



October 18, 2017

Joint letter on posting of workers and road transport

To:

Commissioner for Employment and Social Affairs Marianne Thyssen
Commissioner for Transport Violeta Bulc
European Commission

Dear Commissioners Marianne Thyssen and Violeta Bulc

As representatives of more than 50.000 road transport and logistics operators in the EU we are writing to you urgently about the upcoming discussion on the revision of the posting of workers directive (PWD) at the Council meeting for the Employment and Social ministers on October 23 (EPSCO).

We understand that the road transport sector is being used by some member states as a tool to reach a solution on the PWD proposal. In particular at least two proposals – from Spain and from the Visegrad group - are floating around which are requesting EPSCO to take wide-reaching decisions on if and how to apply the rules PWD on road transport.

These proposals are completely different from what the Commission presented on May 31, 2017 in the Mobility Package on how to apply the PWD to road transport. At the press conference on May 31, Commissioner Thyssen was very clear on the principle applied by the Commission in the proposal: the link between the PWD and road transport is linked to the activity being carried out in the host country. Thus, posting of workers rules apply from day 1 for cabotage, but a derogation of 3 days for international transport under Article 1(3)(a) of the Directive 96/71/EC was acceptable and proposed by the Commission.

We find this approach a very constructive and useful way forward as we recognize that the road transport sector is already subject to the rules of the PWD.

However, what is happening now in relation to the coming EPSCO meeting, is that road transport is being used as a bargaining chip without any prior in-depth discussion on the proposals from the Commission and before European Parliament has even started discussing the proposals.

This cannot be in line with the principles of good legislation and an open and transparent EU.

Furthermore, the proposals floating around from Member States on how to apply the posting of workers to road transport will create even more chaos than we see today with national solutions and

administrative burdens. They will not combat social dumping as they will allow operators to be permanently absent from their home countries without falling under the rules of PWD.

We are concerned about the possibility for an operator from country A to carry out transports between countries B and C, possibly also with D and others, combined with cabotage in one or all of these countries. As long as the operator stays in these countries below the proposed day-limits of 5-7-10 days or does not stay longer than 24 hours in one country (as proposed by the Visegrad group) they can move around from country to country without ever being subject to the rules for posting of workers.

Thus the EU will not have managed to fight social dumping in the road transport sector and one of the main purposes of the Mobility Package will have fallen to the wayside. Indeed, it can make any further discussion on the Mobility Package even more complicated and Member States more reluctant to make compromises.

The impact on fair competition, reduction of the administrative burden, the shortage of drivers, the reduction of empty runs will most certainly be negative. We know from past experience that this will lead to even more of a patchwork of national solutions, by Member States trying to solve the problems by whatever means they have available. This patchwork is a huge administrative burden for our sector.

We urge you to not accept the proposals that have been circulated and stand by your proposal in the Mobility Package as the basis for further discussion. We urge you to make Council focus in the coming months on the discussion on how the PWD should be applied on road transport, considering enforceability, administrative burdens and a proper functioning of the internal EU market. We urge you to only accept that such an important question for such an important industry as ours needs and must have a proper discussion and analysis to find the right solutions.

Best regards

Soren H Larsen
CEO Nordic Logistics Association
Rue du Luxembourg 3, B-1000 Bruxelles
shl@nla.eu
tel : 0495912308

On behalf of :



www.dtl.eu



www.skal.fi



www.lastebil.no



www.tln.nl



www.akeri.se



www.febetra.be



www.alt.fi



www.nla.eu



www.wko.at



www.fntr.fr