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Road transport: Driving times, breaks, rest periods, tachographs and posting of drivers

Impact Assessment (SWD(2017) 186 parts 1 and 2, SWD(2017) 187 (summary)) of a Commission proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) 561/2006 as regards minimum requirements on maximum daily and weekly driving times, minimum breaks and daily and weekly rest periods and Regulation (EU) 165/2014 as regards positioning by means of tachographs (COM(2017) 277), and a Commission proposal for a directive of the European Parliament and of the Council amending Directive 2006/22/EC as regards enforcement requirements and laying down specific rules with respect to Directive 96/71/EC and Directive 2014/67/EU for posting drivers in the road transport sector (COM(2017) 278).

Background

This note seeks to provide an initial analysis of the strengths and weaknesses of the [European Commission's Impact Assessment](#) (IA) accompanying the above proposals, submitted on 31 May 2017 and referred to Parliament's Committee on Transport and Tourism. The aim of the proposals is to improve the application of social legislation in road transport, also including sector-specific rules for posting of workers, to facilitate fair competition between operators and enhance drivers' social conditions.¹ The proposals form part of the '[Europe on the move](#)' package, which is a broader review of the road transport legislation of the European Union. The transport package is one of the priorities of the European Commission. The proposals, which are part of the Commission's Regulatory Fitness and Performance (REFIT) programme, aim to contribute to the Commission's social agenda and the European Pillar of Social Rights. In its resolutions, the European Parliament has called for improved implementation of social legislation in the road transport sector, enhanced road safety, adapted posting provisions for transport workers, and called for measures to counter unfair competition and social dumping.²

Problem definition

EU social legislation on road transport aims to improve working conditions for mobile workers, enhance road safety, and ensure fair competition between operators in the internal market. The existing social legislation on road transport comprises rules on drivers' working time and rest periods,³ as well as the rules concerning work and social protection conditions applicable to posted mobile workers.⁴ According to the IA, an ex-post evaluation⁵ – supported by an external study, stakeholder consultation, and a small and medium-sized enterprise (SME) panel

¹ See D. Scordamaglia, [Road transport: Driving, breaks, rest times and tachographs](#), EU legislation in progress, EPRS, October 2017.

² See [European Parliament resolution of 18 May 2017](#) on road transport in the EU; [European Parliament resolution of 14 September 2016](#) on social dumping in the EU; and [European Parliament resolution of 9 September 2015](#) on the implementation of the 2011 white paper on transport.

³ [Regulation \(EC\) 561/2006](#) of 15 March 2006 on driving time; [Directive 2002/15/EC](#) of 11 March 2002 on road transport working time; [Directive 2006/22/EC](#) of 15 March 2006 on enforcement; [Regulation \(EU\) 165/2014](#) of 4 February 2014 on tachographs.

⁴ [Directive 96/71/EC](#) of 16 December 1996 on posting of workers; [Directive 2014/67/EU](#) of 15 May 2014 on enforcement of the Posting of Workers Directive

⁵ Staff working document, final report on ex-post evaluation of the social legislation in road transport, [SWD\(2017\)184](#); European Commission, May 2017; Staff working document, executive summary of ex-post evaluation of the social legislation in road transport, [SWD\(2017\)185](#), European Commission, May 2017.

survey – was carried out in 2015-2017 regarding the implementation of the Driving Time Regulation (561/2006/EC), the Road Transport Working Time Directive (2002/15/EC), and the Enforcement Directive 2006/22/EC during 2007-2014.⁶ According to the evaluation, the social rules of road transport proved out to only partially achieve a fair level playing field and improve working conditions of drivers, due to:

- differences in national interpretations and implementation of the rules (lack of clarity in the rules);
- ineffective and inconsistent enforcement practices (differences in control practices, use of control tools, types and levels of national penalties);
- deficiencies in legal provisions which cannot address new risks arising from complex employment arrangements (multiple employers, long subcontracting chains), long periods away from home/base, time pressure and stress (performance-based payments), and applying the terms and conditions of employment of the Member States with lower social standards;
- lack of administrative cooperation.

The IA report provides a table on the conclusions of the ex-post evaluation and their link to the IA (IA, p. 6), in line with the principle that the ex-post evaluation should feed into the impact assessment process.

The IA presents a problem tree that illustrates the problems and the objectives (IA, Figure 3, p. 12). Two **main problems** are identified: (1) distortions in competition between transport operators; and (2) inadequate working and social conditions for drivers (IA, p. 11). The IA describes the scale of the problems both quantitatively and qualitatively (IA, p. 11-22). According to the IA, the **root causes** of the problems relate to: (1) deficiencies in existing road transport social legislation, which were also identified in the ex-post evaluation; (2) inefficient implementation of Posted Workers Directive (PWD) provisions on road transport (posting rules unfit for the highly mobile road transport sector, disproportionate national measures for application of posting rules in road transport); and (3) market context (strong cost-based competition, downward pressure on prices of services and on working conditions of drivers), which may also create incentives for unfair practices, such as letterbox companies, illegal cabotage, and social dumping⁷ (IA, p. 10-11). The IA identifies four **problem drivers**: abuses of the social, labour and market rules; high regulatory costs for operators and Member States; stress and fatigue and low level of social standards for drivers; and unequal treatment of drivers and operators (IA, p. 14-22).

The IA describes several assumptions against which the baseline scenario (no EU action) was assessed, such as decreasing enforcement capacity in the Member States and increasing complexity in the regulatory environment. According to the IA, whereas in some cases there may be improvement without further EU action – such as a decrease in wage differentials between Member States and cost savings in the long term based on digitalisation of enforcement systems and deployment of smart digital tachographs – the main problems are likely to persist (IA, p. 30-38).⁸

The IA describes the problems, root causes and problem drivers well, and gives specific examples. The IA bases its analysis on an ex-post evaluation of the implementation of the Driving Time Regulation (561/2006/EC), the Road Transport Working Time Directive (2002/15/EC), and the Enforcement Directive 2006/22/EC, as well as ex-post-evaluation of the regulations on the rules on access to the profession and access to haulage market (Regulations (EC) 1071/2009 and (EC) 1072/2009). It is also based on consultation with stakeholders, and studies that are referred to in the IA report. The section on the problem description is at times repetitive and the context description could have been clearer, as there is no reference in the main text to the 'Europe on the move package' of which the initiative forms a part. Some of the elements of Annex 7 describing EU road initiatives could also perhaps have been included in the context section, to explain the wider setting.

⁶ See also Staff working document, ex-post evaluation of the rules on access to occupation and to the haulage market, [SWD\(2016\)350](#), European Commission, October 2016.

⁷ See also V. Kononenko, [Adapting the road haulage market to developments in the sector: road transport operators and access to the market](#), Initial appraisal, EPRS, European Parliament, October 2017.

⁸ See also: M. Remáč, [Enhancement of social legislation in road transport I \(driving time\)](#) and [Enhancement of social legislation in road transport II \(working time end enforcement of Regulation 561/2006\)](#), Implementation appraisals, EPRS, European Parliament, May 2017.

Objectives of the legislative proposal

The **general policy objective** of the initiative is to ensure a level playing field for drivers and operators, improve working conditions for drivers and enhance road safety. The **specific objectives** are (1) to reduce and prevent distortions of competition between transport operators and (2) to ensure appropriate social protection and working conditions for drivers (IA, p. 39-40). The IA report notes that, in line with the REFIT objectives, particular attention is paid to the simplification of the rules, enforceability, and impacts on regulatory burdens for companies and authorities (IA, p. 7).

The IA report defines the **operational objectives** as: (1) to clarify and adjust the EU social rules applicable to road transport (including rules on posting of workers); (2) to provide for uniform interpretation and application of the legislation; (3) to facilitate cost-effective and consistent cross-border enforcement of the social rules; and (4) to strengthen cooperation between Member States (IA, p. 39-40).

The objectives seem to be linked to the identified problems and the findings of the ex-post evaluation. However, the objectives section could have been clearer, as the general objectives and the specific objectives are rather similar and, furthermore, in the summary of the IA, the operational objectives are named as the specific objectives (Summary, p. 2). Given the objectives should be specific, measurable, achievable, realistic and time-bound (S.M.A.R.T.), it can be noted that they are not time-bound and could have been formulated in both a more specific and more measurable manner. It can also be noted that the operational objectives should not be placed in the objectives section, but rather under the preferred policy option and in the monitoring and evaluation section ([Better Regulation Toolbox, Tool #16](#)).

Range of options considered

The IA report explains the methodology of identification of retained and discarded measures and policy packages. The policy measures are based on consultations with the stakeholders, research and feasibility and proportionality analyses. The IA report notes that 20 policy measures were selected from 86 initial measures. The discarded measures and explanations are provided in Annex 6. As two different sets of rules are concerned, two sets of policy options have accordingly been established, concerning road transport social legislation (policy packages 1-3), and posting of workers (policy package 4). Any of the PP1-3 options can be combined with the PP4 options (PP4 a, b, c, d). The IA seems to provide a sufficient range of options (IA, 40-48). The measures, which are either compulsory or voluntary, address the root causes and problem drivers. (IA, Tables 4-5, p. 46-48).

Policy packages (PP1-PP3) concerning existing road transport social legislation (cumulative, except measures concerning weekly rest and performance-based pay)
PP1: Clarification of the legal framework and improvement of cooperation
* Requirements concerning weekly rest – Allow for spending regular weekly rest in the vehicle (driver's free choice, or justified by circumstances).
* Breaks, resting and driving times – Breaks, resting and driving time arrangements can be adapted (no change in time limits) due to exceptional circumstances and/or to enable to a driver to reach home/base.
* Enhance enforcement – Establish recommended uniform EU formula for calculating risk rating (voluntary measure). – Enhance administrative cooperation between national control authorities – Clarification of links between the Driving Time Regulation 561/2006 and the Road Transport Working Time Directive 2002/15 in terms of derogations. a) Derogations from driving and resting times rules due to exceptional circumstances may also result in derogations from the weekly working time thresholds. b) Derogations from driving and resting times rules due to exceptional circumstances may not result in derogations from the weekly working time thresholds.

<p>* Working time requirements and control</p> <ul style="list-style-type: none"> – Establish recommended minimum threshold for controlling compliance with working time provisions in line with requirements for checks at the premises under the Enforcement Directive 2006/22 (voluntary). – Establish recommended reporting template for biennial national reports on results of controls of compliance with the Working Time Directive (WTD), similar to the template for checks in the Driving Time Regulation 561/2006 (voluntary).
<p>* Scope of the social legislation</p> <ul style="list-style-type: none"> – Definition of terms 'occasional driver' and 'operations for private purposes' (excluded from the scope of the Driving Time Regulation 561/2006).
<p>* Performance-based pay</p> <ul style="list-style-type: none"> – Allow Member States to forbid performance-based pay (voluntary).
<p>PP2: Strengthening of enforcement and changes to obligations (preferred option). All PP1 measures plus:</p>
<p>* Requirements concerning weekly rest</p> <ul style="list-style-type: none"> – Regular weekly rest period of 45 hours as a minimum average resting time over a reference period of four rolling weeks. The weekly rest period of less than 45 hours should not be less than 24 hours and reduction should be compensated by an equivalent period taken <i>en bloc</i> and attached to another weekly rest period. – Weekly rest of 45 hours or more must not be taken in the vehicle (suitable accommodation provided/paid by employer, or at the home base or another private place of rest. A definition of 'adequate accommodation' to be introduced.
<p>* Breaks, resting and driving times</p> <ul style="list-style-type: none"> – All drivers: breaks of minimum 45 minutes may be split into a maximum of three portions of at least 15 minutes each. The basic provision on breaks remains unchanged.
<p>* Enhance enforcement</p> <ul style="list-style-type: none"> – Allow controllers to access the risk-rating system in real-time control (roadside and premises checks). – Establish recommended EU uniform formula for calculating risk rating. – Abolish attestation forms in addition to or instead of tachograph records and define how 'other' work is best controlled.
<p>* Working time requirements and control</p> <ul style="list-style-type: none"> – Reduce the reference period used for a calculation of the maximum average weekly working time of 48 hours from four months (or six months according to national law) to four weeks. – Obligatory minimum threshold for controlling compliance with working time provisions in line with requirements for checks at premises under Directive 2006/22. <p>* Obligatory reporting template for biennial national reports on results of controls of compliance with WTD.</p>
<p>PP3: Targeted revisions of the social legislation. All PP1 and PP2 measures plus:</p>
<p>* Breaks, resting and driving times</p> <ul style="list-style-type: none"> – Adapt 12-day rule in international occasional passenger transport by coach. – Allow flexibility for domestic occasional passenger transport by coach: <ul style="list-style-type: none"> (a) 12-day rule – postpone weekly rest for up to 12 periods of 24 hours. (b) 8-day rule – postpone weekly rest for up to 8 periods of 24 hours.
<p>* Performance-based pay</p> <ul style="list-style-type: none"> – Forbid performance-based pay (based on distances travelled/amount of goods carried).
<p>Policy packages (PP4) related to the application of the PWD, (preference not indicated on PP4 options a) to d))</p>
<p>* Posting of workers</p> <ul style="list-style-type: none"> – Set time-thresholds (variants (a) three days, (b) five days, (c) seven days, (d) nine days), over a month (under which no full application of the PWD). – Tailored enforcement system with simplified administrative requirements and a two-step enforcement process (roadside check and check at the premises of a company). – Oblige the driver to record the country code each time driver stops a vehicle.

Regarding road transport sector social legislation, PP2 is the preferred option. Concerning posting of drivers, the IA does not indicate a preference for any of the PP4 options because options favour either operators or drivers. A lower time threshold may have greater positive impact on drivers' social and working conditions, whereas a longer time threshold may have lower compliance costs for operators. The IA therefore states that the choice of option to retain is a political decision (IA, p. 74-75). The IA report presents a preliminary assessment concerning non-legislative and legislative delivery instruments for PP4 (IA, p. 75-76 and Annex 9).

The policy options were compared according to effectiveness, efficiency, and coherence criteria. In addition, social and economic impacts were included in the assessment, as well as the balance between drivers' social protection and freedom to provide cross-border services. The options appear to have a logical link with the problem identification, root causes and objectives as required in the [Better Regulation Guidelines](#). The description of PP4 is somewhat unclear, as the IA report states three variants for thresholds, whereas there are in fact four variants (IA, p. 45, 48).

Scope of the Impact Assessment

The IA assesses the options for their social and economic impacts. The IA notes that environmental impacts were not identified. The impact on SMEs is included in the assessment. The views of the stakeholders are presented for the options and measures. The impact of the options is also compared to the baseline. In addition, the IA report also takes impacts on the EU-15 Member States (countries that joined the EU before 2004) and the EU-13 Member States (joined since 2004) into account, because of the different level of labour costs in these country groups.

As for the **social impact**, four policy packages are assessed from the point of view of compliance with the EU social, labour and market rules in road transport, working conditions, road safety and occupational health, employment and types of work contract and non-discrimination, equal treatment, and equal opportunities. The **economic impacts** (operational, compliance, administrative costs) on businesses and national authorities were assessed regarding each of the policy packages. The IA report presents tables of costs for each policy package option. In the PP4 package, the administrative costs for operators are estimated to significantly decrease, the EU average being 58 % reduction (-€785 million/year, from a baseline €1 352 million/year to €567 million/year) (IA, pp. 68-69). The compliance costs are expected to decrease for the threshold of 5 days (63 %, net reduction of -€268 million/year), 7 days (75 %, net reduction of -€316 million/year) and 9 days (82 %, net reduction of -€347 million/year). The 3-day threshold is expected to increase compliance costs for operators (13 %, a net increase of +€57 million/year). As regards the preferred option PP2, a small increase in enforcement costs for authorities is likely in the short-term, but in the longer-term positive development takes place due to more efficient enforcement. A short-term increase in costs for operators is expected, because of the accommodation obligation and the calculation of the weekly working time over four weeks. The IA does not present a quantified estimate of this increase for the operators. (IA, p. 64) Regarding PP2, the table shows the weighted average estimated increase in costs of relevant measures for national authorities in percentages, not in whole numbers. (IA, p. 70) Furthermore, there is no table showing the total estimated costs of the combination of preferred option PP2 and PP4 options. The IA notes that, due to data limitations, it is not possible to provide robust estimates on changes in enforcement costs for national authorities resulting from measures in PP2 and PP4 and, therefore, a comparison of costs for national authorities and costs for operators could not be performed (IA, p. 69, 75).

As regards the scope of the IA, some issues identified in the ex-post evaluation are not addressed in the IA (for example, drivers of light goods vehicles (LGV), self-employed drivers, a European Road Agency). Annex 5 provides a list of the issues that are omitted, and reasons for excluding them from the IA.

Subsidiarity/proportionality

Article 91(1) of the Treaty on the Functioning of the European Union (TFEU) is the legal basis for the proposals. The initiative is in line with Treaty based objectives on internal market and transport and the Charter of Fundamental Rights of the European Union (IA, p. 39). Given the international character of the transport sector, the IA report points out that it is important to ensure that social legislation is consistently applied in the Member States. According to the IA, the problems are likely to persist without further EU action. As the proposals would amend existing EU legislation, an EU level decision is needed. The problems the proposed legislation would tackle (such as unclear EU rules, inadequate enforcement and different interpretations of the EU rules) could not be addressed at the national level (IA, p. 38-39). The IA report notes that the preferred option PP2 and measures of PP4 do not exceed what is necessary to solve the problem. It meets the objectives and offers a proportionate and balanced solution to the interlinked social and competition issues. The combination of PP2 and PP4 is estimated to provide a synergy effect, and also complement other road initiatives. The initiative forms part of the REFIT programme aiming to reduce regulatory burden. The expected REFIT balance in the PP4 package is -€785 million/year (savings in administrative costs) and -€347 million to -€268 million per year (savings in compliance costs) (IA, p. 73-75 and Summary, p. 2).

The Polish Senate issued a reasoned opinion by the 4 September 2017 deadline, concerning the Commission proposal for a Directive of the European Parliament and of the Council amending Directive 2006/22/EC as regards enforcement requirements and laying down specific rules with respect to Directive 96/71/EC and Directive 2014/67/EU for posting drivers in the road transport sector (COM(2017)278). It considers that the proposed amendments may cause negative effects (the demise of transport undertakings, employee dismissals), which are contrary to the objectives of the functioning of the internal market (See [Platform for EU Interparliamentary Exchange \(IPEX\)](#)).

Budgetary or public finance implications

According to the explanatory memorandum, the initiative has no impact on the EU budget.

SME test/Competitiveness

Small and medium-sized enterprises (SMEs) were considered specifically, as, according to the IA report, 90 % of the road freight transport companies have less than 10 employees and 99 % have less than 50 employees. Consequently, most of the impacts for transport operators have an impact on SMEs. Consultation with SMEs was conducted through a SME panel survey. The IA report notes that, on account of the size of SMEs (reduced flexibility), the impacts of various measures may be more significant for SMEs than to bigger companies. On the other hand, the expected reduction in administrative costs and compliance costs linked to posting provisions may be more significant for small companies, in particular those from the EU-13 countries. According to the IA, the envisaged policy measures do not have a disproportionate impact on SMEs. (IA, p. 63-64 and explanatory memoranda of the legislative proposals). However, the IA report does not include a differentiated analysis between micro, small, medium and large companies, as would be required in the [Better Regulation Toolbox \(Tool #22\)](#).

Simplification and other regulatory implications

The IA notes that the initiative is part of the REFIT programme that aims at simplifying EU legislation and making it less costly. Particular attention is paid to simplification and clarification of the rules and reduction of the regulatory burden on companies and authorities (IA, p. 7). According to the IA, the initiative contributes to better coherence and complementarity between the social and market rules applicable to road transport (IA, p. 40). The IA stresses that the initiative, including sector-specific posting rules, is complementary to the ongoing revision of

the PWD.⁹ Annex 9 of the IA report assesses the various options of addressing posting rules in the road transport sector in relation to other legal instruments. Regarding infringement cases and Court of Justice judgments concerning road transport social rules, the IA report points out that they are inadequate for ensuring harmonised application in the Member States (IA, p. 7-9).

Quality of data, research and analysis

Annex 1 describes the data used in the IA. The IA is based on a study by an external consultant, Ricardo. The same consultant carried out a support study for the ex-post evaluation of the social rules in the road transport sector. Furthermore, stakeholders were broadly consulted concerning the problems and possible solutions.

The links to the external study for ex-post evaluation and to the results of consultations are included in the IA. It would have been useful, for transparency reasons, to also include the link to the main study in the IA report. Annex 4 describes an analytical model in preparing the IA. It provides information of the compliance level and methodology. The IA notes the problem of data availability, which limits the analysis of impacts. To compensate this deficiency, qualitative evidence, stakeholders' assessments and national data sources were also used (IA, p. 48-49 and 95).

Stakeholder consultation

Broad stakeholder consultations were conducted. Annex 2 describes these consultations in detail. An open public consultation (OPC) was conducted (September-December 2016), seeking to verify the problems in the sector, request possible solutions, and assess the expected impacts of policy measures. The OPC resulted in 1 378 responses from drivers or other road transport workers (31 %), road hauliers (22 %), passenger transport companies (17 %), self-employed drivers (17 %), other companies in the transport chain (4 %), and private individuals (3 %). Through a SME panel survey, SMEs were consulted on the application of posting provisions in the road transport sector and driving and working times and rest periods. In total, the SME panel survey received 109 responses. The IA provides links to the results of the SME panel survey and the open public consultation (IA, p. 5). Furthermore, several targeted consultations concerning drivers, national authorities and transport operators were carried out (January-February 2017). Tables providing an analysis of the responses are included in the IA report. Attention was also paid to geographical aspects, i.e., responses from the EU-15 and the EU-13, an element also taken into account in the IA. The IA provides a description of the stakeholders (drivers, operators, national authorities, other road users) affected by the initiative and the effects that are likely to take place in Annex 3. The views of stakeholders are presented for all policy package options. Preferred option PP2 was largely supported by drivers and operators but, conversely, trade unions and national authorities held different views. Regarding posting provisions, industry supported PP4 measures, although some industry representatives had doubts about using thresholds, as drivers often work in many Member States. Trade unions were not in favour of time thresholds, and Member States put forward different views in their regard.

Monitoring and evaluation

The IA report presents the monitoring and evaluation framework for the initiative. A table with relevant indicators and data sources is included in the IA (Table 15, p. 77-78). When monitoring the application of the social rules (linked to specific objectives), the defined indicators are infringement detection rates, assessment of drivers, a level of identified illegal cabotage and letterbox companies, administrative and compliance costs. As regards enforcement and cooperation (linked to the operational objectives), the number of checks, number of joint cross-border checks, number of documented cases, and use rate of national rating systems are monitored. For contextual information, the evolution of the level of freight and passenger transport, share of LCVs, and number of posted drivers are monitored. The data is collected through national monitoring reports, enforcement organisations, surveys, national databases, and Eurostat. The operational objectives for the preferred option are

⁹ For further information on the revision of the PWD, see: the proposal for a directive of the European Parliament and the Council amending directive 96/71/EC concerning the posting of workers in the framework of the provision of services, [\(COM\(2016\)128 final\)](#), European Commission, March 2016; M. Kiss, [Posting of Workers Directive](#), EU legislation in progress, EPRS, European Parliament, November 2017; K. Eisele, [Revision of the Posting of Workers Directive](#), Initial Appraisal, EPRS, European Parliament, May 2016.

derived from the 'respective generic and specific objectives' (IA, p. 76 and Table 14, p. 77). Use of terminology is somewhat inconsistent, as the specific objectives in the monitoring section are the problem drivers mentioned in the problem section (IA, p. 77). Given the limitation of comparable data (e.g. for estimating the costs), further plans for improving data collection in this respect would have been useful.

Commission Regulatory Scrutiny Board (RSB)

The Commission Regulatory Scrutiny Board (RSB) issued a negative opinion on a draft version of the IA report on 7 April 2017. On 28 April 2017, the RSB adopted a second, positive opinion with recommendations on a revised version of the IA. The main considerations concerned the need to further elaborate the baseline scenario and improve the feasibility of options for posting provisions. Furthermore, the RSB considered that the IA report should better demonstrate the impact of weekly rest on drivers' health and working conditions under the revised rules. The RSB also required a table presenting the costs of the preferred option (cost for national authorities versus costs for operators). The recommendations also concerned the executive summary, as it was not completely in line with the main text. The considerations of the RSB and corresponding modification of the IA report are presented in Annex 1 (p. 3-6), as required by the Better Regulation Guidelines. The recommendations of the RSB appear largely taken into account. However, according to the IA report, because of the data limitations, there is no estimate of changes in enforcement costs for national authorities (measures in PP2 and PP4). A comparison of costs for national authorities and operators is therefore not provided (IA, pp. 69, 75).

Coherence between Commission legislative proposal and IA

The legislative proposals largely follow the recommendations expressed in the IA. However, for the PP4, the IA does not indicate a preference between the different threshold options (three, five, seven and nine days). In the legislative proposal (COM(2017)278), the threshold reference of posting of workers is defined as three days ('longer than three days'). Furthermore, all cabotage operations are considered as posting, even if the operation is shorter than or equal to three days.

Conclusions

Overall, the IA report provides a good presentation of the problem definition, root causes and problem drivers. The problem definition, objectives and options appear to be based on the ex-post evaluation and stakeholder consultation. As for weak points, the IA does not include a differentiated analysis with respect to the size of enterprises (micro, small, medium and large enterprises). Furthermore, the IA report provides links to studies, results, and reports, where, for transparency reasons it would have been useful to also have the link to the main study on which the IA is based. The IA would have benefited from further clarification of the context and greater precision in the use of terminology. Due to data limitations, the economic impact assessment is, to some extent, limited. The IA could have addressed this issue further in the section on monitoring and evaluation and consider measures for improvement of data collection.

This note, prepared by the Ex-Ante Impact Assessment Unit for the European Parliament's Committee on Transport and Tourism, analyses whether the principal criteria laid down in the Commission's own Better Regulation Guidelines, as well as additional factors identified by the Parliament in its Impact Assessment Handbook, appear to be met by the IA. It does not attempt to deal with the substance of the proposal. It is drafted for informational and background purposes to assist the relevant parliamentary committee(s) and Members more widely in their work.

To contact the Ex-Ante Impact Assessment Unit, please e-mail: EPRS-ImpactAssessment@europarl.europa.eu

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