



JOINT STATEMENT

on light commercial vehicles and tachographs

ahead of the Plenary vote on drivers' hours and posting of drivers

The European Express Association (EEA) represents express delivery companies and associations, both large and small, in Europe. Being a multi-modal operator, the express industry is impacted by issues which cut across a broad range of policy sectors. By communicating on behalf of the express industry with one single voice, the EEA works to ensure that policy-makers fully understand the challenges we face as an industry and as a result, that policy is implemented in a way which maximises the benefits for all involved.

Evofenedex represents the interests of some 15,000 companies in the Netherlands that export, import and transport goods on their own account or subcontract through a professional transport company. They come from all sectors of industry such as machinery, chemical and agricultural sectors, but also in the field of wholesale, retail and business services.

The Freight Transport Association (FTA) is one of the UK's largest trade associations and represents over 16 000 members relying on or providing the transport of freight both domestically and internationally, to or from the UK. Our members include hauliers, freight forwarders, rail and air freight operators, through to customers – producers, manufacturers, wholesalers and retailers.

FTA Ireland is a not-for-profit membership trade association for the Irish freight, passenger and logistics industries. We are wholly owned and governed by our members, and will act solely in advancing their best interests. FTA Ireland covers all aspects of private and public freight transport, passenger transport and logistics supply chain, including road, rail, sea and air. FTAI represents some of the largest freight and passenger operators in Ireland, with more than 25,000 employees and 10,000 vehicles operating between them.

The signatories noted with concern the decision of the June Plenary session to reject the mandate adopted by the TRAN committee on three proposals of the Mobility Package I. All MEPs are of course unquestionably entitled to have a say on any legislative proposal. However, the compromise-building process in committees had been long, complex and had led to a subtle balance. The additional amendments that were tabled for the July plenary were designed under much higher time pressure. Some of them create inconsistencies with other provisions of the package or jeopardise the sound (although not perfect) negotiating basis the TRAN committee had adopted.

We call on MEPs to reject Amendment 88 to the proposal on driving and rest time and to reject Amendment 125 to the proposal on posting of drivers.

1. Vans (Wim van de Camp report – Driving and rest time)

The TRAN committee report includes vans from 2.4t that are used internationally in the scope of Regulation 561/2006 on driving and rest time. This was already a significant extension of the scope compared to the European Commission's proposal, which kept vans out of the scope due to lack of evidence in the impact assessment.

Amendment 88, tabled for the July plenary session, proposes to include all vans, without any criteria, in the scope of drivers' hours rules, also if the main activity of the driver does not constitute driving. **This approach not only disregards the cost implications for van operators, but also creates serious enforcement issues.**

Applying drivers' hours rules to vans does not only mean that operators will have to organise their work around a whole new set of complex rules. It will also automatically impose an obligation to equip these light vehicles with tachographs.¹ All provisions regarding future tachograph versions, upgrades and retrofitting would also hit van operators, including small businesses.

Moreover, tachographs only make sense if operators have the time and resources to analyse their tachograph records in order to plan and optimise their work around these rules, which will not be the case for many companies.

Furthermore, **enforcement resources are already highly insufficient to cope with the current set of rules.**

- Enforcement authorities will not have the means to carry out checks properly, which always **rewards reckless companies**. Those van operators who will seek to comply with these rules will be undercut by a minority of black sheep who will take a chance, knowing that enforcement will be sporadic.
- It will also **distract enforcement resources from other checks** such as overloading or roadworthiness of vehicles.

Should legislators insist on addressing vans, they should at the very least take the time to assess the impact of a more proportionate approach that would focus on larger vans used internationally. This would also be more consistent with the approach to vans in Regulation 1071/2009 on access to the profession.

We therefore call on MEPs to reject Amendment 88 to the proposal on driving and rest time.

2. Tachographs (Merka Kyllönen report)

Tachographs were designed to monitor drivers' hours rules and are intrinsically linked to these rules. The revision of Regulation 165/2014 was therefore dealt with together with the regulation on drivers' hours.

Amendment 125 to the Kyllönen report introduces a very early roll-out deadline for smart tachographs (2 January 2020). It is assumed the objective is to improve enforcement based on location of vehicles. However, the smart tachograph does not exist yet. It is still in the process of being developed based on specifications that do not provide for automatic recording of border crossings. **New specifications are not in the hands of transport operators and given experience of past versions, it is highly unlikely they could be ready in time for January 2020, whilst existing specifications do not provide for the necessary features to enforce posting rules.**

Moreover, this timeline **would be at odds with the retrofit approach proposed in Regulation 165/2004 (van de Camp report)**, which is based on a staggered approach with different deadlines.

We call on MEPs not to adopt conflicting provisions and to reject Amendment 125 to the Kyllönen report.

¹ The use of tachographs is prescribed by Regulation 165/2014. Its scope mirrors the scope of Regulation 561/2006 (Article 3, paragraph 1 of Regulation 165/2014)