

Sofia, 15 May 2018

POST-CONFERENCE DECLARATION
„THE EUROPEAN FUTURE OF THE TRANSPORT IN EASTERN AND CENTRAL EUROPE”

The Union of International Hauliers SMP Bulgaria host of the international conference „**The European future of the transport in Eastern and Central Europe**”, Transport and Logistics Poland (TLP) and Federation of National Private Transporters - NiT Hungary, all members of the Alliance for the future of transport, established in Warsaw on 28 April 2017 hereby present the position on the selected elements of the Mobility Package “Europe on the move” released by the European Commission on 31 May 2017.

The position elaborated as a result of the discussions during the abovementioned Conference has a significant meaning in the context of the on-going European negotiations on the Mobility Package and the crucial role of the Bulgarian presidency in the EU. The signatories of this Declaration underline that according to article 26 of the Treaty on European Union and the Treaty on the Functioning of the European Union, the Union shall adopt measures with the aim of establishing or ensuring the functioning of the internal market. The internal market shall comprise an **area without internal frontiers in which the free movement of goods, persons, services** and capital is ensured in accordance with the provisions of the Treaties. This crucial aim of the functioning of the European Unions has to be respected.

In consequence, the signatories of the Declaration state the following:

- 1) **posting of workers** is not an appropriate model for work for international drivers due to the highly mobile of their work. International transport operations and transit should be directly excluded from posting model as they relate to temporarily services in different member states without modification of the life centre of the employee. It will also lead to significant legal uncertainty for employees in the aspect of their future retirement. It will also lead to inequalities in a given work place since the employees will be remunerated based on the travels made each month. Current proposal of partial exception (3 day rule) is a seeming not only due to its limited nature (exception only to remuneration and holidays) but it imposes an artificial calculation of the day of work, which includes all rest period. In consequence, even 5 minutes in given member state is already a half day of work.
- 2) **ban on the (weekly) rest in the cabin** in the context of the **lack of the proper infrastructure** for the international transport of goods, suitable for the needs of drivers (full social facilities, safe parking areas) is unacceptable. A proper infrastructure is a real answer to the question of the working conditions of drivers. It is a crucial necessity as well as an obligation of the member states to reconsider the local infrastructure policy. It should be highlighted that without proper infrastructure the obligations related to ban on weekly rest out of cabin will remain ineffective by fact and will not affect
- 3) the **concept of return home** in the Mobility Package needs significant modifications. EU legislator should avoid any legal solutions that limit the activity employers from certain member states just due to their geographical position. In consequence, both the nature (right or obligation) and regularity of return home should be further discussed to eliminate the discrimination of the peripheral member states operators.

The signatories express their full involvement in the discussions about the possible solutions suitable for the proper functioning of the transport and development of its social aspect.

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