

Minutes

Working group meeting

23 November 2023 – In person

The meeting was chaired by ETF.

1. ADOPTION OF THE MEETING'S DRAFT AGENDA AND THE DRAFT MINUTES OF LAST MEETING

The minutes from the previous Social Sectoral Dialogue Committee (SSDC) meeting held on 20 June 2023 were adopted. Concerning the meeting agenda, ETF asked to replace agenda item 4, “Women in the transport industry: Get Me Home Safely Campaign”, by a presentation on the “Lack of bus collision safety”. ETF also asked to add a point on the introduction of tachograph 2 and a discussion item on the organisation of the SSDCs within the AOB. Due to time constraints, IRU proposed to report agenda item 9, “Follow up on the TRACE2 project”, to the next SSDCs meeting. The meeting's draft agenda was adopted.

2. MOBILITY PACKAGE 1: PROGRESS MADE WITH THE IMPLEMENTATION, CLARIFICATION AND ENFORCEMENT OF MOBILITY PACKAGE 1 RULES, INCLUDING THE INTRODUCTION OF THE SMART TACHOGRAPH VERSION 2

DG MOVE presented an overview of recent activities and updated social partners on the progress achieved, focusing on:

- Implementing acts adopted in 2023 and to be adopted in 2024.
- Smart tachograph version 2, inviting social partners to monitor retrofitting.
- Digitalisation of enforcement, highlighting the start of a study on the digitalisation of enforcement in the coming weeks.
- Update on transposition of Directive (EU) 2020/1057 by Member States,
- Road Transport Posting Declaration (RTDP) Portal, highlighting cooperation with DG DIGIT and new functionalities.

TLN asked **DG MOVE** for additional information on potential issues recording border-crossing with old driver cards, including any clarification or guiding documents foreseen.

FNST-CGP asked **DG MOVE** for additional information on the retrofit timeline and obligations. **ETF** asked **DG MOVE** for additional information on the leniency period to install SMT2. **UNSA** asked **DG MOVE** clarification on Member States transposition of posting regulations. **FNTR** welcomed the inclusion of Light Commercial Vehicles (LCV) in Mobility Package 1 and the need to ensure the safety of these vehicles.

ETF asked whether **DG MOVE** was considering including the Consignment Note for Road Transport (CMR) data into the SMT2 or making it mandatory for drivers to record loading and unloading. **IRU** suggested guidelines to record loading and unloading and pointed towards some delays in the clarifications of remaining posting scenarios. **IRU** also

highlighted the responsiveness of the EC in managing the lack of SMT2 availability and stated it has started to monitor SMT2 retrofitting. **FNST-CGT** asked data on third-country drivers involved in posting declarations. **ETF** highlighted the lack of clear definition of posted drivers. **TLN** raised concerns brought by a possible postponement of OSNMA, which it claimed could be until the end of 2025, and which in its view opens the door to manipulations, additional updates or other adjustments. Monitoring of retrofitting with SMT2 in the Netherlands done by **TLN** highlights that 33% of companies surveyed have issues with vehicle retrofitting and 891 vehicles up for calibration before the end of 2023 still need to be retrofitted.

3. EUROPEAN COMMISSION PROPOSAL ON SPECIFIC DRIVING AND REST TIME DEROGATIONS FOR COACH TOURISM DRIVERS

ETF raised concerns on providing more flexibility for coach tourism drivers and raised that this would imply opening an agreement made in 2008 with the European Parliament, European Commission, Council, and social partners.

IRU highlighted that both social partners have made similar proposals on the enforcement of these rules, setting the floor for potential social partners collaboration.

ETF opened the floor to discuss the opinion of the General Advocate of the Court Justice, while also stating that the rejection of the return of the vehicle was solely based on the lack of an impact assessment which does not reject the content of the provision itself.

4. LACK OF BUS COLLISION SAFETY

The presentation “Women in the transport industry: Get Me Home Safely Campaign” was replaced by **YTF**’s presentation on the “Lack of Bus Collision Safety”.

YTF highlighted the current absence of mandatory collision safety requirements for buses. Three accidents that took place in Norway were presented as well as the new R 29 truck requirement introduced from 1 October 2023. **YTF** stated that the current lack of bus collision protection is an EU challenge that requires an EU solution.

ETF presented a video on “Women in the Transport”, for which a campaign will be launched in December 2023. National actions are taken by national organisations and **ETF** proposed to discuss joint actions for social partners to ensure the safety of workers. **IRU** thanked **YTF** and **ETF** for the presentation and proposed to discuss potential joint actions for bus collision safety. **UNSA** raised the presence of a culture of silence related to aggressions. **YTF** stated the importance of including collision safety as buses are currently being built with the goal of making them last longer. **IRU** stated that action and discussion must first take place at the national level to be able to then bring it up at the European level. **BGL** stated that ensuring the safety of women at parking spaces are essential, for which actions are required first at the national level.

5. EUROPEAN COMMISSION REPRESENTATIVENESS STUDY – ROAD TRANSPORT AND URBAN TRANSPORT

DG EMPL presented on behalf of Eurofound the state of play. Eurofound has already started drafting the report. Eurofound asked social partners to notify any changes in the membership of the organisations (or any other changes) taking place. A more precise timeline can be

expected by April or May 2024 and the informal consultation of the social partners on the draft report is tentatively scheduled for May 2024.

IRU reported on the involvement of its members in the study to verify the data and that Eurofound will be notified of any new information provided.

6. IRU PROPOSAL FOR A SERVICE LEVEL AGREEMENT WITH ENFORCERS ON ROADSIDE CHECKS

IRU presented the proposal for a Service Level Agreement to ensure the respect of the driver during roadside checks. Summary of the proposal was presented. The draft proposal is set to be finalised in February 2024 and discussions with enforcement authorities are expected to start in March or April 2024 in view to reach an agreement and set a common approach on roadside controls across the EU.

VER.DI asked whether the SLA implied that drivers should be controlled once a day or per trip. **ETF** asked the added value of these new guidelines. **FNST-CGT** stated that roadside checks should be more focused and of better quality and that drivers are not treated the same across the EU. **ETF** raised concerns on the proposal as drivers have complained that there are not enough controls and enforcers. **ETF** highlighted that according to EU regulation, employers are responsible for infringements that happen on the road. **ETF** agrees on the focus on frequent offenders but remains sceptical on the other SLA proposals. **BTB ABVV** asked the level at which the SLA would be implemented and stated that companies want more roadside checks as they are victims of other companies' bad behaviour. **UNSA** noted the necessity to consider the working conditions of enforcers. **ETF** brought forward the new ERRU regulation and the infringements considered into ERRU. **DTL** welcomed the SLA as an opportunity to bring together all stakeholders to discuss good roadside check practices. **ETF** invited social partners to further pursue the discussion.

7. PROGRESS MADE WITH THE EUROPEAN COMMISSION PROPOSAL ON A ROAD SAFETY PACKAGE AND THE REVISION OF THE EU DRIVING LICENCE DIRECTIVE

DG MOVE shared updates on the legislative process related to the road safety package adopted in March 2023. It includes a proposal for a new EU Driving Licence Directive, where the Council was expected to reach a general approach in early December 2023. It includes the possibility to assess the compatibility of the driving licence systems in various third countries with EU standards, allowing the driving licences issued by those third countries to be exchanged for an EU-licence which would then be recognised by all Member States. This would facilitate the free movement of third-country drivers across the EU. The potential introduction of an accompanied driving scheme for 17-year-old C category drivers was also mentioned. **DG MOVE** stated that the EU did not currently recognise third-country Certificate of Professional Competences (CPCs), which were required for professional bus and truck drivers, and that a study would be launched to assess similarities between some third countries and EU qualifications to identify and focus additional training. The results were expected to be available at the end of 2024.

ETF raised the potential to extend mandatory professional training to professional LCV drivers.

CAB SCHMIT raised the ongoing discussions with sectoral social partners to best tackle the increasing labour and skills shortages and ensuring that employed third-country nationals benefit from the same conditions and treatment as EU nationals. Commissioner Schmit is committed to continue putting social dialogue and the need to improve working conditions and attractiveness of the sector at the top of the political agenda, an event ahead of the upcoming elections could be foreseen. The crucial importance of having skilled drivers in the EU was also noted.

FNST-CGT raised concerns regarding the training and qualifications of third-country drivers, the need to increase remuneration and the ability to go back home to improve the attractiveness of the sector. **ETF** raised abuses faced by third-country drivers, quoting data from the University of Vienna, and the differences in labour shortages among Member States. **ETF** highlighted the reduction of social contributions, proposing that each country should be limited to hire a certain percentage of third-country drivers. **VER.DI** stated the importance of improving working conditions. **ETF** raised the importance of supporting Mobility Package 1. **UNSA** raised the importance of career prospects, training and increased wages. **IRU** raised the sector's willingness to employ local drivers, the importance of ensuring good working conditions, and the persistence of driver shortages, requiring to hire third-country drivers. **IRU** highlighted the need to collaborate to avoid situations of abuse and ensure that third-country drivers are treated the same as EU drivers. **FSC-CCOO** stated that focus should be placed on local employment rather than third-country drivers and proposed measures such as banning loading and unloading to make the sector more attractive. **FNTR** highlighted that due to the increasing age of drivers, focus is required on attracting young drivers, women and third-country drivers, ensuring training quality and language learning. **ETF** raised the need to clearly define the status of "posted drivers" and the need for drivers to return home and not to one of the operational centres of the Member State of establishment. **BGL** stated its indignation at the situation at Gräfenhausen, which is shared by employers, requiring collaboration to stop such practices and ensure work quality. **IRU** raised the importance of drivers' working conditions and collaboration and different approaches to attracting young people and women to the profession. **IRU** stated that current EU legislation prevents third-country drivers from having their rights recognised across all Member States. **FNST-CGT** proposes to implement a tariff for transport to improve the working conditions.

8. RESULTS OF THE EUROPEAN COMMISSION CONSULTATION ON THE CREATION OF A BODY OR AGENCY ON ROAD TRANSPORT

DG MOVE presented the preparatory work for a possible establishment of a new EU road transport agency which would focus on challenges such as digital transformation, sustainable transport, and safe mobility. An initial feasibility analysis should provide economic, technical, legal, and financial feasibility assessment for such a body. A feasibility study will soon be finalised, after which the consultation work could start in time for the next European Commission.

FNST-CGT welcomed the possible creation of an EU agency dedicated to road transport. **ETF** asked for more information on consultation timelines and underlined the importance of enforcement. **IRU** welcomed the initiative on the new EU transport agency provided that social partners are part of the decision-making bodies and can propose actions.

9. AOB

ETF raised the importance of holding in-person SSDCs meetings and language translation. **UNSA** noted that the SSDCs agenda is becoming slimmer. **IRU** asked for more information on the organisation of 2024 meetings and noted the importance of holding at least two in-person meetings, one for road transport and one for urban public transport.