

UEAPME¹ Transport Forum response to the European Commission consultation on the review of the internal market in road freight transport

I. ABOUT YOU

I.1 : Question:

In what capacity are you completing this questionnaire?

Answer (please tick one):

- as a citizen
- private sector enterprise
- industry association or non-governmental organisation (NGO)
- public authority

I.2: Question:

Please indicate if your organisation is registered in the Transparency Register of the European Commission.

Answer (please tick as appropriate):

- Yes
- No

If yes, please indicate the identification number.

Answer (free text):

55820581197-35

I.3: Question:

What is the name of the organisation or authority?

Answer (free text):

UEAPME (Union Européenne de l'Artisanat et des Petites et Moyennes Entreprises/European association of craft, small and medium-sized enterprises)

¹ UEAPME subscribes to the European Commission's Register of Interest Representatives and to the related code of conduct as requested by the European Transparency Initiative. Our ID number is [55820581197-35](#).

I.4: Question:

Please provide details of the activities of your organisation. If there are multiple activities (e.g. haulage, freight forwarding) could you please indicate the relative importance of each?

Answer (please tick as appropriate):

- Road haulage
- Freight forwarding
- Other transport activity (please specify)
- Other economic activity (please specify)

Answer (free text):

Representation of European SME's interests

II. QUALITY IN THE ROAD HAULAGE SECTOR

II.1. Question:

Which aspects of quality in the road haulage sector do you think should be improved?

Answer (please tick as appropriate, you can select more than one answer):

- Economic efficiency
- Reliability
- Flexibility
- Safety
- Security
- Environmental performance
- Social fairness
- Other (please specify below)

Answer (free text):

UEAPME believes that SMEs operating in the road haulage sector are affected by financial and administrative burdens, which hamper their economic development. In line with the "Think small first" principle, SMEs specificities should be taken into account.

UEAPME stresses the importance of proper application of current European legislation to avoid potential unfair competition.

Furthermore, UEAPME advocates for the reinforcement and better harmonisation of the rules for access to the profession in road freight transport.

II.2. Question:

Do you think that different quality aspects and different quality levels should apply in the cases of domestic transport, international transport and cabotage or other transport segments?

Answer (please tick as appropriate):

Yes

No

If yes, please specify which quality aspects and levels should be applied in each of these forms of transport?

Answer (free text):

UEAPME believes that it is necessary to guarantee a minimum level of quality for each form of transport. However, UEAPME considers that flexibility is needed to adapt to specific needs of each form of transport.

II.3. Question:

In order to improve transparency should there be recognised differentiated (i.e. higher and lower) levels of quality for each of the following categories: freight forwarders, hauliers and drivers?

Answer (please tick as appropriate):

Yes

No

If yes, please specify which quality aspects and levels should be applied for each of these actors?

Answer (free text):

UEAPME supports the idea of minimum quality levels that should apply for each category. For hauliers and drivers, some minimum quality criteria are already provided by European legislation. UEAPME calls upon the Commission to leave some flexibility to the sector, since hauliers should have the freedom to pursue higher quality standards.

II.4. Question:

If you answered yes to questions II.2 and II.3 then should the different aspects and levels of quality be implemented through:

Answer (please tick as appropriate):

self-regulation and industry standards?

legislation?

a combination of the above two approaches?

For each aspect of quality that you named above please specify below.

Answer (free text):

UEAPME considers that quality aspects should apply to freight forwarders, hauliers and drivers, through a combination of legislative measures and soft measures such as identification of best

practices, voluntary schemes with a rewarding approach or incentives such as 'black list' for 'rogue' companies/contractors.

II.5. Question:

Since there are rules setting out qualitative criteria applicable to hauliers and drivers, should there also be qualitative criteria for freight forwarders?

Answer (please tick as appropriate):

Yes

No

If yes, what should be the criteria for freight forwarders?

Answer (free text):

UEAPME deems that qualitative criteria should also exist for freight forwarders. In this sense, UEAPME suggests the development of a piece of EU legislation regulating the access to the profession of freight forwarders, which would help to prevent fraud and exploitation of small truckers and independent businesses.

Furthermore, in the interest of road safety, freight forwarders should follow good practices developed by hauliers in cargo securing, goods packaging and charging.

If no, do you consider that current rules relating to hauliers should be modified to take account of situations where the haulage operations of an individual company are less important than the freight forwarding and subcontracting operations?

Answer (please tick as appropriate):

Yes

No

If yes, in what way?

Answer (free text):

II.6.: Question:

Do you consider that innovation and its deployment are currently inhibited in the road haulage sector?

Answer (please tick as appropriate):

Yes

No

If yes, what do you consider the major problems and what can be done to overcome them?

Answer (free text):

UEAPME considers that innovation in the road freight transport is inhibited due to the economic crisis, which particularly affect SMEs. While facing the crisis and hence having a lower profit margin, SMEs also have to pay high taxation rates, which limit their capacity to invest in innovation and research and development.

Moreover, SMEs face increased difficulties to access to investment funds or loans.

UEAPME believes that subsidies incentives for operators are necessary to accelerate the development of clean and most innovative solutions.

III. SOCIAL ISSUES AND ENFORCEMENT OF ROAD TRANSPORT RULES

III.1. Question:

Do you consider that there is a shortage of drivers in the road freight transport sector?

Answer (please tick as appropriate):

Yes

No

If yes, what do you think are the main reasons for the shortage of drivers?

Answer (free text):

In UEAPME's view, one of the main reasons for the shortage of drivers in the road freight transport sector is the unattractiveness of the job, which is due to both complexities in a driver's work (increasing complex regulatory framework, financial pressure, unfair competition, difficult working conditions etc.) and misjudgement/lack of information of the public regarding the profession.

Structural changes in the society, i.e. the demographic change also play a part in the shortage, as many drivers are close to retirement and there is a lack of young entrants to replace them.

If yes, what actions do you think should be taken to improve the situation?

Answer (free text):

UEAPME believes that it is essential that the government promotes a positive image of the sector and make sure that international legislation in term of driving and rest time rules are applied, by harmonising the rules on driving restrictions, increasing the number of parking places, and enabling a better access to health.

UEAPME would also like to draw Commission's attention to the fact that training of drivers should be improved.

Moreover, enforcement authorities should be better train in order to ensure the proper interpretation and implementation of rules.

III.2. Question:

Do you think that certain jobs should be reserved for drivers with higher qualifications?

Answer (please tick as appropriate):

Yes

No

If yes, which jobs?

Answer (free text):

UEAPME stresses the fact that rules on professional competence of the drivers require permanent training for drivers. Legislation foresees 35 hours of training for drivers every 5 years in order to maintain their driving licence. This legislation is a guarantee for high qualified drivers.

UEAPME is satisfied with the current legislation, which foresees additional training for specialised goods such as transport of dangerous goods, transport of animals etc. and advocates therefore for no additional regulation.

III.3. Question:

Do you consider that enforcement practices are sufficiently harmonised across the EU?

Answer (please tick as appropriate):

Yes

No

If no, what are the main problems?

Answer (free text):

UEAPME would like to point out the lack of harmonization of enforcement practices in the European Union. The fact that there is no common training of enforcement authorities leads to different interpretation of sanctions, which is unacceptable.

III.4. Question:

In your opinion are sanctions and the levels of penalties sufficiently harmonised?

Answer (please tick as appropriate):

Yes

No

III.5. Question:

Do you consider that sanctions and penalties function as an effective deterrent against non compliance?

Answer (please tick as appropriate):

Yes

No

III.6: Question:

What are your recommendations to improve the current situation in terms of enforcement practices, sanctions and levels of penalties?

Answer (free text):

UEAPME considers that sanctions and penalties are not sufficiently harmonised at European level. UEAPME calls upon a common European enforcement area, which would be effective first through a common training of enforcement authorities.

Decision makers should ensure that information flow circulates smoothly between different authorities at national level and cross border in order to avoid double checking and infringement to be sanctioned twice.

A way to overcome this problem would be the development of guidebooks/manuals for uniform interpretation and common road side check forms.

Another aspect to be outlined is the payment of fines: national authorities should allow an electronic payment of fines instead of the current cash payment, which leads to insecurity of drivers often attacked in unsecured rest areas.

III.7: Question:

Do you think that mechanisms should be introduced to engage the liability of shippers and freight forwarders for certain serious infringements by road hauliers and their drivers?

Answer (please tick as appropriate):

Yes

No

If yes, which mechanisms should be introduced and for which serious infringements?

Answer (free text):

Liability legislation in the European internal market is already a mix of many not always corresponding rules. Harmonisation of these rules along with enforcement of coherent, reliable, transparent and more practical application, which at the same time reduces administrative burden in a less time consuming way would be the first priority for SMEs in order to improve the situation.

In this context, UEAPME would like to point out issues that should be tackled such as social security fraud, unreported employment, overloading of vehicles and vehicle axles, bad packaging, or fast-driving.

IV. ROAD USER CHARGES AND DRIVING RESTRICTIONS

IV.1. Question:

Do you consider that the multiplicity of road charging systems in the EU represent a problem for the internal road haulage market?

Answer (please tick as appropriate):

- Yes**
 No

If yes, what are the main problems?

Answer (please tick as appropriate):

- Insufficient interoperability of electronic tolls
 Differences of charging principles
 Others (please specify below)

Answer (free text):

UEAPME stresses that the multiplicity of road charging systems has a negative impact on SMEs, as it leads to increasing costs.

UEAPME would like to draw Commission's attention to the fact that charging revenues for trucks (Eurovignette) should be used exclusively to improve road infrastructure.

Furthermore, the internalisation of external costs should not only apply to trucks, but should apply to all road users, as cars play also a role in the congestion and the externalities of other transport modes should also be verified.

IV.2: Question:

Should existing taxes or charges like the annual vehicle tax and time-based road user charges (vignettes) or other taxes be replaced by distance based road user charges?

Answer (please tick as appropriate):

- Yes**
 No

Please explain your position. If yes, what are the reasons? If no, what are the reasons:

Answer (free text):

UEAPME outlines that SMEs are already overwhelmed by the different existing taxes, charges and vignettes. UEAPME considers that existing taxes should be replaced by a taxation system proportionally to the use of the road. The distance based user charge should be maximal differentiated and transparent to all road users.

UEAPME insists that a change in the legislation should not add an additional tax burden on road freight transport and should take SMEs specificities into account.

If you answered "yes" to question IV.2, should such a variable charge include:

Answer (please tick as appropriate):

- Infrastructure costs
- Environmental costs like the costs of air and noise pollution
- Congestion costs
- Any other costs (please specify below)

Answer (free text):

Before undertaking any further change in the taxation system, UEAPME believes that the European Commission should make an overview of existing taxation system in all member states and take into account the 'think small first' principle in order to make sure that a change would not lead to increased costs for SMEs.

Furthermore, UEAPME would like to point out again the fact that charging revenues of the sector should primarily aim at financing road infrastructure and that decision makers should consider externalities caused by private cars and other transport modes.

IV.3: Question:

While road user charging can improve the use of infrastructure, do you agree that measures enabling a 24 hour use of infrastructure could be investigated as another means for achieving an efficient use of infrastructure?

Answer (please tick as appropriate):

- Yes
- No

Please explain if appropriate (free text):

V. CABOTAGE

V.1: Question:

Has the change in cabotage rules introduced in May 2010 been valuable to you?

Answer (please tick as appropriate):

- Yes
- No

If no, please explain why.

Answer (free text):

UEAPME highlights that as enforcement of the legislation is not carried out in all member states in the same way so far, more efforts have to be provided by public authorities in order to ensure fair competition situation within the EU market.

V.2: Question:

Do you think that the controls aimed at ensuring compliance with the current cabotage rules are effective?

Answer (please tick as appropriate):

- Yes
 No

If no, please give reasons and your opinion how the controls can be improved.

Answer (free text):

UEAPME considers that current controls are not effective due to a lack of training of the control authorities.

A harmonized EU enforcement scheme is needed in order to better control cabotage operations.

V.3: Question:

In your opinion do the current rules on cabotage limit the flexibility of hauliers and hence their efficiency?

Answer (please tick as appropriate):

- Yes
 No

V.4: Question:

If you answered “yes” to the above question, then what changes should be made to the current cabotage rules in order to further the use of cabotage? You may select more than one answer.

Answer (please tick as appropriate):

- Remove the link between international transport and cabotage
- Remove the need for the completion of the international transport operation (full unloading) before the cabotage operations can start
- Increase the limit of seven days within which the cabotage operations have to be carried out
- Increase the maximum number of cabotage operations (3) that can be carried out within the 7 day period
- Increase the limit of one cabotage operation that can be carried out in countries other than the one where the international transport operation was completed

- Increase the limit of 3 days to carry out the permitted cabotage operation after the unladen entry into a Member State
- Other. **Please explain below**

Explanation (free text): UEAPME fully supports the application of article 17 of Regulation 1072/2009 on common rules for access to the international road haulage market stating:

'Every 2 years Member States shall inform the Commission of the number of hauliers possessing Community licences on 31 December of the previous year and of the number of certified true copies corresponding to the vehicles in circulation at that date.2. Member States shall also inform the Commission of the number of driver attestations issued in the previous calendar year as well as the number of driver attestations in circulation on 31 December of that same year.3. The Commission shall draw up a report on the state of the Community road transport market by the end of 2013. The report shall contain an analysis of the market situation, including an evaluation of the effectiveness of controls and the evolution of employment conditions in the profession, as well as an assessment as to whether harmonisation of the rules in the fields, inter alia, of enforcement and road user charges, as well as social and safety legislation, has progressed to such an extent that the further opening of domestic road transport markets, including cabotage, could be envisaged.'

V.5: Question:

As an alternative to the current cabotage rules do you think that the entitlement for hauliers to carry out cabotage could be determined as a maximum percentage of their total annual transport performance?

Answer (please tick as appropriate):

- Yes
- No

V.6: Question:

As an additional or alternative criterion, should vehicle, driver and operator quality be a factor in cabotage rules?

Answer (please tick as appropriate):

- Yes
- No

If yes, which aspects of quality for the vehicles, drivers and operators should be considered? Please select as appropriate. You may select more than one option.

Vehicle

- Use only vehicles that meet the latest applicable EURO standard
- Install satellite positioning (e.g. GPS, EGNOS, later Galileo) units specifically designed for trucks in their vehicle to prevent the use of roads that are unsuitable for heavy goods vehicles
- Install tracking and tracing functionality into their vehicles to allow easier enforcement and compliance monitoring by control authorities
- Install (when available) integrated Intelligent Transport System (ITS) applications

Other criteria (please specify below)

Other criteria (free text):

Driver

- Driver qualifications (e.g. ecodriving)
- Other criteria (please specify below)

Other criteria (free text):

Operator

- Whether the operator signs up to a "Social Code" on the minimum pay and other relevant working conditions for their drivers
- Whether cabotage operations are carried out only during non congested time periods
- Whether the operator enters into a commitment to improve the CO2 efficiency of their transport operations by an agreed percentage
- Other criteria (please specify below)

Other criteria (free text):

VI. OTHER QUESTIONS

VI.1. Question:

Do you have any other comments or suggestions which you consider should be taken into account during the revision of the European legislation concerning the road haulage sector?

Answer (free text):

UEAPME points out again that existing legislation should be fully implemented first.

UEAPME recalls that it is essential to integrate the "think small first" principle in the legislation, in order to ensure the competitiveness of small hauliers SMEs, which are the backbone of the economy.

Furthermore, UEAPME wishes that an agreement on the weight and dimension in road transport will be reached soon.

VI.2: Question:

Do you agree that the Commission publishes your response?

Answer (please tick as appropriate):

Yes

No

Brussels, 14 November 2011

For further information on this position paper, please contact:

Skiker Sabine
Transport policy officer
s.skiker@ueapme.com