(English version)

Priority question for written answer P-002375/24
to the Commission
Charlie Weimers (ECR), Beatrice Timgren (ECR), Dick Erixon (ECR)
(31 October 2024)

Subject: Commission's response in addressing social dumping following CJEU ruling on Mobility Package

A recent judgment ([1]) by the Court of Justice of the EU (CJEU) has upheld most provisions of the EU Mobility Package, but has annulled the 'return of vehicle' requirement, citing insufficient proportionality assessment ([2]) ([3]). This provision aimed to mitigate the issue of social dumping and unfair competition by ensuring that vehicles operating in other Member States return periodically to their home country.

Studies indicate that thousands of foreign-registered vehicles operate permanently within Sweden. These operations are continuously ongoing and not of a temporary character at all, thus violating the very definition of cabotage and perpetuating social dumping practices ([4]).

In light of this development:

1. What action will the Commission take to ensure that social dumping is effectively curbed within the EU transport sector?

2. Will the Commission propose legal changes to strengthen cabotage rules and protect local markets, ensuring fair competition and adherence to social standards?

3. Does the Commission have any opinion on the fact that the CJEU cited insufficient preparatory work as a reason for invalidating the 'return of vehicle' rule?

Submitted: 31.10.2024

Answer given by Mr Tzitzikostas on behalf of the European Commission
(19 December 2024)

The rules adopted under Mobility Package I ([1]) are designed to ensure a balance between improved working conditions for drivers and the freedom to provide cross-border services for operators. They aim at guaranteeing a level playing field between all operators providing road transport services in the EU.

The provision on the return of the vehicle ([2]), which was declared void by the Court of Justice of the European Union on 4 October 2024 ([3]), was not part of the Commission's proposal nor of its impact assessment.

At the time of adoption, the Commission made a declaration ([4]) noting that the obligation of return of the truck would lead to inefficiencies in the transport system and an increase in unnecessary emissions, pollution and congestion. These potential inefficiencies were confirmed by a February 2021 study assessing the expected impacts of this obligation ([5]).

A number of other provisions under Mobility Package I, such as the strengthened rules on effective and stable establishment and the new rules on posting, are effective in preventing unfair practices.

The Court also upheld the provisions directly improving working and social conditions, among them the right of the driver to return 'home' within each period of 3 or 4 consecutive weeks (depending on whether the driver had two consecutive reduced weekly rests). The Commission thus does not see any need to revise such rules.

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1 [1]Judgment of the Court of Justice of 4 October 2024, *Republic of Lithuania and Others* v *Parliament and Council*, Joined Cases C-541/20 to C-555/20, ECLI:EU:C:2024:818.

2 [2]https://curia.europa.eu/juris/document/document.jsf?text=&docid=290673&pageIndex=0&doclang=EN&mode=req&dir=&occ=first&part=1&cid=385475.

3 [3]https://www.europaportalen.se/notis/2024/10/eu-domstolen-godkanner-i-stort-nya-regler-lastbilstrafik-avvisar-krav-pa-atervandande.

4 [4]https://www.svt.se/nyheter/inrikes/trots-lagskarpning-hundratals-lastbilar-kor-illegala-transporter-i-sverige.

([1]) Regulation (EU) 2020/1054 of the European Parliament and of the Council of 15 July 2020 amending Regulation (EC) No 561/2006 as regards minimum requirements on maximum daily and weekly driving times, minimum breaks and daily and weekly rest periods and Regulation (EU) No 165/2014 as regards positioning by means of tachographs (OJ L 249, 31.7.2020, p.1), Regulation (EU) 2020/1055 of the European Parliament and of the Council of 15 July 2020 amending Regulations (EC) No 1071/2009, (EC) No 1072/2009 and (EU) No 1024/2012 with a view to adapting them to developments in the road transport sector (OJ L 249, 31.7.2020, p. 17), Directive (EU) 2020/1057 of the European Parliament and of the Council of 15 July 2020 laying down specific rules with respect to Directive 96/71/EC and Directive 2014/67/EU for posting drivers in the road transport sector and amending Directive 2006/22/EC as regards enforcement requirements and Regulation (EU) No 1024/2012 (OJ L 249, 31.7.2020, p. 49).

([2]) Article 1(3) of Regulation (EU) 2020/1055 of the European Parliament and of the Council of 15 July 2020 amending Regulations (EC) No 1071/2009, (EC) No 1072/2009 and (EU) No 1024/2012 with a view to adapting them to developments in the road transport sector (OJ L 249, 31.7.2020, p. 17), amending Article 5(1)(b) of Regulation (EC) No 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator and repealing Council Directive 96/26/EC (OJ L 300, 14.11.2009, p. 51).

([3]) Joint cases C-541/20 to C-555/20.

([4]) https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32020C0731(01)

([5]) https://op.europa.eu/en/publication-detail/-/publication/b35587b8-72a1-11eb-9ac9-01aa75ed71a1

At the same time, the Commission will continue working on a full and effective implementation of Mobility Package I. In this regard, the Commission will remain attentive as to any negative impact that the annulment of the provision on the return of the vehicle might have, especially on working conditions.

The Commission has no comment on the details of the Court's judgment.