

Courtesy translation



THE SENATE
OF THE PARLIAMENT OF THE CZECH REPUBLIC

11TH TERM

295TH

RESOLUTION OF THE SENATE

Delivered on the 10th session held on 11th October 2017

on the Road Transport Package – social aspects in road transport, use of vehicles hired without drivers, cabotage and conditions for undertakings

Senate Print no. N 043/11, (COM(2017) 281) - Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1071/2009 and Regulation (EC) No 1072/2009 with a view to adapting them to developments in the sector

Senate Print no. N 044/11, (COM(2017) 282) - Proposal for a Directive of the European Parliament and of the Council amending Directive 2006/1/EC on the use of vehicles hired without drivers for the carriage of goods by road

Senate Print no. N 045/11, (COM(2017) 277) - Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 561/2006 as regards on minimum requirements on maximum daily and weekly driving times, minimum breaks and daily and weekly rest periods and Regulation (EU) 165/2014 as regards positioning by means of tachographs

Senate Print no. N 046/11, (COM(2017) 278) - Proposal for a Directive of the European Parliament and of the Council amending Directive 2006/22/EC as regards enforcement requirements and laying down specific rules with respect to Directive 96/71/EC and Directive 2014/67/EU for posting drivers in the road transport sector

The Senate

I.

1. Considers

it necessary to ensure fair social conditions for all drivers in the international road transport sector;

2. However, does not consider

the lower wage level in some Member States to be an unfair competitive advantage because it is related to the different living conditions in the Member States which can

only be eliminated by gradual economic convergence; moreover these wage differences are counterbalanced by additional costs – compared to domestic carriers – which result from the fact that services are provided across the border;

3. Is therefore convinced

that considering the different economic level of the Member States the promotion of the principle of equal pay for equal job in the same place undermines the existence of the single market, dissuades from free movement and ultimately weakens economic convergence of the Member States;

II.

1. Is of the opinion

that the provisions of the Directive 96/71/ES concerning the posting of workers and administrative requirements do not accommodate the highly mobile character of the drivers in the international road transport sector and therefore recommends regulation of social conditions for posted drivers via sectoral legislation which will be proportional, easily enforceable, least burdensome and will ensure uniform interpretation by the Member States;

2. Believes

that the proposed exemption from the application of provisions of the Directive 96/71/ES for the duration of three days is inadequately short, also considering the fact that daily working period of six hours counts as one full day of posting, which can seriously reduce the provision of standard international transport between two neighbouring Member States;

3. Requests therefore,

in accordance with the position of the Government, a substantial extension of this period to at least 10 – 15 days, extension of the limit for one day of posting from current six hours and also stricter measures focused on the so-called nomad drivers;

4. Welcomes

the abolition of the maximum number of permitted cabotage operations because the enforcement of this provision is very complicated in practice;

5. Does not agree,

however, with the reduction of the number of days for carrying out cabotage operations as well as with the application of the rules for posting of workers on the cabotage operation from the first day of carrying out such operation;

6. Also has reservations

on the proposed minimum mandatory checks of cabotage operations on the territory of a Member State because the Senate is of the opinion that these checks will be difficult to implement particularly since this type of transportation cannot be clearly identified in advance;

7. Considers

minimum requirements on maximum daily and weekly driving times, minimum breaks and daily and weekly rest periods to be one of the main legal instruments affecting and enhancing road safety and setting decent working conditions for drivers;

8. Points out, however,

that it is very difficult to predict the delays in the road transport for example during the rush hours, transport restrictions, accidents or border controls and therefore drivers must be allowed to reach the nearest suitable place for rest without the threat of any sanction even after exceeding given limits;

9. Does not agree

with the prohibition of taking weekly rest of 45 hours or more in the vehicle because the Senate considers this provision to be discriminatory, increasing the cost of transport and difficult to implement considering the current insufficient number of suitable resting places on the territory of the Member States; looking for suitable resting places could on the contrary lead to increase in CO₂ emissions because the drivers would have to choose longer routes where these resting places would be available which is not, however, in compliance with the declared intent to reduce CO₂ emissions from road transport;

10. Requests

also the deletion of the provisions regulating the conditions related to the requirement of establishment according to which the ent should hold assets and employ staff in the Member State of establishment in proportion to the establishment's activity, because this requirement discriminates small undertakings by completely ignoring the fact that a single natural person or a legal person without employees can constitute an undertaking;

11. Believes

that if an effort is put into greater professionalization of operators of light commercial vehicles, the attention should be paid to their professional competences rather than to setting conditions relating to the requirement of financial eligibility;

12. Recommends

also to set a two year adaptation period for the proposed regulations so that the Member States and above all the road transport operators can adequately prepare for the new rules;

III.

1. Requests

the Government to inform the Senate about the way this resolution was taken into account and about further development of negotiations once the political agreement of the required number of Member States on the main elements of the proposals is reached, or at an earlier time, should the results of negotiations in the Council begin to depart considerably from the position of the Czech Republic expressed in the General Position of the Government;

2. Authorises

the President of the Senate to forward this Resolution to the European Commission.

Milan Štěch
sign manual
President of the Senate

Pavel Štohl
sign manual
Senate Verifier