



## **Consultation on EU road transport proposals to establish common rules**

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Para 13.

The introduction of the Working Time Directive for mobile workers has seriously affected the ability of SMEs in the construction products industry to get their products to the market place. The simple reason for this is that the number of owner drivers of tipper trucks has reduced and more importantly no new operators are coming into the business because they are put off by the regulations restricting the time that they can *work* and thus make the lorry pay.

It makes little sense for the UK to have an opt out to the Working Time Directive, yet this opt out does not apply to mobile workers. The net result is that some SMEs in construction products may go out of business and the cost of delivery of construction goods will be seen to rise dramatically. Any new EU regulations concerning haulage in construction products that puts more unnecessary restrictions on the industry will just exacerbate the problem.

It is noted that the changes proposed have been brought about by the desire for a level playing field throughout the member states and are primarily aimed at that business that moves between member states. At first glance none of this would appear to be brought about by road haulage that is confined to the UK. Nevertheless the industry that is confined to the UK will be caught up in these new proposals should many of these new rules come into being.

Our reply to this consultation is limited to those questions concerning **The Operator Regulations**. We are not involved with goods being exported or public service vehicles.

Q1. No – this makes no allowance for small owner operators with say just one or two tippers who may park overnight on a customers premises and may run the business from home.

Q2. N/A

Q3.No – small operators with one or two lorries would not file annual accounts. No binding financial rules over and above current requirements should be introduced to smaller operators. We are trying to attract new operators, not drive them away.

Q4. This is probably of no concern to smaller operators

Q5.No – it should remain at 12 months.

Q6.Yes.

Q7. Probably – but the key point is that many of these proposed changes should not apply across the board. For example if the particular type of haulage business is not

export or it is of a very small nature then these changes should not apply as they were not the reason for the proposed changes in the first place.

Q8. Yes most certainly. According to the wording if a transport manager looks after four operators and one operator “fails” to meet the standards then the manager can lose his licence AND the other three good operators would lose their transport manager. To make the scheme workable, the Traffic Commissioners should be able to keep their discretionary powers.

Q9. No comment.

Q10. It would appear to be the case and it would ensure that operators comply with their required duties otherwise there is a danger that the transport manager may disassociate himself from that operator.

Q11. This would appear to be a good move in that it ensures the high quality of transport managers.

Q12. No. Why change the current system. **It is unlikely that all** transport managers will have anything to do with transport of goods into another state.

Q13. Again the discretionary powers of the Traffic Commissioners must be maintained. They are closer to what is actually happening rather than any other official.

Q14. This sounds like training for training sake. Before any training is made compulsory, required standards must be set. If the training is not actually compulsory then smaller operators are more likely to avail of training because training grants would/could be made available. If it is compulsory then grants are not available and this would have an impact on the smaller operator.

Q15. Yes 2015 would be a better cut off year.