



EUROPEAN COMMISSION
DG Employment, Social Affairs and Inclusion

Employment and Social Governance
Social dialogue

**SECTORAL DIALOGUE COMMITTEE
ROAD TRANSPORT**

Minutes of the plenary meeting 16 November 2016

1. Adoption of the meeting's draft agenda and the draft minutes from 25th June 2015

In the absence of Mr Sugic (President Workers) and Mr Causse (Vice-President Employers), the meeting was chaired by Mr Parrillo. The minutes of the working group meeting of 15 June 2016 were adopted.

2. Information to social partners on current progress towards a "Road initiative"

Mr. Pedro Dias from DG MOVE Road transport unit (C1) provided presentations on the state of play of the new road initiatives (see slides enclosed).



2017 road transport
initiatives - state of p

He made his presentation point by point and started with the access to the profession. Responding to the questions related to the Commission's Report on access to profession, Mr Dias clarified that the Report does not contain figures on the number of the controls performed and confirmed that the controls performed in the premises of the transport companies are more expensive than those on the roadside. He also said that the MS have not extended the conditions on access to the profession to shippers and freight forwarders. ETF commented that there are more "letter box" companies than what is reported and that the criteria for the effective establishment in the Regulation are not precise enough to avoid this situation. Mr Dias agreed that the figures on the letter box are not very high in the Report and that the criteria are not very strict. Therefore, in practice the companies can decide on the country of establishment in a legal way taking advantage of the current possibilities allowed by the system.

Regarding the internal market rules, Mr Dias presented the Ex-post evaluation report on the revision of the Regulation and the results of the public consultation. ETF commented that some issues related to the removing of the maximum number of cabotage and on the revision of the criteria for stable establishments seems not included in the analysis, notably regarding the impact of those measures on fair competition and on domestic haulage. IRU commented that opening the national risk rating systems would require a harmonization across the EU which is not the case currently. IRU also underlined that the figure of 70% of stakeholders from the EU-13 countries being against the revision of the criteria is surprising. DG MOVE clarified that only 39% of the respondents would not agree with the removal of the maximum number of cabotage operation at all. Mr Dias also indicated that the analysis is not achieved, more qualitative and quantitative analysis

will be performed including on the impact on employment, in the context of the impact assessment. Each initiative will have its specific timeline with impact assessment to be performed and Commission's proposals to be prepared.

On the use of hired vehicles, Mr. Dias reported that there is no support to the opening of the Directive to the hired goods vehicles with drivers. On the access to the internal market for bus and coach services, some MS have opened their market and others not. The issue is whether to adopt common rules for opening the market to competition. IRU indicated that they are open to discuss those issues with the trade unions. ETF reacted about the weight of staff cost into the determination of the prices and asked what would be the impact in case the market would be opened. Edit Liégeois (HoU MOVE C1) confirmed that those aspects will be considered in the impact assessment and that the 12 days rules will be analysed as part of the consultation and qualitative analysis.

Alicja HUEBNER also from DG MOVE C1 presented the Commission's initiative on the social rules and the two studies which will aim at collecting additional data. ETF asked about how this initiative is articulated with the overall revision of Posting of Workers Directive. IRU commented that it seems that the evolution of the works at the Council on POW is to not consider the sectoral aspects. ETF also asked about the format of the outcome of the studies launched and how the social partners will be consulted. DG MOVE confirmed that they are working on the sectoral aspects of posting of workers in coordination with the other relevant DGs. DG MOVE is looking for the inputs and contributions of the social partners.

Mr Dias on behalf of a colleague also presented the revision of the drivers training Directive 2003/59/EC. Responding to comments from ETF on the "Dutch case "code 95" and the minimum age requirement for bus drivers, he explained that the revision would notably aim to address mutual recognition situation and he suggested further written replies from the relevant colleague. The social partners asked to be consulted as their work programme envisages a common position on this Directive and they will aim to finalise this work in view of the Commission's proposal.

The participants also commented at several occasions about the consultation process for the preparation of the initiatives and the methods applied to analyse the answers. A debate took place about the basis for counting and reporting about the number of organisations consulted. The main issue was that more numerous replies could come from the road operators' side than from the Union's side. The ETF reacted by explaining that one Union is representing a high number of workers for which they are collecting and providing joint opinions. Therefore Workers' organisations cannot be considered as having the same weight than a single operator for the analysis of the contributions.

To conclude Edit Liégeois underlined that the SSDC's inputs are appreciated and needed for the preparation of the proposals. The Commission is committed to work in full transparency and will present more concrete first assessment of the proposals at the next SSDC meeting. A dedicated website¹ is presenting all the relevant information. The social partners will be consulted by the contractor that is carrying out the studies. He also insisted that the aim of the revision of the legal acts is to find a good balance between different objectives: internal market, working conditions for drivers and fair competition.

¹ <http://ec.europa.eu/transport/node/4817>

Better enforcement is a necessity and the statute quo will not be an option. He finally underlined that the contribution of the social partners should come in time, while the initiatives are being prepared.

3. Social code – brief progress report on negotiations - by the ETF and the IRU

IRU commented that the negotiations are interesting but challenging. Until now the negotiations have focused on the applicable law, the option presented by ETF on application of ROME I should still be analysed by IRU to come to a coherent position.

ETF insisted on the interest of achieving progress on social conditions in road transport and fair competition in the sector. The preparation by the Commission of new proposals is putting more pressure to find joint positions between social partners.

The chair concluded by a call to both parties for achieving a joint position on the themes selected for the negotiation on the social code.

4. Urban Public Transport Working Group – exchange of views by the ETF and the IRU

Brigitte Ollier from IRU in the absence of the ETF representative presented the last developments for the UPT working group and their last meeting of the 27 September.

She drew the attention to the recent report on social conditions in urban public transport companies².

She indicated that the Commission has yet responded to the request for the creation of a separate committee for UPT. Ms Finné confirmed that before deciding on the issue the Commission should carefully analyse the results of the recent report on 'Social Conditions in Urban Public Transport Companies' and the representativeness study for the railways sector which is being finalised beginning of 2017.

5. Adoption of the social dialogue work programme 2017 – 2018 by the ETF and the IRU

The current work programme is ending in 2016. The Work programme for UPT was already discussed at the meeting of 27 September.

ETF commented that some items were not yet finalised in particular passenger transport (priority 2); driver training directive and driver shortage (priority 5). For ETF it would be logical to continue with the current work programme; putting notably priority on the skill shortage.

IRU would be in favour to have a proper committee work programme for 2017-2018 for procedural reasons. The logistics qualifications would be less urgent priority than addressing the driver shortage as well working on some other issues such as digitalization, shared economy and new mobility patterns.

The many reasons for the low attractiveness of the sector were debated among the participants.

² <http://www.uitp.org/news/social-conditions-study>

6. AOB

- Next meetings: 29/03/2017 WG- 30/06/2017 WG- 26/09/2017 (UPT WG) - 27/10/2017 (PL)
- Call for proposal still under evaluation, the projects retained will start the 1st day of the month following the signature of the grant agreement by both parties.

List of participants 15th June 2016

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Employers (13 ♂, 7 ♀)

IRU

1. Mr Nemeč - IRU
2. Mr Mannaerts (BE)
3. Ms Ollier (BE)
4. Ms Spenik (BE)
5. Ms Dimitrova (BE)
6. Ms Antignac (FR)
7. Ms Doumani (EL)
8. Mr Kenanidis (EL)
9. Ms Galantino (IT)
10. Mr Csanyi (HU)
11. Mr Pardo (ES)
12. Ms Ilie (RO)
13. Mr Yarsley (UK)
14. Mr Salmon (UK)
15. Mr Andersson (DK)
16. Mr Larsen (DK)
17. Mr Davidson (DK)
18. Mr Nielsen (DK)
19. Mr Szymanski (PL)
20. Mr Willgren (FI)

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Workers (19 ♂, 6 ♀)

ETF

1. Mr Parrillo (BE)
2. Ms Tilling - ETF
3. Ms Heinisch - ETF
4. Mr Reynaert (BE)
5. Mr Aarestrup (DK)
6. Mr Malik (UK)
7. Mr Johnson (UK)
8. Mr Rouaux (FR)
9. Ms Coulet (FR)
10. Mr Garcia Revuelta (ES)
11. Mr Verestoy (HU)
12. Mr Szekely (HU)
13. Ms Paas (NL)
14. Mr van Tussenbroek (NL)
15. Mr Teunissen (NL)
16. Mr Boer (NL)
17. Mr Kucharski (PL)
18. Mr Werner (DE)
19. Mr Thyroke (DE)
20. Mr Delfs (AU)
21. Mr Ryd (SV)
22. Ms Kônig (SV)
23. Ms Gällhagen (SV)
24. Mr Narbutas (LT)
25. Mr Pezikoglou Michael (LT)

European Commission

Ms Sylvie Finné (DG EMPL A2)

Mr. Liégeois, Mr. Dias, Ms Hübner (DG MOVE)