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EUROPEAN COMMISSION MOBILITY PACKAGE – A BLOW TO ENFORCEMENT AND TO DRIVERS' WORKING AND LIVING CONDITIONS

AN ETF STATEMENT ON EUROPEAN COMMISSION PROPOSALS FOR THE REVISION OF DRIVING AND REST TIME (Regulation (EC) No 561/2006) AND TO THE 'SMART' TACHOGRAPH REGULATION (Regulation (EU) 165/2014)

The European Commission Mobility Package proposes a number of amendments to the driving and rest time rules (Regulation (EC) No 561/2006) and to the 'smart' tachograph regulation (Regulation (EU) 165/2014). The proposed changes to the driving and rest time have never been subject to any consultation process in the past 3 years. Hence, their significant negative impact on road and passenger safety, as well as on pay, working and living conditions of bus, coach and truck professional drivers. Hence, the havoc caused by these proposals among drivers, feeding into people's distrust in the European social project.

In more detail...

In terms of driving and rest time, the European Commission proposes to extend the reference period for the calculation of driving and rest time from 2 to 4 weeks. Over one month, drivers must take two rest periods of 24 hours and two rest periods of 45 hours. This will practically result in a concentration of driving time in the first 3 weeks of the month, and of the weekly rest at the end of it. This will result in drivers benefitting from only 2 days of rest in a stretch of minimum 16 days of driving! The ETF considers the above proposal will have a critical impact on road, passenger and driver safety. The recent joint work of the European Transport Workers Federation and the European Federation of Road Traffic Victims show the wide-spread concern the EC proposals raise among drivers and passengers alike. Indeed, it is hard to guarantee safety of passengers when a school bus will be manned by a driver who had only 2 days of rest in 16 days of driving.

The proposed changes in the driving and rest time rules will negatively impact all professional drivers, no matter what part of Europe they come from. They will impact on fatigue levels, on work-life balance, and on drivers' pockets! Drivers covered by collective labour agreements will certainly witness a reduction in their rights and benefits related to their week-end work, which took decades of social partner negotiations to be settled! This was already flagged out in letters addressed to 4 EU Commissioners by 12 trade unions from 9 EU Member States, and by workers representatives from 4 multinational companies operating in bus, coach and freight transport sectors. The recent strike action organised by three trade unions in Italy reflect precisely the huge concerns in this direction. The fact that the European Commission goes ahead with their proposals despite huge opposition from the workforce clearly indicates whom this package is made for.

In terms of weekly rest conditions and drivers' return to the home country, the European Commission proposal fails once again to address the real problem of the sector, notably the massive labour trafficking currently organised by road transport operators across Europe. The latter have built their business model



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by 'importing' cheap labour to Member States with high standards and working conditions, keeping this pool of drivers at their disposal for months, on slavery working and living conditions. In this context, the EC proposal comes as a mishmash of ambiguous provisions which basically hold companies responsible of only one thing: organising drivers' schedules so that to allow them to return home for the weekly rest of 45 hours or more. No obligation to provide and pay for accommodation! On the contrary, cumulating most of the rest time towards the end of the month will make it easy for the employer to just dispose of the drivers after 3 weeks of hard work, and this – we are told – may even affect the income of the drivers in question. Indeed, in an information campaign ran by the ETF from March to May and targeting non-resident drivers, the biggest fear of the latter is that they won't probably even get a per diem for the cumulated rest period taken at the end of the month, but rather only be paid the monthly minimum wage of their country of origin (as low as 300€ in some Member States), for that particular period of time. In the absence of any legal obligation for the employer to provide and pay for accommodation and to pay for the drivers' return home, the non-resident drivers will be stuck in a country where living standards are much higher than their subsistence means.

Many wonder why the European Commission resorted to changes in driving and rest time. That is because the European Court of Justice is likely to soon rule that, according to the current requirements of Regulation (EC) No 561/2006, weekly rest must be spent away from the vehicle. The impact of this ruling: non-resident drivers would have to be provided, **right in the middle of the month** - or better say weekend 2 and 3 of a month - with accommodation! This would total to a maximum 7 nights per month. Road transport companies using non-resident drivers on a large scale complain that with this decision, the low-cost labour they have been using for years will suddenly become very expensive, that business will be disrupted by high accommodation costs and by additional responsibilities to provide and pay for driver accommodation. Thus, the European Commission proposals in the mobility package suits them well: road transport undertakings are only responsible for organising drivers' schedules so that to allow them to return home for the weekly rest of 45 hours or more. When it comes to providing or paying accommodation to drivers, this is not mandatory.

Last but not least, the European Commission takes the courage to open to revision the recently adopted **'smart' tachograph regulation**. However, not to bring forward the deadline for its mandatory introduction to all vehicles engaged in international transport, as the ETF requested. But rather to make drivers responsible for manually recording, at every stop, the code of the country they are in. And this comes from a Commissioner who declares herself engaged in bringing road transport into the modern era of digitalisation. The manual introduction of the country code will once again place the pressure and responsibility on the drivers, both from employers (most likely to order drivers not to do so) and enforcers – if the law places the responsibility with the driver, that the sanctions will target the driver too! On the other hand, it is widely acknowledged that the smart tachograph is the only viable tool to control both cabotage and the driver temporary and habitual workplace! To this end, the European Commission enforcement proposal is nothing else than a... gimmick!

What does the ETF propose?

- No changes to the driving and rest time rules
- Clarify that drivers must spend the weekly rest of 45 hours or more in adequate outside of the cabin, in suitable accommodation with adequate sleeping and sanitary facilities, paid by the employer
- Bring forward - 2 years after its introduction to the market - the mandatory equipment with 'smart' tachograph of all vehicles engaged in international transport, including cabotage



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Instead, today the European Commission launched a package which:

- Clarifies that road hauliers have no real obligation to provide accommodation to non-resident drivers during weekly rest
- Makes it easy for the road transport operators to dispose of non-resident drivers at the end of the month – it will be the business of the latter to sort out their own accommodation
- Puts at risk driver, road and passenger safety by allowing minimum 16 days of continuous driving with only 2 days off in between
- Includes but feeble and costly enforcement solutions

The ETF and its affiliated organisations will step up actions to inform drivers – in parking areas, on driver forums, in trade union meetings – about the European Commission proposals. We cannot support a package which, in the name of drivers, fails to deal with their real needs and problems, legalises dumping practices, leads to fatigue and puts safety at risk.

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