but the condition according to the question 20. must at the same time be fulfilled.

Question 20 - What is the stakeholders' experience with the application of Directive 96/71 to cabotage transport operations? What is their opinion on exempting cabotage operations from the scope of that Directive provided that cabotage is limited to a period shorter than one month?

- In 2008/2009 all transitional periods for the new member states will be over and they are allowed to come in the internal transport markets of the old (EU15) countries. Due to essentially lower level of labour costs they will still be extremely competitive. Therefore it is important to apply Directive 96/71 to cabotage operations provided that it is followed in the host Member State after as short period as possible.

Part B - The Admission to the Occupation of Road Transport Operator
--

Question 1: Is there a need, and for what reasons, for higher minimum standards for admission to

the occupation? If so, should they apply to all road transport professions or only to certain categories? Which ones?

- **There is a need for higher minimum standards to improve the quality of goods transports. These standards should apply to all road transport professions to create and guarantee equal competition at the market.**

Question 2: Should criteria other than good reputation, financial standing and professional competence be included? If so, what should they be? For example, should criteria which prevent 'letter-box' companies from engaging in the occupation be included? If yes, how?

- **There is no need for new criteria. More important is to control the old criteria better and to minimize the exemptions and the need of interpretation.**

Question 3: What exemptions and dispensations could be abolished?

- **The basis should be that the local / national / EU level exemptions are abolished. The only way to create equal market conditions is to have all professional goods transports licensed. So the rules should apply to all vehicles no matter what is their weight.**

Question 4: Do the requirements for admission to the occupation need to be checked more frequently? If so, should all or only some of them be checked? Which option do you prefer? If you prefer option A, what frequency do you propose?

- **The control of the criteria is improved only by increasing the real time and automatic change of information between the authorities = police, court, taxation, license etc. Changing the period of control from 5 years to 3 years is not good enough and does not help the situation.**

Question 5: Is it called for that Community legislation prevents that an undertaking which has been disqualified establishes in another Member State? If yes, what should the solution be? (See also question 10).

- **To improve the change of information between the national authorities in different EU states. In addition, it should be compulsory to ask information from the home state when handling the license issue of a company in another member state.**

Question 6: Are there any administrative burdens associated with measures considered useful in this questionnaire that could be alleviated or abandoned? If so, by what means could that be achieved?

- **The company should benefit from the fact that the registers of different authorities already include lots of information. The license office could easily check the needed information by itself. This could ease the administrative burden of the company. Another important thing is to support the use of internet in license matters.**

Question 7: Should it be required that, to be deemed to be of good reputation and granted admission to occupation, an applicant must not have committed any repeat offences?

- It should not be possible to operate in a transport company if you are a criminal. There should be harmonised criteria to avoid interpretation. An automatic responsibility of the manager for offences carried by the drivers of the company is not acceptable.

Question 8: Should the definitions of serious offences which constitute a barrier to admission to the profession be harmonised at European level?

- Yes. A common list is needed.

Question 9: Should European legislation include a list of persons to whom the requirement of good repute applies? If your answer is yes, should the list include categories other than managers, directors and persons who have interests in the undertaking?

- The directive should include a list of persons who should have good repute. Also the persons of the board and the main owners of the company could be included.

Question 10: Should the licensing authorities be given easier access to information about judgments and penalties which bar an operator from being granted admission to the occupation?

- Yes, this is the key issue of the whole new directive.

Question 11: Is the current information exchange system on infringements and sanctions sufficient? If not, what improvements do you suggest?

- It is not at all sufficient. See the answers to questions 4, 5, 6 and 10.

Question 12: Should the methods for assessing financial standing be further harmonised? If your answer is yes, on the basis of what financial ratios should the assessment be made? What should the thresholds be? Who should evaluate them? At what intervals should this be done?

- Yes. The thresholds could be higher and the control of financial standing should be real time control through the change of information between different authorities. Another issue is that debt restructuring should not be allowed to transport companies. It is in severe contradiction to the criteria of appropriate financial standing.

Question 13: Should the option of compulsory professional liability insurance be considered in greater depth? If your answer is yes, should the system supplement or completely replace the current system? What risks should such insurance cover and what minimum guarantees should it provide?

- No. What is needed is more efficient control of the financial standing.

Question 14: Is further harmonisation of examinations necessary? What dispensations could be abolished?

- No. National authorities should draft the examinations and control the system. Best practice in Finland is suggesting a compulsory course of four weeks to be introduced to the directive.

Question 15: Should the holder of the certificate of competence be an employee of the company concerned and a permanent resident of the Member State in which the company is established?

→ Yes. The CPC holder should permanently work at the company and he should be a resident of the Member State in which the company is established.

Question 16: Do you have any other comments or suggestions which you consider should be taken into account during the revision of the European legislation on admission to the occupation of road haulage operator?

→ Avoid the need of interpretation. Equal competition should be the target.