



Ministère de l'Environnement,
de l'Énergie et de la Mer,
chargé des Relations internationales sur le
climat



Ms Violeta Bulc
Commissioner for Transport
European Commission
Rue de la Loi 200
B-1049 Brussels

Date: 27th September 2016
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Dear Commissioner,

We, the Ministers of Transport of Austria, Belgium, Denmark, France, Germany, Italy, Luxemburg and Norway, would like to set forth to you our joint position concerning the application of European legislation to international road haulage.

We would like to explicitly emphasize that we unrestrictedly support the observance of the fundamental freedoms, i.e., the free movement of services and the free flow of goods within the European Internal Market. Furthermore, we, of course, acknowledge the ban on discrimination as a fundamental principle of the European Union.

But there are two factors linked with this sector which we are worried about: on the one hand, we notice that the invocation of the fundamental freedoms is increasingly abused to avoid the application of the European rules which guarantee fair competition in the European Internal Market. On the other hand, we observe that illegal activities, letter box companies and unfair business practices are becoming more and more common. Apart from the negative impacts on fair competition, on the perception of Europe by our citizens as well as on the living conditions of the European employees this entails considerable safety risks for road transport.

We expressly support the achievements of the European Internal Market and the creation of a common European transport area. But we also emphasize that the European Union must go beyond an economic community where absolute priority is given to free competition and the quest for maximum profit. The European Union is rather also a community of shared values where the same significance is attached, among other things, to the observance of the fundamental social rights, to social peace in the Member States or to the safety of the citizens.

On the basis of the common fundamental values which have characterized the process of European integration right from the start, the Member States are obliged to apply the principles of non-discrimination and of the approximation of the living and working conditions provided for in the European Treaties and to fully enforce the same levels of social rights for all citizens and market citizens performing services in their territories.

The strict application of the rules which are effective in the European transport sector is a condition *sine qua non* to address the concerns of our citizens and businesses who are angry when they discover that use is made of “loopholes” and that there is “scope for abuse” in the European Internal Market. If Member States take non-discriminatory measures which apply to all businesses and employees providing services, irrespective of their nationality or other conditions, this approach cannot be considered as protectionist but simply as the application of the principles of the European Treaties. It also reflects the position of President Juncker who supports the “*key principle of ensuring the same pay for the same job at the same place*”.

Equally, regulations which are to guarantee the protection of the citizens by the control and enforcement of the road safety rules cannot be regarded as protectionist. Thus, for example measures to avoid a permanent strain on the capacities of motorway service areas by HGV parking there for longer periods - or in some cases on the motorway itself - are a necessary tool to maintain the public safety and order.

In view of the rising incidence of abuse or due to a in some cases deliberate circumvention of EU rules in the road transport sector which is attributable to an interpretation deviating from the actual intention and aim of the legislator, we consider that it is becoming increasingly necessary to take extensive measures to prevent such improper practices. This is the reason why some Member States including France have introduced a ban on drivers to spend their regular weekly rest period in the driver’s cab.

We would, however, like to explicitly emphasize that regulations to this effect at EU level should be preferred over national measures.

We, therefore, expect that the European Commission will take account of our concern with regard to social aspects and safety issues in the road haulage sector, especially in connection with the following subject areas:

- Ban on the practice of spending the regular weekly rest period in the driver’s cab.
- Strengthening and harmonisation of the controls. We consider it essential that the application of similar rules and social standards at EU level is the prerequisite for any discussion on further liberalization steps in the road haulage market.
- Measures suppressing the activities of letter box companies and other improper practices.
- Measures to prevent the disproportionate development of the use of light commercial vehicles for international transport operations.

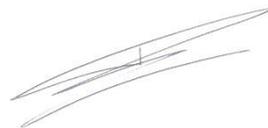
Against the background of the emerging populism in many European countries we must give back the hope for and the objectives of an integrated Europe to our citizens - a Europe which offers them protection and goes beyond a pure economic area which is governed by fierce intra-European competition without common social minimum standards. The issues we are facing in the road transport sector address the substance of these efforts.

Dear Commissioner Bulc, we are counting on your full commitment to effectively counteract the risk of a division of Europe which you addressed on the occasion of the Council of Transport Ministers on 7 June 2016.

Yours sincerely,



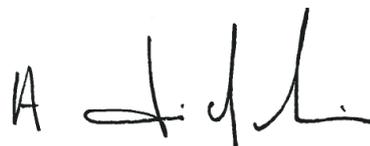
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