Asociatia Patronala a Transportatorilor Europa 2002

2002 .... Pe acelasi drum !

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10 REASONS

WHY THE MOBILITY PACKAGE MUST BE REJECTED

IN THE TRAN COMMISION

-at 10'th of January 2019-

1. POSTING LEX SPECIALIS (or how rapporteur Kylönen compromise - buildet on a false fight and a false mantra- made the single market the playground only for the wealthy) :

The general rule shall be that drivers of international transportation are NOT posted workers.

In fact, they are highly mobile workers since they are working on highly mobile vehicles as rapporteur Merja Kylönnen recognizes in amendment 6. Recital 2a. from the compromise, but under the law, the general rule shall be that they are NOT posted. **She admits this fact in the recitals but at the amendments she is setting out exactly the opposite!**

The driver's habitual place of work is highly mobile and diverse, that means that the habitual place of work must be considered the place where the employer has his habitual residence according Reg. 593/2008 /EC , art. 8 paragraph 3 which establishes that when the law applicable cannot be determined pursuant to paragraph 2, the employment contract shall be governed by the law of the **country where the place of business through which the employee was engaged is situated**.

In the fighting against letterbox companies it is an **unjust and immoral approach to create rules based on exceptions** , because letterbox cases (Van den Bosch, Vos Transport, Farm Trans, Heisterkamp, Rotra, Wertron Transport and Steijns Transport, etc.) are only the exceptions

, **the common rule is that thousands of prestigious and serious companies from Eastern Europe** (build up with great sacrifices, in many years by families from East), **has their habitual residence where they have the central administration of their business also** .

Upon this fictitious battle against letterbox companies , the posting lex specialis build up for the honest , family-owned Eastern EU companies **a heavy restriction and a cruel prohibition** to access the single EU market and to freely exercise their freedoms and rights from the Treaties , mainly the freedom to provide cross-border services and the free movement of goods (like rapporteur Kylönen mentioned in Amendment 2, 3, 4, 5 6, 7, 11, 17 and 24) , creating distortions of competition in the transport sector in the favor of the companies from the rich and developed countries from Western EU.

The main problem is that rapporteur Kylönen amendments are based on a false mantra. This bogus narrative has nothing to do with the existence of the single market and with the freedom to provide cross-border services and the free movement of goods.

The **distorted mantra** has the following content: **same pay, for the same work in the same place**! As we can see, this is a distortion of the provision from article 23 paragraph 2. of The **U**niversal **D**eclaration of the **H**uman **R**ights, where it stays written that "Everyone, without any discrimination, has the right **to equal pay for equal work**."

In paragraph 2. article 23 of the U.D.H.R. is not mentioned at all a **place** (of work). The conclusion is that the " **same pay, for the same work in the same place" slogan, is a denatured form of the article 23 paragraph 2. of the UDHR**, **and this distorted aphorism is now used as a principle to destroy the companies with good reputation from the poorer regions of the European Union.**

When we talk about places than we can't talk about a single place. When we talk about many places, then we talk about many laws (of the places) and so we can't talk about a single place or a single market.

Due to this false statement , in the posting lex specialis there is no SINGLE MARKET. If there is NO SINGLE MARKET than what it is? There is no European Union?

As we know, on the territory of EU the places, in terms of economic development are not the same, but the market is "so-called" single.

This means that if an , **serious , good reputed , family-built** transport company (not a letterbox one) from a poorest region (country) want to exercise his fundamental rights and want to get access to the single market, and want to work on the single market , **will be in a situation of impossibility just because he will not be able to pay the same remunerations for his employee ?**

What happened , posting lex specialis will declare at the end that the single market became the playground only of the wealthy ?

Regarding the situation of habitual eastern drivers we **can't talk about social dumping** because the actual received wage plus the different allowances represents a solid monthly remuneration for them , that is much higher than a remuneration received by a medical doctor or an engineer in Eastern Europe.

Around 2000 Euro for a habitual eastern driver is a very consistent monthly income and a family from Eastern EU has the possibility to live at very high standards just from this income. The 2000 Euro retribution for a driver from Eastern EU represents a very solid social protection , a social privilege and not social dumping.

There is a difference between 2000 Euro received in the Eastern EU by a driver in comparison with a 3500 Euro , which can be a remuneration of a conducteur in the Netherlands , but let's be fair , there is a difference between the cost of living too.

In Romania or Bulgaria with 2000 Euro a family can have a high standard of living , instead , with 3500 Euro a family from Netherland can't have the same living standards. The westerns must not involve themselves in the remuneration of the eastern drivers under the false pretext of social dumping and they must not implicate themselves in our employer contracts **because , while in The Netherlands the wage of a driver is 3500 Euro , in Romania or Bulgaria the Prime Minister himself doesn't receive 3500 Euro salary/month**.

The problem is when a driver originated from The Netherlands for example , has a Romanian employer contract, and he never was in Romania, now that's a problem that is demanding a solution. But this is the exception!

Yes, based on this exception we can say that there is social–dumping, **but this social dumping has his origin in the existence of the letterbox companies system created by the westerns also**.

That means that it is necessary to attack the letterbox companies system from western side, not the fundamental rights from the Treaties of the honest legal persons fom east. **That means that the provisions of the lex specialis must attack the tax dodgers from the western EU, the tax evaders, the dishonest actors of this industry not the decent family businesses from the Eastern EU**.

The posting lex specialis put the good reputed undertaking from East in a real impossible position, because if they want to access the single market, they will have to pay their drivers NOT THE MINIMUM WAGES from the EU countries , **but the enormous wages in compliance with the different remuneration and their constituent elements from the western EU countries**, including elements of remunerations provided for in the locally or regionally applicable collective agreements and in compliance of the different calculation methods, in accordance with Directive (EU) 2018/957/EU amending Directive 96/71/EC.

Come on, this is European Union Mrs. Kylönnen ? We think You are joking!

How can an undertaking from a poor place from EU to access the single market and how can adapt his activity to hundreds of regionally (because in a country are many regions) **applicable collective agreements and to the different calculation methods**? It is IMPOSSIBLE!

We still do not understand why rapporteur Kylönnen didn't guide her amendments directly and straightly against the effective eradication of letterbox companies **and why she didn't attacked the problem from the "habitual" side and from the "authorisation" flank** :

- why she didn't gave a definition of the habitual place of business of a transport company in the EU, in compliance with the provisions of Council Reg. 44/2001 article 60 paragraph 1 point b) and c).

-why she did not create an enforcement construction that restricts and prohibit an undertaking (letterbox company) to employ an international driver if in the country of the law of the contract it is not the main habitual residence of the employer (with the central administration the business) and if the transport authorisation is not owned by the employer company .(Because if a company has an EU transport authorisation than the competent control bodies periodically must to control him , and if at a control they will find only a letterbox and no activity , no documents , no nothing , they have the obligation to suspend the authorisation for all the fleet.)

- why she didn't guide her amendments against the employer contracts to , issued by the letterbox companies. A general rule could be that drivers of international transportation who has :
1) **one employer** (who has one habitual residence where is the central administration of their business and the place where authorisation to pursue the occupation of road transport operator was granted - the employer and the owner of the authorisation must be the one and the same juridical person) and
2) **one employment contract (** issued at the habitual residence of the employee under the law of the same place.**)**

, **shall be NOT considered posted. For the others, it must be created exceptions .**

Rapporteur Kylönnen made exactly the other way around. In the compromise the general rule is that every international transport driver is posted (with a few exceptions : bilateral operation , transit , etc.) but in the real economy the reality is that the letterbox cases are representing the exception and the "habitual" companies representing the general rule , so it is VERY WRONG to build up general provisions based on factual exceptions !

You can't punish everybody for the games of some tax dodgers and delinquents!

The problem with rapporteur Kylönnen's compromise is that from the beginning it was created on a false fight against letterbox companies and a false mantra. And if the basis is not good , the whole construction can't be solid.

The other problem is that in the West of the EU there is a culture of fraud through letterbox companies and the authorities are not doing so much.

Luxembourg and the Netherlands are full of letterbox companies, they have the key role in international tax dodging but nobody touch and control them seriously. The governments of these 2 countries plays for years a pathetic theater, saying that they are fighting against letterbox companies, but in the reality, **they are doing almost nothing because The Netherlands, due to letterbox companies, is one of the**

world's number one country in terms of investment flowing into the country.

It is interesting to observe , that the westerns owned letterbox companies from the Western EU tax havens are accepted , but the westerns owned letterbox entities from the Eastern poor countries are not accepted , as we can see it has been started a war of which martyrs will be the honest people from the poor regions. It's acceptable ?

The letterbox companies eradication , like tax fraud or tax avoidance on corporate level has other rules and regulations , these issues should not be debated in the Mobility Package 1.

Among others , the really main problem is that the existing fiscal authorities and control bodies from the western countries do not doing their job (maybe intentionally) and do not making strict and sever controls , that's why the western "undertakings" can work through letterbox companies for so many years . And they will work in same conditions after the posting lex specialis to , the problem is that in the mean time the family owned , prestigious companies from the East will put the lock on the door.

At the end , the question is still the same: why the prestigious family owned businesses from East must to suffer because of the western tax avoiders fraudulent activity ? And why the provisions of posting lex specialis not punish those dodgers?

It is simple , because nobody wanna touch them! <u>The real purpose is to destroy the honest and real companies from Eastern Europe, to take their drivers, their businesses and make from the Easterns a society of consuming and a colony! That's the real purpose!</u>

In conclusion , the posting lex specialis breaches all the principles of the fair competition and directly support the expansion of the industries from the developed countries of the European Union in the detriment of the ones less economically advanced.

Posting lex specialis represent an immense abuse of the dominant position of the Western EU countries against the ones from the Eastern EU, symbolize the clear manifestation of obstruction and restriction of the competition through the abuse of power.

2. CABOTAGE MOCKERY by Mr. Ertug:

The amendments of rapporteur Ismail Ertug regarding the cabotage are unacceptable, he proposes to reduce the cabotage period from **7 days period to 3 days**. Also, we can't accept the prohibition to make any cabotage operation within 60 hours after the return to our country and until we perform a new international carriage originating from our Member State of origin. This is hilarious, this is a mockery. It is a big difference between the package adopted the EU Council in 3 December and the actual compromises. This is outrageous. This encourages the empty runs and the fuel wasting on unproductive activity.

As we can see , the original changes were regarding the cooling off period , but now the subject it is no more cooling off , we are at the "go back home" episode. This is not a mockery?

3. THE EU HAULAGE BIG BROTHER RULES (or HOW TO TAKE OVER THE POOR COUNTRIES INDUSTRIES WITH THE ALIBI OF CONTROL)

We ar NOT agreeing with the E.R.R.U. system (the European Register of Road Transport Undertakings) , with this form of e-CMR consignment note as presented by Mr. Ertug and with the Internal Market Information System (IMI) as presented by rapporteur Kylönen , because it's a modality of TOTALLY CONTROL OF OUR INDUSTRIES BY THE WESTERNS and a modality to know everything about us, every information (**who are our clients , with what prices we work , where we upload , where we download, how many employers we have**, etc.) .

Under the pretext of the so-called fight against fraud, they wanna fully surveillance us and we must open ourselves fully in front of them! It will be NO MORE COMMERCIAL OR TRADE SECRETS, THE WESTERNS WILL KNOW EVERYTHING ABOUT US. After that, they can use all of this commercial and statistic information and easily take our clients and businesses and slowly transform us into a colony of consumers.

We are not agreeing that our national electronic registers to be fully interconnected and interoperable so that an AUTHORITY or a CONTROL BODY IN ANY MEMBER STATE to be able to directly and in REAL-TIME ACCESS THE NATIONAL ELECTRONIC REGISTER OF ANY MEMBER STATE. That's unacceptable!

We disagree with the obligation to submit a declaration and an update to it in electronic form via the Internal Market Information System containing "**only**" (**how cynic**) the following information:

-the identity of the road transport operator by means of its intra-Community tax identification number or the number of the Community Licence;
-information about the posted driver including the following: the identity, the country of residence, the country of payment of social contributions, the social security number and the number of the driving license;
- the envisaged beginning date and the estimated duration, and end date of the posting and the law applicable to the employment contract;
-the identity and the contact details of consignees provided that the transport operator does not use e-CMR;
- addresses of loading(s) and unloading(s), provided that the transport operator does not use e-CMR

4. IT IS FAIR TO FORCE A FREE PERSON TO GO HOME OR IN A DIFFERENT PLACE (when you want) ?

We do not agree with the amendment 47 (art. 8 paragraph 8b subparagraph 1 from Reg.(EC) 561/2006/CE because there are many types of workers engaged in many types of activities, but they are not sent back home from time to time or anywhere else by any rule. Why is this discriminatory approach regarding the activity of drivers engaged in international transport? There are top managers, engineers or simple workers in the construction sector, mining, oil and gas industry who are spending long periods away from their homes and there is no rule which forces them to go back home after 3 or 4 weeks; and they are not highly mobile workers as the drivers are.

A driver should go to work and come back home whenever he wants on the EU territory, according to his individual employment contract and according to the fundamental freedoms guaranteed by the Treaties - such as the free movement of persons, of goods and the freedom to provide services. A free man can come back home whenever he wants, a free man can see his family and visit his home whenever he wants, he can't be forced by the law and no one shall be subjected to arbitrary interference with his privacy, family and home.

The adopted amendments bring nothing beneficial and, instead of giving fluency to the driver's activity, it blocks it even more.

And these changes have been adopted against industries in the Eastern EU and against peripheral states, causing additional costs (to become uncompetitive on the EU market) with travel and keeping the driver at rest almost a week after every four weeks. UNACCEPTABLE!

Again, these provisions restrict the access of Eastern European companies to the single market in the European Union. These additional costs with travelings and keeping the driver at rest almost half a week after every four weeks the esatern will became fully uncompetitive on the EU market.

5. **THE PENALTY HUNT WAS NOT ERADICATED !**

A very important provision from Reg. (EC) 561/2006 has not been treated at all in the Mobility Package 1 , though it is capitally important in the combat of the penalty hunt on the territory of the EU.

Art. 19 paragraph 2 from Reg. (EC) 561/2006 provides:

"*A Member State shall enable the competent authorities to impose a penalty on an undertaking and/or a driver for an infringement of this Regulation detected on its territory and for which a penalty has not already been imposed,* ***even where that infringement has been committed on the territory of another Member State or of a third country***.
By way of exception, where an infringement is detected:
which was not committed on the territory of the Member State concerned, and
which has been committed by an undertaking which is established in, or a driver whose place of employment is, in another Member State or a third country,

a Member State may, until 1 January 2009, instead of imposing a penalty, notify the facts of the infringement to the competent authority in the Member State or the third country where the undertaking is established or where the driver has his place of employment."

A more ethic and correct form of this paragraph should be as follows:

"*A Member State shall enable the competent authorities to impose a penalty on an undertaking and/or a driver for an infringement of this Regulation* ***detected*** *on its territory and for which a penalty has not already been imposed, only* ***if that infringement has been committed on its territory .***

By way of exception, where an infringement is detected:
which was not committed on the territory of the Member State concerned, and
which has been committed by an undertaking which is established in, or a driver whose place of employment is, in another Member State or a third country,

a Member State ***shall*** *notify the facts of the infringement to the competent authority in the Member State or the third country where the undertaking is established or where the driver has his place of employment."*

This amendment must to be adopted, because some countries from the EU have empowered several authorities with AETR control competences , allowing them to carry out controls based on Reg. 561/2006 / EC and Reg. 165/2014 /EU and especially control foreign drivers and companies in transit on their territory, with the strict control of the the 28 days period prescribed by the rule.

Most of these controls **are finalized with the detection of many (grounded or groundless) infringements** and almost every time the offense of the foreign driver (or company) has not been committed in the territory of the country to which the control authority belongs , but in other countries of the European Union.

For several years these authorities have specialized themselves in the controlling only foreign drivers and undertakings and when the transport vehicle enter in their countries territory , the mentioned control bodies start to strictly control the driver and the undertaking , starting with the day in question and retrospectively for 28 days , looking for all offenses which have been committed in other countries of the European Union. After the detection of the infringement and after the applied penalties these Member States receive fines for their state budget without any contravention or anti-social act being committed in their territory. We think that this is not a correct approach.

In such cases, the foreign control authorities should not impose fines but notify the facts of the infringement to the competent authority in the Member State or the third country where the undertaking is established or where the driver has his place of employment , because in fact , they know

very well only the legislation and the legal proceedings of their country of origin , and if they wanna appeal the fines they can recourse to the court of justice from their home country.

It is very difficult for an undertaking or for a driver to know 28 law systems and 28 judicial proceeding systems , so that the exercise of all their procedural rights to a fair trial should not be hindered.

6. THE BIG MANUFACTURERS AND ARTISANS FROM WESTERN EU WANT TO FORGET ABOUT TACHOGRAF (the law is just for the poor and unfortunate) ?

We cannot accept the exception from the provisions of Reg. 561/2006/EC made by Mr. Van Camp trough amendment 28 , in relation to art. 3 paragraph 1 pont aa) , where it provides that vehicles or combinations of vehicles with a maximum permissible mass not exceeding **7,5** tonnes used for carrying materials, equipment or machinery for the driver's use in the course of his work, **or delivering goods which have been produced on a craft basis in the undertaking employing the driver and which are used only within a 150 km radius** from the base of the undertaking and on the condition that driving the vehicle does not constitute the driver's main activity , to be excepted.

This amendment is in total conflict with the amendments referred to in Article 1, because on the one hand, it sets more rigorous , strict regulations(Reg. applies to all commercial vehicles over 2.4 t.) but on the other hand, it gives possibility for specific economic agents to carry goods for commercial purposes within 150 km radius with vehicles up to 7,5 tonnes without having to respect the provisions of this Regulation .

This is an unjust exception and encourages unfair competition on the single market. It is also discriminatory , because it favours those companies from member states which are more developed in production of goods and commodities ,creating an imbalance between competitors on the single market of transport , favouring unfair competition (because the distance of 150 km is a long distance and the limit of 7, 5 tonnes is huge compared to the general value of 2.4 tonnes).

This provision gave a significant endorsement to the companies from Western EU, because it is well known that production industries are mainly in Western side of EU ant the consumption is in the East. (**For exemple: an**

Amsterdam-Rotterdam-Amsterdam distance can be covered with the complete forgetting of Reg.(EC) 561/2006).

It would be unfair that a driver who drives a smaller- sized motor vehicle, with a maximum permissible mass of 2.4 tonnes, should keep all the strict rules of this Regulation, and in the same time prove his activity for a period of 28 days retroactively , and another driver who drives a vehicle with a maximum permissible mass of 7.5 tonnes and makes commercial transport within 150 km radius must not comply with the same essential rules, without obligation to use tachograph, driving card or to prove his activity retroactively.

In Western EU the big cities, factories are about 150 km from each other so that the producers from West could carry goods in the commercial interest without being bound by the strict provisions of this Regulation, their drivers could drive without daily breaks, weekly breaks, driving card or tachograph. It seems that the law is only for small and poor.

As we can see , how easy it can be for someone to carry goods 150 km away to large harbors , logistic centers , customers or different markets with big 7.5-ton trucks without knowing what the tachograph is . And in the mean time other actors (undertakings) , with 2, 4 tone vehicles (small , like a family van) must work under pressure , with the constant fear that in every moment can show up a traffic control body and can punish the driver because he can't justify a day from 28 (or 64 by the new aspirations). It's that correct ?

7. AN UNFAIR EXCEPTION FOR SOME IS A CRUEL DISADVANTAGE FOR OTHERS !

We cannot ACCEPT the exception from the provisions of Reg. 561/2006/EC made by Mr. Van Camp at amendment 29.

Light commercial vehicles that are used for the transport of goods, where the transport is not affected for hire or reward, but on the own account of the company or the driver, and where driving does not constitute the main activity of the person driving the vehicle **should not be excepted**.

This amendment is not necessary and it is unclear because it not contains an exact limit of the capacity of the vehicle. **It protects some businesses and disadvantage others .**

What does it mean light commercial vehicles used by companies to transport goods on the own account? The concept of "commercial" vehicles used by (commercial) companies to transport (commercial) goods on the own account mean a pure commercial carriage of goods with different kind of commercial vehicles owned by commercial companies, in their own (commercial) interest. This amendment can affect the honest competition on the single market. It is better to keep only the older, unmodified version of the point h) of article 3.

It's not fair in comparison with those who are using "light" 2,4 tonne vehicles and must obtain a transport authorisation and must respect all the provisions of the Reg. 561/2006/EC and of. Reg. 165/2014/EU. Every undertaking who generates income or turnover inside his business must play by the same rules , no mater with what purpose uses his vehicle or his entire fleet.

8. ROME 1 Reg. art. 8 paragraph 2. has nothing to do with HAULAGE ! :

We do not want the application of the ROME I Regulation to the individual employment contracts of the drivers (Art. 8 Paragraph 2) as Mr. Ertug wants , because the drivers of international transportation are highly mobile workers and in their case the habitual place of work cannot be determined , **so in this situation it is applicable the 3. paragraph provisions from the art. 8 which says that when the law applicable cannot be determined pursuant to paragraph 2, and the contract shall be governed by the law of the country where the place of business through which the employee was engaged is situated, exactly how is in this situation.**

The driver has one habitual place of work : his habitual place of work is highly mobile and diverse , that means that the habitual place of work must be considered in that place where the employee has his habitual residence (that's why , in compliance with Reg. 593/2008 /EC from the 3 paragraph , art. 8 provides that , when the law applicable cannot be determined pursuant to paragraph 2, the employment contract shall be governed by the law of the country where the place of business through which the employee was engaged is situated).

9. THE REST IN CABIN (Or, can a vegetarian be forced by the law to eat meat ?)

The driver should rest wherever he wants, he cannot be forced to not sleep in a specific place ! To force the driver to not rest in a specific place is proof of infinite insolence and an arbitrary mixture in his privacy!

In these personal matters like eating or resting (sleeping) the provisions must ensure the **RIGHT TO CHOOSE.**

No vegetarian can be forced to eat meat and no driver can be forced to sleep where he doesn't want to. There are drivers who are choosing the sleep in the cabin even when they're at home with their families.

The Amendment 14 Recital 7 of Mr. Van Camp compromises **must have the following form** : The ensure adequate resting conditions and the safety of drivers, transported goods and the vehicles, with the respect of that everyone has the right to rest and leisure wherever he wants, everyone has the right to a standard of living adequate for his health and **no one shall be subjected to arbitrary interference with his privacy (art. 12 from the Universal Declaration of the Human Rights) , it is, therefore, appropriate to clarify that requirement to ensure that drivers can rest wherever they want**, in quality and adequate accommodation or in their vehicle's cabin or in another location as chosen by the driver and paid for by the employer for their regular weekly rest periods if they are away from home or from the basis of the employer .

The outside of cabin rest:

a.) **does not solve the problem of drivers rest**, because they will not be able to rest in the peace of mind knowing that the transported goods from their vehicles are in danger to be stolen;

b.) does not solve the problem of relaxing and healthy rest because in an unknown establishment, in a new place of rest, the first two nights represents **a period of adaptation of the human organism to new conditions if he's mind is refusing that place** , that's why driver's fatigue will emphasize. There are truck cabins that are equipped like five star resting facilities , on the other hand , along the highways the driver or the employer never can find similar level of comfort.

Forcing somebody to rest in a given place , without to ensure for him the right to choose , is a brutally interference in the privacy of that person.

c.) **will be a source and an encouragement of offenses and crime** because the unattended vehicle and the transported goods will represent an ideal target for delinquents, they will be able to take away goods from the vehicle, without great effort.

d.) **Encourage the illegal migration of persons**, because as long as the driver will rest far from his vehicle, migrants can easily climb up into the unattended vehicles , and finally the driver or the employer will have to answer in front of the competent authorities, because in the main, they will be suspected and convicted of illegal traffic of persons.

e.) **It generates additional , artificial and unjust costs** mainly in charge of the companies from Eastern and peripheral EU zones, who are using their vehicles in the Western part of EU, away from headquarters or place of residence of the driver. It is obvious that the companies from Eastern European Union (because the Westerns rarely come to work in the states of the Eastern EU) will be forced to purchase services and hotel accommodation in the western part of the EU. In this situation they will lose their competitiveness, and they will be forced to close their businesses or to relocate all in the West. That is the purpose?

In the conclusion , we are not agreeing with all those , difficult to apply amendments created at the article 8. paragraph 8 of. Reg. 561/2006/CE by rapporteur Van Camp.

At amendment 41 , for article 8. paragraph 8. from Reg. 561/2006 it is enough the following , simple , provision:

"Where a driver chooses to do this, rest periods away from base may be taken in a vehicle as long as it has suitable sleeping facilities for each driver and the vehicle is stationary in a location chosen by the driver or may be taken in another location as chosen by the driver and paid for by the employer."

10. THE TREASURE FOR THE AUTHORITIES: 56 DAYS PERIOD OF CONTROL!

So far the proving of the last 28 days have represented an impossible task for the drivers (at the beginning it was 15 days), since there is no profession on the earthly globe where a worker, at any control, have the obligation to prove every minute from his activity retroactively for 28 days.

The 56 days are already in the field of sci-fi, only a cyborg or a robot could work 56 days period without violating any rule .

These 56 days , as an interval of control , will be an endless source of fines in favour of the budgets of Member states (mainly from the western part of the EU) , because in 56 days it is impossible for the authorities to not find a breaching or a violation of the rules (which can attract fines of hundreds or thousands of euro with the seizing of the truck till the penalty is payed) .

<u>Question</u>: In accordance with the statistics, which category of drivers are the most controlled and fined in the territory of the European Union: drivers from the West or drivers from the East?

Which category of drivers will have to bear the burden of proving those 56 days when they arrive on the territory of western EU : drivers from the West or drivers from the East ?

In conclusion , it seems that this form of the Mobility Package has nothing to do with the fundamental rights from the Treaties , with the single market or with the whole European Union idea , is a pure proof of that the European Community conception was confiscated for real by the wealthy and powerful players and this time the conquered happened to be the Eastern EU haulage industries. **That's unacceptable and that's why the Mobility Package can't go further in this form , must stop at this point ant sent back for a fundamental revision !**

Av. Szántó Árpád Zsolt
-Secretary General-