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European Commission
Mrs. Adina Ioana VĂLEAN, Commissioner for Transport

***Ref.: request for urgent clarifications of the Mobility Package 1 provisions which
will enter into force on 20.08.2020***

Dear Commissioner,



As you well know, the Mobility Package 1 was published in the Official Journal of the European Union on July 31, 2020 and certain provisions of this legislative package with devastating impact for the road transport industry in Romania, will enter into force on August 20, 2020.

Throughout the legislative process, UNTRR has made efforts to convince all the relevant authorities (national authorities, European Commission, European parliamentarians, etc.) of the unfair and discriminatory nature of the new rules, whose application will certainly lead to a dramatic weakening of the market position of Romanian road hauliers and the bankruptcy of many small companies. This sector, which has always been a major contributor to the national economy and the main contributor to Romania's export of services in recent years, is the most active and dynamic part of Romania's national economy which now is cut by Western Europe: companies, managers, employees and their families, mostly between 25-45 years old, will migrate to countries such as Germany (where for each child are offered allowances of almost 200 euros / month), the Netherlands, Luxembourg, Spain, Austria.



Our preliminary estimates show that in the next two years, Romania will lose over 5% of GDP due to the migration of international road transport activity, including the staff directly involved and their families. In the medium and long term, Romania will lose approximately 200,000 professional drivers, including their families, and will face an unprecedented crisis in the labor market. At the same time, we estimate that we will lose 30% of Romanian transport operators, which will not be able to survive the Coronavirus crisis, and half of the remaining companies, which operate international road transport, will leave Romania before 18 months, when all the discriminatory provisions of the Mobility Package 1 will entry into force.



UNTRR considers that by adopting and implementing this legislative package, the European road transport market will become a monopoly of Western European companies. Consequently, the whole European construction, based on democracy, equal and non-discriminatory treatment, becomes uncertain and the European single market, based on the free movement of people, goods, capital and services remains an ideal impossible to achieve.

UNTRR considers that all steps must be taken to eliminate the discriminatory provisions of the Mobility Package 1 from European legislation and we express our trust in European Commission's assessment study concerning the impact of the Mobility Package 1 provisions like compulsory return of the vehicle



to the Member State of establishment every eight weeks, while also considering the serious impact of the current COVID-19 outbreak.

At the same time, in order to avoid the additional impoverishment of the Romanian road transport industry by paying fines related to the new discriminatory provisions of the Mobility Package 1 which will enter into force on 20.08.2020, we ask for the European Commission's urgent action in order to clarify the unanswered questions related to the enforcement of the new rules. In this regard, please find below the main provisions of the Mobility Package 1 which enter into force in August 2020 and which require urgent clarifications, according to UNTRR's analysis, taking in to account the problems signalized by Romanian road hauliers:

1. Urgent clarifications on the obligation for drivers to return home every 3 or 4 weeks:

- Concerning MP1 provision that *„Transport undertakings shall organise the work of drivers in such a way that the drivers are able to return to the employer's operational centre where the driver is normally based and where the driver's weekly rest period begins, in the Member State of the employer's establishment, or to return to the drivers' place of residence, within each period of four consecutive weeks”*: **Kindly clarify the meaning of “place of residence” and please confirm that the return of drivers can be organized in logistics centers rented or owned by Romanian transport companies in Western Europe.**
- Concerning MP1 provision that *„The undertaking shall document how it fulfils that obligation and shall keep the documentation at its premises in order to present it at the request of control authorities.”*: **Kindly clarify the procedure to document the fulfillment of this obligation, including the situation when the driver returns home by other means of transport (plane, minibus, etc) and also the situation when the driver refuses for personal reasons to return to the operational center of the employer or at his place of residence.**
- Concerning the provisions that *“Organising the return should allow reaching an operational centre of the transport undertaking in its Member State of establishment or the driver's place of residence, and the drivers are free to choose where to spend their rest period”*: **We consider that the new rules are contradictory as regards the drivers' freedom to choose where they spend their free time and in this context, we kindly ask you to confirm the drivers' freedom to choose not to return home and clarify how this should be documented by companies and drivers in the event of a control.**

2. Urgent clarifications on the derogation granted to professional drivers performing international transport of goods to take two consecutive reduced weekly rest periods outside the Member State of establishment / residence and the obligation for drivers to return home at 3 or 4 weeks in this situation

Considering that:

- *„Any rest taken as compensation for a reduced weekly rest period shall be attached to another rest period of at least nine hours.”*
- *„Any reduction in weekly rest period shall be compensated by an equivalent period of rest taken en bloc before the end of the third week following the week in question.*
- *Where two reduced weekly rest periods have been taken consecutively [...], the next weekly rest period shall be preceded by a rest period taken as compensation for those two reduced weekly rest periods.”*

Kindly clarify that in the case where two reduced weekly rest periods have been taken consecutively, the 2 compensation periods of 21 h each can be attached separately to other rest periods of at least nine hours and performed during the international transport operation, situation in which the driver can return home at 4 weeks (not at 3 weeks).

3. Establish a fair and harmonized procedure for the enforcement of the ban to spend regular weekly rest in the cabin to be observed by all Member States: in order to stop French and Belgian authorities' abusive controls and fines concerning the regular weekly rest in recent years,

we call for clear provisions on the procedure for documenting that the driver did not take the regular weekly rest in the cabin, including the situations when he does not have a hotel bill as the rest was taken at relatives or at accommodation facilities ensured by the employer.

Also, **during the COVID-19 outbreak, we ask the European Commission to allow professional drivers to take their normal weekly rest in the cabin, in order to protect their health.**

4. Clarification of the exceptional circumstances when the driver may exceed the daily and weekly driving time.

Kindly explain if these „exceptional circumstances” concern just arriving at the employer's operational center or the driver's place of residence for the weekly rest period, or include other reasons that we kindly ask you to clarify. Also, please specify what evidence must be presented by the driver, in case of a traffic control, to justify the "exceptional" situation, especially if he is driving an empty vehicle so he does not have commercial documents for the goods? Please note that the latter situation will become more frequent with the introduction of the obligation to return vehicles to the country of registration every eight weeks.

5. As provided by Mobility Package 1, “The competent authority of the issuing Member State may require a driver to replace the driver card by a new one if this is necessary to comply with the relevant technical specifications”. Kindly clarify who will bear the costs for the required change.

Expressing our trust in EC urgent action, may we signalize the fact that it is vital for Romanian road hauliers to receive urgent answers to the above questions before the entry into force of the new provisions.

Please accept, Madam Commissioner, dear Ms. Vălean, the expression of our highest consideration.

Yours sincerely,

Secretary General
Radu DINESCU

