



To:

Andreas Scheuer, Federal Minister of Transport and Digital Infrastructure, Federal Republic of Germany

Pedro Nuno Santos, Minister of Infrastructure and Housing, Portuguese Republic

Jernej Vrtovec, Minister of Infrastructure, Republic of Slovenia

Brussels, 8 July 2020

Ref: Declaration by the Transport Ministers of Germany, Portugal and Slovenia launching the Trio Presidency

Dear Transport Ministers,

The ETF, on behalf of over 200 affiliates representing nearly 5 million members in 41 European countries, would like to share our reaction to your recent Declaration given the launch of your Trio Presidency.

We attentively read your Trio Programme and were concerned to note that although you speak of strengthening the transport sector, and go as far as to say that you have seen the “immense strategic significance of a well-functioning European transport area and efficient logistics chains during times of crisis”, not once do you mention the workers who make all of this possible.

There is not a single reference to the transport workers who have kept Europe moving during this pandemic. You mention the word “emergency” in your Declaration, but omit that transport is also facing a social emergency.

Indeed, though we can all agree that “mobility is among the most basic needs of our society”, and that this should be supported by “innovation for sustainable mobility”, we must also see eye-to-eye on the way forward.

Throughout this crisis, we have witnessed the violation of transport workers’ social and labour rights. Denial of social security due to precarious contracts. Lack of personal protective equipment and safety standards. Fired. Working conditions lowered. These are just some of the realities transport workers have had to cope with.

This crisis has laid bare and further exacerbated the cracks in the transport sector. A truly sustainable transport sector that fulfils the goals you put forward in your Declaration will never be achieved without fixing these cracks.

How can we dream of achieving sustainability if social dumping practices, low working conditions, growing liberalisation and incentivised competition continue to plague such a vital sector?

Simply put, we cannot.

So how do we achieve sustainability and resilience?

Recovery for the transport sector that shapes “sustainable, innovative, resilient, and affordable mobility” must first address the industry’s structural problems.

The European Green Deal has to be ambitious and come with an industrial policy for transport, combining employment and environmental protection. We need a vision to rebuild a sector that has been hit by continuous waves of liberalisation and privatisation.

The European Green Deal aims to achieve climate neutrality in the EU by 2050, but unfortunately, we cannot accomplish this by just looking at the cost of environmental externalities. You must also look at how the price of transport is kept artificially low through dubious business models such as letter-box companies and social shopping within the internal market. Maintaining the cost of transport at an artificially low level has made the sector unsustainable. The low-cost model that has spread in freight and passenger transport has proven to be far from environmentally and socially sustainable. There is a need for transport policies to be revised by addressing the issues in the supply chain.

The price of transport must internalise both environmental and social costs. Acting to establish a fair price for transport is a crucial element to deter social dumping practices, to set a level playing field between transport modes, and increase environmental sustainability.

Social dumping is everywhere in transport, and we need a plan to fight it. This means designing a social policy for the sector, through legislation, controls and enforcement, through a push for sectoral collective bargaining. This will require acting on the whole supply chain, pushing shippers to pay the right price.

Besides digitalisation and climate change, and in light of the above, we call for a third pillar on social policy for transport and suggest the implementation of an inter-service task force to achieve this. In turn, unions must be included in these discussions. In your Declaration, you mention “transparency” as one of your guiding principles, and we hope that you will make good on your promise by conferring with the representatives of transport workers.

Open Data and the use of artificial intelligence are mentioned as key points in your ambitions to transform the transport sector digitally. However, we must stress the importance of public ownership of public data. Private companies using data provided by public authorities such as traffic flows must adhere to labour laws and tax regimes. Furthermore, data and artificial intelligence must be used transparently, and not to dehumanise transport by discriminating against or controlling workers; who must always remain in command.

We also noted your references to specific modes of transport:

Railways

We welcome your inclusion of the Commission’s proposal for a European Year of Rail 2021 which will be prepared during the German Presidency and implemented during the Portuguese and Slovenian Presidency. For the ETF, the European Year of Rail is a unique opportunity that must be used to raise awareness and recognise railway workers as key workers and ensure fair and decent working conditions.

European Transport Workers' Federation | Galerie Agora, Rue du Marché aux Herbes 105, BTE 11, B-1000 Brussels

+32 2 285 46 60 | etf@etf-europe.org | etf-europe.org

Frank Moreels, President | Livia Spera, Acting General Secretary | Ekaterina Yordanova - Jan Villadsen, Vice Presidents

Indeed, if we are to achieve your aspirations for “efficient, attractive and quiet rail transport” then concrete efforts need to be made towards promoting a career in the rail sector. Working in the railways must be perceived as attractive for young workers, and efforts must be focused on promoting the employment of women.

You also express your intention to develop the system of rail freight corridors further. We would like to underline that the future rail transport policy must include a social package that includes:

- Monitoring and enforcement of working, driving and rest time of mobile railway workers at national level and across borders. We need cross-border cooperation and inspections undertaken by the relevant authorities;
- Forbidding the use of temporary work agency workers for safety-relevant railway occupations such as locomotive drivers and maintenance workers;
- Ensuring the high qualification levels of all safety-relevant railway occupations and their certification for railway safety in an open and competitive market;
- Ensuring the principle of “the same wages for the same work at the same place”, also for mobile railway workers who are crossing the borders.

Though we are happy to see your acknowledgement of the importance of railways, we are disappointed to see the emphasis on passengers, and the complete lack of reference to railway workers. Without railways workers, there are no trains, and they must be an integral part of your plans.

Urban Public Transport

Throughout your Declaration, you mention the importance of achieving “user-friendly, affordable and sustainable mobility”. To achieve this, recovery plans at national and European level must also focus on the recovery of collective rail and urban public transport.

Investments must be mobilised towards better infrastructures for collective public transport, walking and cycling. Due to the COVID-19 pandemic, public transport has been hit hard, with the public actively avoiding any collective modes of transport. For the safe resumption of public passenger transport, it is crucial to focus efforts on a campaign to rebuild trust in collective public transport.

You refer to the European Green Deal and the EU Strategy on Smart and Sustainable Mobility. For us, it is evident that if these strategies are to succeed, then there must be a strong emphasis on collective public transport, walking and cycling. E-mobility and clean vehicles are not enough to solve the problem of congestions; the use of space or road safety in cities for bikers, pedestrians, but also car drivers. The use of collective transport modes must be promoted as the backbone of a decarbonisation strategy for regional and urban public passenger transport.

With this being said, the ETF also expects the new EU transport strategy to ensure stable employment and decent working conditions for urban public transport workers. We insist on compulsory social criteria, social standards and the application of the most favourable collective bargaining agreement when awarding a public service contract to a public transport operator. We are clearly in favour of directly awarding public service contracts; however, when there is competitive tendering, we insist on a compulsory transfer of staff in the case of a change of operator. In this regard, we believe that the trio-Presidency can and

should play an active role in clarifying and promoting the possibilities of PSO Regulation 1370/2007.

Last but not least, you make many references to digitalisation as a key player in your plans. We have some concerns regarding the concept of MaaS (Mobility as a Service) which is being promoted across Europe. As a minimum, we insist that the MaaS platform must be managed by public hands, either by the relevant urban transport authority or by the public transport operator. We also maintain that all service providers participating in the MaaS platform must apply a collective bargaining agreement and offer their workers decent working conditions.

One must not forget that transport workers are an integral part of your plans, and their rights and working conditions must be considered every step of the way.

Aviation

When it comes to reforms in European aviation, we would like to reiterate that they cannot be just another excuse for further liberalisation. The rules on the principal place of business and home base must be tightened to ensure level playing field. On Single European Sky, more specifically, we'd like to affirm a market-based approach cannot guarantee the resilience of ATM systems. We believe that the only option that protects our skies is for the EU and the Member States to consider this a public service.

Shipping

The COVID-19 crisis has highlighted the complexity of a global industry with unfettered mobility of labour and capital and shown that maritime workers, in particular seafarers, require special attention. One of the examples is the well-known proliferation of flags of convenience, which have not adequately assumed jurisdiction over the social matters concerning their ships. You mention that in the shipping sector, sustainability and international competitiveness are not mutually exclusive. We believe that the crisis can be an opportunity to stop unscrupulous companies and ship owners, as well as inept flag States, from engaging in unfair competition. We, therefore, count on your political leadership to step up the efforts to safeguard a level playing field in the industry.

You also mention that the TEN transport network plays a crucial role. The European Green Deal proposal promotes a modal shift in Europe to waterborne transport, including short-sea shipping. To realise this shift, investments will need to be made to ensure a just transition and a balanced and sufficient geographical distribution. Investments will need to support the development of green ports and programmes to enhance further the environmental sustainability of inland waterway transport in Europe. Ensuring adaptation of port infrastructures to the changing needs of a greener fleet and efficient and smooth hinterland connections are also essential. In that matter, training and education will be an essential aspect. The green transition in waterborne transport must go hand in hand with a focus on workers' health and safety, their skills needs and their working conditions - both onboard and onshore.

Road

This letter reaches you a few days before the final vote on the Mobility Package. If the Package is adopted, we will have more explicit rules for drivers and companies in road transport. These rules will be easier to enforce thanks to the quick introduction of the smart

European Transport Workers' Federation | Galerie Agora, Rue du Marché aux Herbes 105, BTE 11, B-1000 Brussels

+32 2 285 46 60 | etf@etf-europe.org | etf-europe.org

Frank Moreels, President | Livia Spera, Acting General Secretary | Ekaterina Yordanova - Jan Villadsen, Vice Presidents

tachograph to a much larger group of commercial vehicles. This will also contribute to better safety on European roads.

However, if the Package is not adopted, the ETF will step up its campaign to enforce the current rules applicable to professional drivers, including the ones on posting of workers to cover international transport from the first day of each international journey.

Regardless of the final result of the vote, we hope that under the leadership of the three upcoming presidencies, policymakers will address the disastrous social situation of truck drivers which has been laid bare by the current pandemic. Their situation is similar to that of seasonal workers, notably consisting in: long working hours that way exceed the legal maximums, wages far below the legally applicable levels, no access to social security and free health care as companies employing these drivers do not contribute to the social

Moreover, the shortage of drivers in passenger and freight transport is so critical, and so intrinsically linked to the decline in quality of jobs, pay and working conditions, that road transport companies are now resorting to non-EU drivers who come to work in Europe. Their conditions of employment are a disgrace for the social Europe that we have been striving to build.

Making the road transport sector a workplace that matches the expectations of young people, and is ready to adapt to innovation, including smart enforcement, is in your hands.

In view of the above and in light of your commitment to the recovery, resiliency and sustainability of the transport sector, we urge you to shape the European mobility sector in a socially sustainable way. Our 5 million transport workers are counting on you. The wait has been far too long; it is now time for a fair transport sector.

Sincerely,



Livia Spera, ETF Acting General Secretary