



**UNION EUROPÉENNE DES TRANSPORTEURS ROUTIERS**

## **UETR POSITION ON A EUROPEAN LABOUR AUTHORITY**

### **Introduction**

In his 2017 State of the European Union address, President Juncker has proposed that a European Labour Authority (ELA) be established to strengthen cooperation between labour market authorities at all levels and better manage cross-border situations.

With the present document, UETR intends to provide its contribution on the objectives and modalities of ELA.

UETR welcomes the proposal to set up a European Labour Authority.

As industry stakeholder, UETR wants to stress the importance ELA would have for the road transport sector.

International freight transport by road has been liberalised long ago inside the EU. The market of goods transport by road is a market in which predominantly small and medium sized enterprises are active. Their vulnerability and the change of business model in various EU Member States are to be considered for future actions from EU Policy makers.

In particular, the future adoption of the “Mobility Package”, will require a close follow up and appropriate instruments to make sure that liberalisation goes hand in hand with fair competition all over the EU. This will require a uniform and effective enforcement of EU provisions.

All the actors throughout the transport/supply chain must be committed to compliance with the rules. The co-liability principle is essential for a true compliance culture.

Not only the same European legislation is implemented and interpreted differently in each Member State (depending on a number of variables such as different culture, approach, procedures, etc.), generating legal uncertainty. The differences in severity of sanctions for the same infraction is also a deep concern for road haulers. Existing legislation has to be not just controlled, but also sanctioned in a uniform way.

There is a strong need of specialised control officers, working following the same procedures and interpretation all over the EU.

We believe an effective Labour Authority can contribute to achieve the goal of a more integrated road transport Internal Market.



ELA should be set up and work without creating additional administrative burdens for small businesses.

**Operational dimension of ELA: effective means to support cooperation among Member States for the smooth handling of procedures and fight cross-border fraud and abuse.**

UETR fully supports the operational dimension of ELA.

ELA could put in motion/facilitate checks and inspections (with no replacement of national inspections and national enforcement activities).

Member States should be obliged to cooperate and provide assistance, share information on the EU Social Security Number and other relevant information on road transport companies. A link to the existing ERRU and any other electronic data base to be established in the future will have to be ensured.

For cross border fraud, ELA could act as a mediator / platform among bordering MS and other relevant stakeholders (e.g. National road haulers associations). ELA could also provide technical assistance and necessary information or analysis. A report on the inspection must be with no delays communicated by national enforcers to ELA.

Clarity and consistency should be provided in order to avoid duplication of work vis a vis pre-existing structures e.g. Senior Labour Inspectorates Committee, the Platform on Deterrence of Undeclared Work or EURES.

A coordination between the EU provisions on posted workers/access to the international road haulage market (once adopted) and ELA's powers should be ensured.

**Improvement of information availability, training to national enforcers and business, dissemination of harmonised interpretation and procedures. Role in convergence of fiscal policies and price of labour.**

UETR believes ELA should provide a “one stop shop” for information to road transport companies on their obligations, with a special focus on information and support related to labour mobility.

ELA should monitor and follow-up the European road haulage market paying special attention to cost analysis (observation of the evolution of operations conditions and cost components) and its link to social dumping. In particular, ELA should communicate information about minimum wages in Member States, preferably via a single platform accessible to companies or employees. This task should support initiatives to seek convergence of fiscal policies and price of labour at the EU level.



ELA should circulate the information to relevant public authorities and industry stakeholders. Reports should be produced on a regular basis. Information should be available in all EU languages, and in electronic format.

Specific training activities to both national enforcers and road haulers operating in Europe should also be put in place by ELA. For national enforcers, ELA's role in disseminating harmonised interpretation and approach (based on the European Commission's guidelines) is of paramount importance to ensure a level playing field. Consequently, ELA should also be endowed with functions relating to guide and control of the activities of national authorities.

### **ELA as a mediator to address differences in the social security coordination and labour mobility areas. Central point for posting notification.**

Providing a discussion board to facilitate exchanges and as mediator to solve problems between Member States. Transport associations should be legitimised to send a request for activation of the mediation procedure.

ELA should centralise the notification of the forms for posting of workers, through a harmonised application procedure. This will both simplify the administrative tasks for transport companies and facilitate MS in getting quick information about Social Rules in other countries.

### **Organisational structure.**

ELA should have its own financial resources, with no additional costs for companies. Sectoral industry stakeholders should be involved and have a role in the governance, together with MS representatives.

