

## JOINT STATEMENT OF THE EUROPEAN RAIL SOCIAL PARTNERS CER AND ETF

### MOBILITY PACKAGE – ENSURE FAIR INTERMODAL COMPETITION

The sustainability and decarbonisation goals declared in the 2011 White Paper on transport policy give high importance to a shift to more sustainable transport modes. In particular this promoted shift of freight transport to rail as a mode with some of the lowest carbon emissions per tonne-km.

A key condition for successful modal shift to more sustainable modes of transport is a level playing field in regulatory, fiscal and social terms. The European Commission and the European legislators have to guarantee this via a consistent policy. This includes assuring fair competition between transport modes.

In their “Rail Freight Declaration” from 2 December 2015<sup>1</sup> the European social partners in the rail sector defined already a number of conditions to ensure such a fair intermodal competition (e.g. points 8. f and g).

*“(...) f. Ensure that all transport modes are treated equally and keep a transport modes level-playing field, including when it comes to infrastructure user charging, taxation and full internalisation of all external costs;*

*g. Ensure a fair social level playing field in all transport modes; competition between and within transport modes should be based upon sound business models and not upon social aspects such as a disregard of decent working conditions or a disrespect of working time rules; (...)”*

Working conditions vary significantly between rail and other modes. Without decent working conditions in all transport sectors, there cannot be fair intermodal competition.

In view of the proposed Mobility Package, and in particular the modifications to Regulation (EC) no 561/2006 with regards to driving time, rest periods and breaks, the social partners in the rail sector express great concern that the balance between transport modes regarding working time conditions for mobile workers will be further disrupted.

Good working conditions and the respect of good working conditions are relevant factors for the health and safety of workers and for the operational safety in all transport modes. Indeed, rail has a far better safety record than road transport.

In the EU railway sector minimum driving and rest time rules for international mobile workers engaged in cross-border services are governed by Council Directive 2005/47/EC. It implements the agreement negotiated by the European social partners in the rail sector, CER and ETF, on minimum standards on working time for cross-border mobile rail workers. Those provisions include a 12 hours minimum rest time period at home, a scheduled 9 hours driving time during the day and 8 during the night with max 80 hours driving time over a period of two weeks<sup>2</sup>.

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<sup>1</sup> CER-ETF Rail Freight Declaration: <http://www.etf-europe.org/etf-3989.cfm>

<sup>2</sup> See details in the CER Factsheet <http://www.cer.be/publications/latest-publications/working-conditions-rail-mobile-workers-international-services>, and in Council Directive 2005/47/EC.

The work-life balance needs of workers is also very relevant; international cross-border rail mobile workers can spend maximum two consecutive rests away from home and then have to take a rest at home. Among the weekly rest periods that cross-border rail mobile workers are entitled to, at least 24 rest periods per year must be of 48 hours and have to cover fully or partly the weekend.

In this context, it is with great concern that the rail social partners follow the discussion on the Mobility Package:

The proposed extension of the reference periods for driving and rest time from two to four weeks allows the distribution of rest days over a period of four instead of two weeks. This will push truck drivers into more hours of consecutive driving and less rest in between.

Additionally, the social partners fear that the weekly rest in the truck is legalised. Even the introduction of self-certified "Dedicated Parking Areas (DPA)" is inappropriate.

The social partners in the rail sector share the concern of e.g. the ETSC (European Transport Safety Council) regarding operational safety as well as the concern regarding drivers' dignity when living on the road within their lorries. Furthermore, the social partners in the rail sector have great concern regarding the consequences of such rules on a social level playing field and fair inter modal competition.

CER and ETF urge the European Parliament and the Council of Transport Ministers to deliver on its promise of promoting sustainable modes of transport and take into consideration the overall impact of such modifications.

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