



THE MALTA CHAMBER
OF COMMERCE,
ENTERPRISE AND INDUSTRY



4 June 2020, Brussels

VOTE FOR A MOBILITY PACKAGE THAT WORKS TODAY AND FOR THE FUTURE

Dear Members of the European Parliament Committee on Transport and Tourism,

As organisations and as a sector, we have been in contact with many of you in the recent months and years that have seen the proposal and consideration of Mobility Package I. We believe this will be our last call upon you as members of the Committee on Transport and Tourism to make the necessary changes to this important legislation to ensure that it is fit for purpose and works with, not against, the whole EU road transport sector.

The crisis that we are currently facing together has further underlined the importance of road haulage in Europe. Whilst many fellow citizens have rightfully followed the advice to stay home and stay safe, our colleagues have been out at work ensuring that food and medicine supply chains remain unbroken. Now is the time to demonstrate the same solidarity shown to you by European drivers and haulage companies and ensure that the Mobility Package I does not have a series of unintended and undesired effects, which could put their jobs and the viability of our sector at risk, in addition to the negative impact that the COVID-19 outbreak has had on the haulage industry.

We fully support the initial intentions of the European Commission in presenting the Mobility Package, including reducing red tape and harmonising rules across the EU. But, the positive changes that the Commission sought to make in its proposal risk being lost due to the dramatic alterations that have been made to it since. The first reading position of the Council of the EU fundamentally goes against the ambitions of the EU Green Deal in requiring the return of vehicles every 8 weeks and against the fundamental freedoms of the Single Market, in requiring drivers to return to their home countries for rest periods, whether they wish to or not.

You now have the final opportunity to address these issues in your votes on the amendments to the text. For this reason, we call upon the members of the Committee on Transport and Tourism to vote for the amendments that support the following aims:

- **Return of the vehicle** – We call for the elimination of this provision. The compulsory return of the vehicle every 8 weeks will have a dramatic impact on the increase in transport emissions in the EU, thus impeding the EU in its long-term goals of achieving a 90 percent reduction in transport emissions and climate-neutrality by 2050. According to some assessments almost half of the vehicles required to return to their Member State of establishment could travel empty and this could have a tremendous impact on traffic at border crossing points. Recent weeks have shown us that this is something we cannot afford. Moreover, this measure is also excessively restrictive and discriminatory vis-à-vis peripheral countries, including island regions, and will put haulage companies at a disadvantage due to the geographical location of their Member State of establishment, once again going against the principles of the Single Market.
- **Return of the driver** – We support the amendments that aim at guaranteeing the freedom of the driver to choose where to spend their weekly rest. Imposing a particular location for the return on the driver infringes on the fundamental freedoms guaranteed to them as EU citizens. We know that the aim of the co-legislators was to protect the drivers' freedom but we believe that this idea is not fully enshrined in the current text.

It is also necessary to eliminate the provisions of the Mobility Package which bring confusion as to the choice of law. These provisions relate to the place where or from where work is normally carried out. Additional, artificial provisions affecting the choice of law of the parties will not only limit the possibility of

carrying out transport operations to those connected with the country of establishment, but will also jeopardise legal clarity as to the requirements relating to the pursuit of the occupation of the carrier.

We are fully aware that some Members of the European Parliament felt that the first agreement is not the best text, but that it is an acceptable compromise. However, we strongly disagree. We know already that should the package be approved in its current form, several Member States intend to challenge it in court. The European Commission has also publicly said that, depending on the outcomes of the impact assessment that it is currently undertaking, it may need to draft supplementary targeted legislation. We welcome these efforts and moreover, we must reiterate that our sector does not deserve an “acceptable” compromise that is opposed by 1/3 of the Member States and a large number of MEPs across most of the political groups. Now, more than ever, we need legislation that works for all Europeans and protects the interests of drivers, businesses and consumers.

This is a time for unity and not division. Let us work together to strengthen the European Union and the Single Market, underpinning and not weakening the rights and protections that it guarantees to EU citizens and companies. This is your last opportunity to craft a Mobility Package that works, please take it.



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