



EUROPEAN COMMISSION
DG Employment, Social Affairs and Inclusion

Employment and Social Governance
Social dialogue

SECTORAL DIALOGUE COMMITTEE
ROAD TRANSPORT

Minutes of the plenary meeting

19 January 2016

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

Due to the exceptional circumstance in Brussels the plenary meeting foreseen on 23 November 2015 was postponed to the 19 January 2016. The meeting was chaired by Mr Sugic (workers). The plenary meeting's agenda and the minutes from 25th June 2015 were adopted.

2. State of play on the Road Package and Labour Mobility Package

DG MOVE (M. Liegeois and Ms Ptaszynska) presented the state of play of road transport initiatives, with a particular attention to the social dimension of the EU internal transport market rules and the rules on driving and working time.

The final report on the ex-post evaluation of the EU rules on access to the profession and road haulage has already been published¹, and the ex-post evaluation of the road transport social legislation and its enforcement is at its final stage.

Those works will feed into the impact assessment to be prepared in view of the new road package foreseen in 2016. In the same context a public consultation is foreseen to be launched in spring 2016. The main findings of the haulage market study focus on three main issues: (a) inconsistent enforcement (no common enforcement standards lead to competitive distortions); (b) letterbox companies (unfair competition by avoiding other costs, such as social contributions and taxes and having possible detrimental effects on drivers' wages and working conditions); (c) cabotage (low levels of effectiveness of cabotage checks). The key challenges identified within the ex-post evaluation of the social legislation concern: (i) certain provisions and definitions are vague or inconsistent (e.g. those on regular weekly rest, breaks, recording periods away from the vehicle, etc.), (ii) some rules are not adapted to the specific needs of the sector and the developments on the transport market, hence they are difficult to comply with, (iii) diverging national interpretations and ineffective cross-border enforcement of the rules, (iv) co-liability principle is not applied throughout the transport operation chain. In conclusion the current market and social rules in transport are sufficient, but they necessitate further

¹ Regulation (EC) No 1071/2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator and Regulation (EC) No 1072/2009 on common rules for access to the international road haulage market <http://ec.europa.eu/transport/facts-fundings/evaluations/doc/2015-12-ex-post-evaluation-regulations-2009r1071-and-2009r1072.pdf>

clarification and/or specification and more uniform and effective enforcement by better cooperation and use of the existing data exchange systems and control tools.

DG EMPL provided two presentations on the main elements of the future mobility package (M. Tagger) and on the posting of worker revision (Mr Pereira) on which the social partners were consulted in June (see slides).

Both social partners agreed that it is needed to address the issue at EU level, the road sector should be considered more specifically. ETF insisted on importance of the transposition of the implementing Directive to avoid social dumping and ensuring playing field level. The social partners also asked for a proper and thorough consultation on the sector specific solution.

Social partners were invited to provide additional contribution if relevant.

3. Social code

ETF presented the state of play regarding the five areas on which it was agreed to open the negotiations:

1. Access to medical assistance for drivers en route
2. Conditions at loading/unloading points
3. Conditions during a rest
4. Applicable law
5. Return home
6. Language of labour contracts

The ETF position sent to IRU secretariat regards the regulatory return home and the weekly rest which are considered as complementary. The initial position is that rules for weekly rest should remain the same as in the Regulation and that a regular return home discussion could be foreseen (ensuring work life balance). Regarding applicable law, the position would be linked to posting of workers and Rome 1.

IRU pointed that it is a positive sign to have something on paper as it was difficult to define the social code and its legal base. Following the consultation of the legal service it seems that the room for making the social code legally binding is narrow. It is appreciated that ETF would be ready to discuss the return home. However it would be difficult to achieved quick results on applicable law.

It was concluded that the negotiation is open on the five points as a whole package. The secretariats will contact the Commission services in order to start the negotiation process.

4. Fair Transport campaign and ETF “Extra mile” Enforcement Initiative

ETF presented its campaign launched in September 2015 as an EU citizen's initiative². The initiative raises issues relevant to all transport sectors such as on the social dumping, bogus self-employed, and enforcement of EU Law which could be addressed under the EU platform for undeclared work. Among others, the ETF would propose to consolidate the list of minimum data and the electronic register at EU level, as well as to grant full access of enforcement agencies to national / EU electronic registers..

² <http://www.etf-europe.org/files/extranet/-75/45149/fair%20transport%20in%20Europe.pdf>

IRU pointed that they would agree with many issues but pointed that some would be less consensual and would need a proportional approach.

5. ILO Tripartite Sectoral Meeting on Safety and Health in the Road Transport Sector 12 - 16 October

IRU reported on the ILO meeting where government, employer and worker representatives met in Geneva to discuss priority safety and health issues in both passenger and freight road transport³.

6. Regulation 561/2006 – of 15 March 2006 on the harmonisation of certain social legislation relating to road transport

The exchange of views was about the possible areas for improvement regarding the EU rules for maximum daily and fortnightly driving times, as well as daily and weekly minimum rest periods for drivers. The issue covers also the future social code and road package.

The issue discussed was about possible application of the regulation to the 3.5T and passengers transport issues notably in the framework of the changes in the sectors' practices in different MS of the EU (such as "Uberisation").

IRU suggested joint work on the revision of Regulation 561/2006 in the occasional passenger transport sector however ETF reacted as not being in a position to support such work.

It was agreed that a balanced solution should be found for drivers, road safety and different management of road issues across Member States.

7. Stock taking and update of the 2015-2016 SSSC Work Programme - possible items: joint driver shortage campaign and regulation 561/2006

One of the topics of the 2015-2016 work programme which was not implemented is the issue of driver shortage (see work programme attached). Both partners agreed to work on that topic. A project could be launched to look at the causes of the issues and an awareness campaign would also be needed.

8. AOB

- ETF and the IRU made a short communication regarding the 'platooning event' organised by the NL Presidency on 7 April.
- Next meetings: 4/04/2016 WG; 15/06/2016 WG; 27/09/2016 WG (UPT), 16/11/2016 PL.

Annexes:

- Presentation Labour Mobility in the EU facts, figures and way forward - DG EMPL
- Presentation Labour Mobility Package 2016 (Posting of workers) - DG EMPL
- Presentation ILO Meeting - IRU

³ http://www.ilo.org/sector/activities/sectoral-meetings/WCMS_337096/lang--en/index.htm

List of participants 19th January 2016

<p><u>Employers</u> (15 ♂, 11 ♀)</p> <p>IRU</p> <ol style="list-style-type: none">1. Ms Antignac AFTRI (FR)2. Mr Causse IRU FNTR (FR)3. Ms Maitre idem4. Mr Csanyi MKFE (HU)5. Ms Doumani OFAE (EL)6. Mr Kenanidis idem7. Ms Galantino ANAV (IT)8. Ms Ollier UITP (BE)9. Mr Pezikoglou OFAE (EL)10. Mr Larsen DTL (BE)11. Ms Kisen NLF (NO)12. Ms Laehde SKAL (FI)13. Mr Saile BGL (DE)14. Mr Yarsley FTA (UK)15. Ms Spenik FEBETRA (BE)16. Ms Dimitrova FEDEMAC (BE)17. Mr Nemec (IRU)18. Mr Conejero ASTIC (ES)19. Mr Kothy BDO (DE)20. Mr Pardo ASTIC (ES)21. Ms Vasarainen SKAL (FI)22. Mr Gentze BGL (DE)23. Mr Andersson SBF (SW)24. Mr Schmidt ITD (DK)25. Ms Ilie UNTRR (RO)26. Mr Andersson Transportföretagen (SE)	<p><u>Workers</u> (26 ♂, 7 ♀)</p> <p>ETF</p> <ol style="list-style-type: none">1. Ms Tilling (ETF)2. Ms Heinisch (ETF)3. Mr Aarestrup 3F (DK)4. Mr Overgaard idem5. Mr Kos VIDA (AT)6. Mr Delfs idem7. Mr Brown UNITE THE UNION (UK)8. Mr Johnson idem9. Ms Coulet FO (FR)10. Ms Koenig KOMMUNAL (SW)11. Ms Gaellhagen idem12. Mr Uri FCPT SYPROLUX (LUX)13. Mr Kucharski NSZZ (PL)14. Mr Michalak idem15. Mr Peeters BTB- ABVV (BE)16. Mr Ryd SEKO (SW)17. Mr Buenestado SMC UGT (ES)18. Mr Szekely KSZOSZ (HU)19. Mr Verestoy idem20. Ms Gigliarelli FILT CGIL (IT)21. Mr Diamante CISL (IT)22. Ms Baiocchi UIL trsporti (IT)23. Mr Werner VER DI (DE)24. Mr Garcia CCOO (ES)25. Mr Ollas AKT (FI)26. Mr Sugic FGTE CFDT (FR)27. Mr Parrillo ACV CSC (BE)28. Mr Kroezen FNV (NL)29. Mr Teunissen idem30. Mr Van Rijssel CNV (NL)31. Mr Opsomer ACV (BE)32. Mr Rouaux FGTE CFDT (FR)
<p><u>European Commission</u></p> <p>Ms Sylvie Finné (DG EMPL A2)</p> <p>Mr Eddy Liegeois (DG MOVE)</p> <p>Ms Ewa Ptaczyńska (DG MOVE)</p> <p>Ms Huebner Alicja (DG MOVE)</p>	