



EUROPEAN COMMISSION
DG Employment, Social Affairs and Inclusion

Employment and Social Legislation, Social Dialogue
Social dialogue, Industrial Relations

Brussels, 26 May 2011

**SECTORAL DIALOGUE
COMMITTEE
ROAD TRANSPORT**

Concise minutes of the Working Group meeting 6 December 2010

The meeting was chaired by Mr Causse (employers, chairman of the committee). The agenda was adopted with IRU asking to deal with health implications of x-ray equipment at external borders under "any other business".

Project presentation TRACE (Transport Regulators Align Control Enforcement)

Mr Barlow of the UK road transport control authority VOSA presented the two year project TRACE, co-funded by the European Union (see detailed slide presentation distributed afterwards). The project formally started in August 2010 and its aim is to develop a harmonised training format for enforcers on Regulation (EC) No 561/2006 (driving time and rest periods) and Regulation 3821/85/EC (recording equipment) in order to facilitate a common application of these rules. The social partners announced that they had some common ideas and asked when they should be given to the TRACE promoters. IRU and ETF had already worked a lot on the issue when in 2007 the Commission established a Legal Working Group on the harmonised application of social rules in road transport under the auspices of the Committee on social rules in road transport – which endorsed a certain number of guidance notes¹. The parties discussed different aspects of social rules enforcement policy, including the harmonisation of sanctions. Mr Barlow specified that the primary objective of the project was training (setting consistent training standards and producing some supporting material for the physical training, such as guidance books). He informed the social partners that the project's steering group would meet approximately on a quarterly basis.

Parking and rest facilities: IRU presentation and discussion

Mr Viccars (IRU) presented a slide show demonstrating activities IRU are carrying out on their own account: TRANSPark (transforming IRU's existing parking publication into a full, interactive online application with searchable data by parking criteria and locations). In addition, IRU noted that they had been, together with the International Transport Forum (ITF) and ETF on the Advisory Board of the LABEL project (launched in September 2008 to develop a label for truck parking areas along the Trans-European Road Network). The IRU informed that following the conclusion of the LABEL and SETPOS projects (the latter on security criteria) their results were handed over to IRU

¹ http://ec.europa.eu/transport/road/social_provisions/driving_time/guidance_notes_en.htm

for incorporation into their TRANSPARK project. ETF thanked IRU for the comprehensive presentation (distributed afterwards). The workers' side expressed their doubt that self-certification of parking areas would work and underlined that the funding of security measures both for the load and the drivers was "the" issue to be resolved. The IRU reported that a principal tool for ensuring the robustness of the self-certification system was the complaints desk which would be established to ensure that drivers could report parking areas which did not provide the facilities or security they claimed to offer.

Joint statement on illegal employment in road transport

The ETF introduced the subject highlighting what they considered to be illegal social practices that undermine fair competition such as: widespread use of false self-employed drivers, the employment and use of non-resident drivers in cabotage activities who receive the pay and conditions of the country of residence (non-compliance with the Posting of Workers Directive). Letter box companies were also mentioned, as well as the pressure exerted by the large logistics companies on subcontractors, with disrespect to the co-liability principle as stipulated in the driving and rest time regulation. The ETF stressed the need for the road transport sector to become more sustainable. The IRU responded that the current provisions of the Posting of Workers Directive while legally applicable, were highly unsuitable for application to road transport cabotage operations, having been designed they argued, primarily with other sectors in mind. The IRU is committed to eradicate the false self-employment. However, it was not clear to some participants how this phenomenon could be tackled at the EU level. The chair of the session proposed to approach the European Commission asking for better enforcement. The IRU also pointed out that self employment in bus and coach transport was almost non-existent and should be considered separately from freight transport. The ETF and IRU agreed that this topic would be dealt with in a future social dialogue meeting.

Any other business

The IRU highlighted the potential health and safety risks for drivers arising from X-ray scanning of commercial road transport vehicles. The IRU proposed as a first step to have a joint IRU-ETF letter addressed to relevant EU border Member States requesting guarantees as to the technical safety of the equipment used as well as information on practical measures taken in the interests of driver safety. For its part the ETF raised the issue of fumigation of containers. The ETF and IRU agreed to put health and safety on the agenda of the next social dialogue meeting, with a focus on the above mentioned topics.

Participants

Employers (11 ♂, 3 ♀)

Mr Causse (FR)
Mr Csányi (HU)
Ms Filtenborg Hansen (DK)
Mr Gentze (DE)
Mr Hoffmeister (DE)
Mr Larsen (DK)
Ms Maître (FR)
Mr Mannaert (BE)
Mr Marques (PT)
Ms Mets (EE)
Mr L. Nielsen (DK)
Mr Ribeiro de Campos (PT)
Mr Viccars (IRU)
Mr Yarsley (UK)

Workers (13 ♂, 6 ♀)

Mr Johnson (UK)
Mr de Jong (NL)
Mr González Boán (ES)
Mr Goument (FR)
Mr Hagedorn (NL)
Ms König (SE)
Ms Heinisch (ETF)
Ms Paas (NL)
Mr Parrillo (BE)
Mr Peeters (BE)
Ms Petrova (BG)
Mr Saverstam (SE)
Mr Schönauer (AT)
Mr Sugic (FR)
Mr Teunissen (NL)
Ms Tilling (ETF)
Mr van Hienen
Mr Van't Veen (NL)
Ms Wagner-Bianchy (LU)

European Commission

Ms Durst (DG EMPL)

Others

Mr Barlow (TRACE project, VOSA, UK)