



## **Minutes of the working group meeting of 18 March 2022**

The meeting was organised in a hybrid format, with the videoconference (Interactio) and the presence of some members of the delegations.

### **1. Adoption of the meeting's draft agenda and the draft minutes of last meeting**

Ms Florence Berthelot (Déléguée Générale FNTR) chaired the first part of the meeting and announced that she will hand over the chairmanship during the course of the meeting to Mr Olivier Etheve (ETF). She thanked for the very constructive dialogue and welcomed the new chair.

The minutes of the working group meeting of 22 November 2021 were adopted.

IRU suggested that agenda point 5 could be taken directly after agenda point 3 and proposed that immediately after the Mobility package 1 discussion, DG MOVE informed on the measures undertaken to facilitate humanitarian transports of passengers and goods related to the Ukrainian crisis.

ETF suggested to discuss the new representativeness study of road transport and urban public transport under AOB.

The agenda was amended accordingly.

### **2. Transposition, information and enforcement of Mobility Package 1 by Member States and information about the situation in Ukraine**

ELA thanked the social partners for their contributions and cooperation. ELA presented its mandate in the road transport sector and provided an overview on the ELA Framework for Action on Road Transport. Furthermore, ELA debriefed on the implementation of certain actions under the information, cooperation and enforcement pillar of the framework (see slides).

DG MOVE presented Mobility Package 1 adopted on 15 July 2020. An overview on the adopted implementing acts and the implementing/delegated acts in progress was provided (see slides). A lively Q&A session followed.

IRU appreciated the work of the teams in DG MOVE and ELA. IRU proposed a dedicated campaign, to be organised by the social partners and ELA concerning the attractiveness of the profession next year.

IRU admitted to DG MOVE that the lack of information on the conditions of posting and remuneration by Member States was probably a collective failure because more than half of the Member States were not ready to provide this information. IRU invited to learn from this failure. It was stressed that there is an urgent need, in the next weeks or months, to provide scenarios on what is to be considered posting and what is not posting in passengers transport and in combined transport. In the next meeting of the EC posting of drivers' expert group, IRU would like to discuss providing the information by Member States on the conditions for posting and remuneration. IRU also asked questions around the publication of the upcoming European Commission acts.

ETF thanked DG MOVE and ELA for the excellent work. ETF reported that the social partners in Belgium encountered difficulties to get access to the work on transposition. Social partners had to go to the National Works Council to be listened to. ETF stressed that social partners have to be part of the dialogue.

Furthermore, ETF shared a possible problematic point in the draft Q&A of the *Lex specialis* which was already communicated to DG MOVE concerning the definition of the posted worker. In the draft Q&A the definition of a posted worker is amended with regards to the definition of a posted worker in the Posting Directive. The change in the definition from "habitual place of work" to "place of establishment of the company" would create enormous problems. ETF will inform DG MOVE in writing.

Additionally, ETF raised the attention to a ruling of the Court of Justice in which per diems could contribute to a minimum wage which could create problems for all workers and operators.

DG MOVE responded to IRU that the Member States were informed about the obligation to transpose the Directive and they were part of the expert group on the posting of drivers. The rules on posting of drivers arise many questions and concerns which might be one of the reasons for the delay in transposition of the legislation.

DG MOVE will inform the social partners about the publication of the new acts once they are in force.

IRU requested DG MOVE to share the list of the Member States which did not transpose *Lex specialis*. DG MOVE informed that there are currently nine Member States having transposed including incomplete transposition.

ELA informed that there will be fiches for all Member States which will be published on the ELA web-side. The thematic workshop in June 2022 could be the first moment to start the campaign of the attractiveness of the profession.

ETF requested information on the infringement process for those Member States that did not transpose the Directive on Posting. Concerning the campaign on attractiveness of the profession ETF remarked that the first step should be to develop a common understanding between IRU and ETF before approaching ELA.

DG MOVE clarified that the infringement procedure is launched automatically if Member States do not transpose on time.

The chair closed the discussion on this important file. The new chair, Mr Olivier Etheve, took over and thanked Ms Florence Berthelot for her dedicated work as chair over the last two years.

Finally, IRU requested to receive information on COM actions (DG MOVE) related to the situation in Ukraine and to be updated on various IRU requests regarding the consequences on transport operators of passengers and goods.

DG MOVE confirmed that a dedicated website was launched on 17 March 2022 with the overview on transport measures by EU and the Member States ([https://transport.ec.europa.eu/ukraine/keeping-transport-running-smoothly/road-transport\\_en](https://transport.ec.europa.eu/ukraine/keeping-transport-running-smoothly/road-transport_en)). DG MOVE provided some examples of exemptions.

ETF informed that a statement was published yesterday. The concern is the exploitation of incoming refugees (third country nationals) as truck drivers. ETF would like to stay in touch with IRU and COM to ensure that the same conditions apply for all drivers working in the EU. ETF would like sign on a joint statement with IRU on this topic.

IRU responded that they would consider a joint statement once receiving the ETF draft.

The chair closed by underlining the importance of staying in close contact to consider this issue.

### **3. Attractiveness of the profession**

IRU presented the IRU Action Plan on the attractiveness of the profession (see detailed slides).

ETF mentioned the plan to organise an event under the European Year of Youth in autumn 2022 with the idea to work on a Charter for Youth - expectations from the road transport sector. ETF referred to work life balance and remuneration conditions as key factors. Furthermore, ETF highlighted that the collective bargaining coverage is important. The challenge is not to attract but to make the drivers stay in the sector.

### **4. Treatment of drivers and loading and unloading places and safety**

IRU members shared national examples (Spain, Portugal). IRU informed that they will establish a group of experts on this topic. ETF is willing to work on the issue of loading and unloading.

DG MOVE thanked for all social partners' interventions to increase the attractiveness of the sector (see agenda point 3). It was stressed that education is the Member States' competence. Therefore the involvement of the Member States' representatives is important. Furthermore, DG MOVE mentioned that the Mobility Package 1 improved working conditions. All these measures will result in increased attractiveness of the sector. Time is needed to see the results. DG MOVE also referred to various EU funding instruments (e.g. ESF+, Erasmus+, and blueprint).

DG MOVE does not impose the level of discussion or any scheme of the dialogue between social partners and national authorities.

## **5. Driving and rest time rules for coach tourism drivers**

IRU explained that the existing driving and rest time rules are not taking into account the specificity of coach drivers in occasional transport. The Commission public consultation closed on 15 February 2022. IRU informed that they listed a number of proposals for derogations of flexibility for the coach drivers. IRU indicated that they would like to have a discussion with ETF on this sensitive issue.

ETF stressed there are clearly different views and significant divergences.

The chair concluded that the social partners will continue with the discussions.

## **6. Impact of digitalisation and automation on the drivers' profession**

IRU presented the “Drive2theFuture” project funded under Horizon2020 (see slides).

IRU referred to a specific meeting held with ETF in April 2021 around this topic and stated that automation should deserve more attention in future.

ETF acknowledges that this topic is interesting because it effects the workforce. Reference to a study was made.

## **7. AOB**

ETF informed about the invitation to a kick off meeting on the 1 April 2022 with Eurofound and the Commission concerning the new Representativeness study in the road transport and the Urban Public transport sector.

As both sides are not available on the proposed date, social partners agreed to propose alternative dates to COM/ETF.

UITP mentioned that Urban Public transport is part of two studies/sectors - railway and road. IRU expressed the view that they supported the current structure and functioning of the sectoral social dialogue and does not support restructuring of the current system. Social partners asked the Commission for a state of play on the Social Dialogue Review. DG EMPL informed that on 31 March a consultation meeting with social partners on potential elements of the Communication regarding the review will take place.