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INFORMATION NOTE

From: General Secretariat of the Council

To: Council

Subject: **Any other business**

New trends in road freight transport: the inflation of the number of driver attestations for third countries drivers – a challenge for social conditions and modal shift

– Information from the Belgian delegation

Delegations will find attached an information note prepared by the Belgian delegation on the above-mentioned subject for consideration under "Any other business" at the meeting of the Council (Transport, Telecommunications and Energy) on 9 December 2021.

New trends in road freight transport: the inflation of the number of driver attestations for third countries drivers – a challenge for social conditions and modal shift

Information from the Belgian delegation (AOB)

The Belgian authorities are worried about recent developments in the road transport sector, and in particular about the explosive increase in the number of drivers from third countries in the EU.

Driver attestation: what are we talking about?

To be able to provide their services, transport companies must comply among others with the provisions of Regulation 1072/2009 (market access), and have several documents, including a transport license. In the event that companies wish to hire drivers from third countries, they must provide them with a **driver attestation**, issued by the member state authority.

The issuance of a driver attestation was introduced into EU legislation by a dedicated 2002 Regulation, in order to fill a legislative void. At that time, the legislator wanted to remedy the impossibility of verifying the legality of the employment or the provision of drivers outside the territory of the Member State of establishment of the carrier, and had identified the risks on the working conditions of drivers, and the resulting distortions of competition.

Recent trends

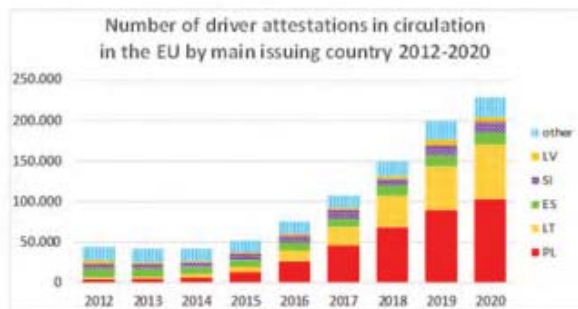
In recent years, there has been a tremendous increase in the number of certificates issued by EU transport companies to drivers from third countries.

The figures in the table below come from the DG MOVE website and come from the reports sent by the Member States within the framework of the obligations of Regulation 1072/2009 (amended in Regulation 2020/1055 since the publication of the Mobility Package).



(2) Driver attestations in road freight transport

- **143,258 driver attestations issued** in 2020
- **228,054 driver attestations were valid** at the end of 2020
- Compared with 2019:
issued driver attestations: -6.8%
valid driver attestations on 31/12: +14.4%



Discussion

The total number of driver certificates has almost quintupled in 8 years in the EU.

Such growth is not reflected in the evolution of the number of transport licenses granted to companies, nor in the evolution of transport flows, which admittedly increased, but in much smaller proportions. This development is not homogeneous in the EU either. In most Member States, the number of certificates issued has stagnated, while it has been multiplied by more than 25 in some Member States.

There clearly seems to be a deliberate strategy from large logistics groups in a few Member States to employ a higher proportion of drivers from third countries, and keep labor costs as low as possible, in order to gain competitiveness vis-à-vis the rest of the EU operators.

The reasons often put forward for recruiting drivers from third countries are the shortage of drivers, a rising and chronic problem across the EU, but also other regions of the world, such as the USA. We believe on the contrary that we are facing a self-sustaining phenomenon: with the race to the bottom of wages, fewer and fewer EU citizens want to become truck driver because the salaries are not attractive enough to convince young people to take up a profession with such difficult working conditions. And things are getting worse with the call for drivers from third countries, who accept unworthy working conditions.

Conclusion

One of the objectives of the Mobility Package, adopted in July 2020 after long negotiations, was precisely to fight against unfair competition and social dumping, by strengthening social rules in sector and improving controls. However, the improvement of the EU legislative framework and the social advances that result from it can be called into question if logistics companies make massive use of employees from third countries, whose salary and social conditions are more difficult to verify.

The possibility to hire third countries drivers is a useful tool to cope with temporary driver shortages on the market. It was never meant to become a permanent strategy in order to cut down labor costs and gain market shares in international transport, nor gradually replace European drivers by other nationalities.

Moreover, this trend increases the competitive gap between road transport and more sustainable modes of transport, such as rail freight and inland navigation, and put at risk the objectives of the European Green Deal regarding modal shift and decarbonization.

The EU should on the contrary aim for higher social standards and salaries for all trucks drivers, in and out of the EU, in order to make this profession attractive again for young citizens.

We therefore call on the Commission to assess these recent trends and verify the compliance of all companies and Member States with the provisions of Regulation 1072/2009 (notably article 6). If necessary, the EU should take appropriate legislative measures to fix the problem.