

Road freight transport in the European Union

In search of a balance between the economic and social dimension of the internal market. A quantitative sectoral analysis



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Executive Summary and Country Fiches

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Preface

Fair remuneration and decent working conditions in road transport and its enforcement are one of the top priorities in European debates about equal rights for workers on the move in Europe. Problematic working conditions, complex sectoral regulations and the difficult question of applying posting regulations to cross-border road transport within Europe challenge inspectorates to control compliance, and social partners to safeguard fair competition and working conditions in road haulage.

The EU funded project "The Road to Transparent and Fair Remuneration and Working Conditions in the Transport Sector" – TransFair – takes on a sectoral approach to investigate labour standards and enforcement practices in European cross-border road transport, focusing on research, cooperation of stakeholders, notably transport unions and labour inspectorates, and on an improved information to drivers in the European road transport sector.

The **TransFair consortium** includes two research institutes (FORBA, KU Leuven/HIVA), one nonprofit organisation (MKC) and four unions from Austria (vida), Belgium (BTB-ABVV), Poland (NSZZ "Solidarność"), and Slovenia (NSDS). One EU level social partner (ETF), worker advocacy institutions (Arbeiterkammer Wien), including one from Germany (Faire Mobilität), unions (OSD, Czechia; ZSSS, Slovenia), including one from Serbia (catus) and national labour inspectorates from Belgium and Slovenia are involved as associate organisations. The research institute FORBA is in charge of the overall project coordination. The research outputs comprise one report about the quantitative dimension of the EU cross-border transport industry, compiled by KU Leuven/HIVA, one comparative report about minimum wage regulations in cross-border transport in the six countries, Austria, Slovenia, Germany, Poland, Belgium, Czechia compiled by FORBA, and three country-specific reports about the employment of third-country citizens, the recruitment of workers via temporary agencies, and/or establishment of letter-box companies.

All reports can be downloaded on the TransFair website: https://transfair-project.eu/

This project publication is based on the extensive report **"Road freight transport in the EU: In search of a balance between the economic and social dimension of the internal market. A quantitative sectoral analysis"** written by Lynn De Smedt and Frederic De Wispelaere, KU Leuven/ HIVA that was produced as one of the research outputs of the TransFair project.

This publication contains

- > an executive summary of the original report's findings,
- > a visualisation of the EU's overall road freight transport performance, including employment and personnel cost data, as well as the six countries', i.e., Austria, Slovenia, Germany, Poland, Belgium, Czech Republic, economic relations in road freight transport in the form of "country fiches".

A. Executive Summary

DISENTANGLING THE COMPLEXITY OF THE EU ROAD TRANSPORT SECTOR

The road transport sector can be considered as one of the key sectors of activity in the EU: it counts more than 570,000 companies and employs some 3.3 million persons. Nonetheless, it cannot be denied that the sector is confronted with several problems and challenges, which became even more visible during the COVID-19 pandemic. The root of the existing problems can be traced back to a tension which has always been present in the EU, namely between the economic and social dimension of the internal market. Competition in the road transport sector is strongly based on cost factors, and thus on price competition. Moreover, the price sensitivity of the sector and its labour-intensive nature brings along certain undesired effects such as cross-border social fraud. Some even argue that the sector is in a vicious circle: the continuous demand for cheap(er) goods might have led to lower prices, but also to a constant pressure on wages, the unattractiveness of the job, the 'flagging out' of companies, and the use of fraudulent and illegal practices. Such interpretations have led to severe tensions between employers' and workers' organisations as well as between EU-13 and EU-15 Member States. Political and public discussions, which are sometimes rather based on perceptions than facts, demonstrate that efforts should be made to better understand the complexity of the road transport sector.

In that regard, the aim of the report "Road freight transport in the EU: In search of a balance between the economic and social dimension of the internal market. A quantitative sectoral **analysis"** is to improve our understanding of business structures and employment practices in the European road haulage, mainly by analysing quantitative data from Eurostat and Orbis¹ on three different levels. First, for the EU as a whole, then for six Member States of interest (Austria, Belgium, Czech Republic, Germany, Poland, and Slovenia), and finally for three defined bilateral constellations (Austria – Slovenia, Germany – Poland, Belgium – Czech Republic).²

THE TRANSNATIONAL RELATIONS OF EUROPEAN ROAD FREIGHT TRANSPORT COMPANIES

There are two main aspects of the transnational dimension of the road haulage sector.

First, transport companies are "flagging out", this means they establish subsidiaries abroad and register (part of) their vehicle fleet abroad.

Second, instead of moving to another country, transport companies can also provide crossborder road transport services. Both develop-

- 1 The Orbis database is an administrative database from Bureau van Dijk. This private database contains financial and non-financial information from over 360 million private companies across the world. This makes it possible to search and compare standardised company information across borders as well as to make a distribution by sector of activity. The data is collected from various domestic sources across countries such as chambers of commerce, local public authorities, and credit institutions.
- 2 An important tool that complements this conclusion is appendix 1, which includes country fiches, not only for the six discussed Member States, but also for the EU as a whole and the three defined tandems.

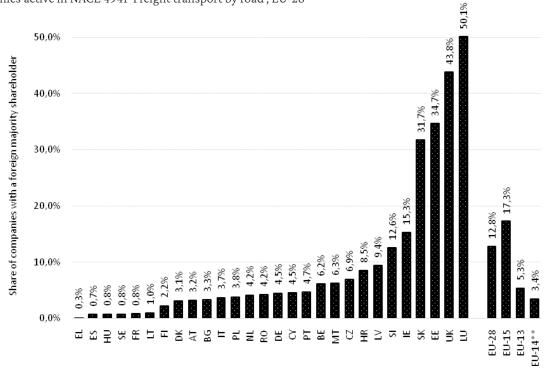


Figure 1: Estimation of share of companies with a foreign majority shareholder in total number of companies active in NACE 4941 'Freight transport by road', EU-28

* The EU-14 represent the EU-15 excluding the United Kingdom, as a consequence of Brexit. Source: Own elaborations based on Orbis [Data extracted 3 April 2020]

ments can certainly be related to each other. For instance, when a company is "flagging out", it can consequently provide transport services from its new location.³ However, whether there is a link between 'flagging out' and the export of services between two Member States has not been considered in this report.

FLAGGING OUT

According to data extrapolation from the ORBIS data base, 13% of EU-28 road freight transport companies have a **foreign majority shareholder** (Figure 1). For EU-15 companies this share amounts to 17.3%, while it only reaches 5.3% for EU-13 companies. This is a noteworthy observation, as the perception is often the opposite. When the United Kingdom is taken out of the picture, the numbers change considerably. In that case, only 3.4% (instead of 17.3%) of EU-14⁴ transport companies have a foreign majority shareholder anywhere in the world. Some Member States have a remarkably high share of transport companies with a foreign majority shareholder, as in the case

of Luxembourg (50.1% of all hauliers), the United Kingdom (43.8%), Estonia (34.7%) and Slovakia (31.7%). What is more, 73% of all EU-28 companies with a foreign majority shareholder are located in the United Kingdom, 7% in Slovakia, 5% in Romania and 4% in Estonia.

Regarding foreign subsidiaries, only 0.2% of road transport companies have a foreign subsidiary (0.3% in EU-15 and 0.1% in EU-13 companies). Of all companies with a foreign subsidiary, 79% are located in the EU-15 and only 21% in the EU-13. Furthermore, the location of foreign subsidiaries reveals that the large majority is still located in the EU-15 (61%), as opposed to the EU-13 (29%), or outside of the EU (10%).

A strong correlation exists between the average amount of wages per employee and the (estimated) share of companies with a foreign subsidiary among the total number of companies in a country (+0.72). This means, when the average amount of wages per employee is higher, the share of companies in this country with a subsidiary abroad is higher as well. Such a correlation is an indication for the rationale behind "flagging out": companies set up subsidiaries abroad when it is cheaper (in terms of wages) to operate there. Hence, rather EU-15 companies set up a

³ For instance, the flagging out of German transport companies to Poland could result in a large proportion of crossborder transport to Germany carried out by such companies.

⁴ EU-15 Member States excluding the United Kingdom.

foreign subsidiary in EU-13 Member States than the other way round, proving the intertwining of EU-15 headquarter companies with EU-13 subsidiaries. Consequently, both eastern and western companies contribute to the existence of these practices. At the same time, labour costs are not the only factor influencing the decision of companies to flag out. Several other (financial) reasons (e.g. corporate taxes, subsidies, geographical location, administrative and legislative burden (e.g. incorporation requirements), infrastructure and technology, quantity/ quality/productivity of the labour force etc.) might be important.

Although the numbers presented here might refute the perception that "flagging out" has become a common practice, we need to take into account other variables to differentiate its significance: For instance, although only approximately 13% of EU-28 companies have a foreign majority shareholder, these companies represent 21.6% of the turnover created in the sector "freight transport by road" and employ 16.5% of the sector's workers. Moreover, while only 0.2% of EU-28 road transport companies have a foreign subsidiary, these companies account for 18.1% of the sector's turnover and 10.9% of employment. Therefore, certainly not many transport companies are flagging out, but the ones who do are clearly very large companies.

LETTERBOX COMPANIES

Transport companies with a foreign shareholder are often interwoven in a complex network of companies established in different countries and sectors. The setting up of complex transport chains and networks with many layers of sub-contractors, mainly for cost-saving reasons, refutes the perception that in the transport sector companies are just relocated from the EU-15 to the EU-13. In practice, several subsidiaries established in different Member States, each with their own specific purpose, are part of the whole picture.

Such strategies bring up the issue of letterbox companies. While a lot of anecdotal evidence suggests they are common in the road transport sector, it is hard to quantify their occurrence. For instance, the lack of economic activity in a certain Member State, a corner stone of the definition of letterbox companies, is hard to identify in the available data. Nevertheless, Article 3 of Regulation 1071/2009⁵ provides specific rules for road

transport companies in order to combat letterbox companies. One of these rules is that **companies** need to have an effective and stable establishment in a Member State. Consequently, whether companies adhere to this rule can be checked by the address of a company. Indeed, when multiple transport companies are located at one address, it is highly unlikely that they have an effective and stable establishment, which can subsequently be seen as an indicator of a letterbox company. Especially companies in the United Kingdom stand out in this regard. In the UK, there were 76 addresses with more than 50 transport companies active at the same location, the most popular address housing astonishing 500 road freight transport companies. In Slovakia, the highest number of transport companies located at one address amounted to 130, 113 in Bulgaria, 101 in Poland and 83 in France. Although these companies should not be promptly considered as letterbox companies, the requirement of a stable establishment is probably not fulfilled.

The recently established EU rules⁶ concerning the return of the driver and the return of the truck every four and eight weeks respectively are significant measures against letterbox companies, as it will be problematic for companies to organise the return when the established company only consists of a letterbox.

TRENDS IN CROSS-BORDER ROAD FREIGHT TRANSPORT IN THE EUROPEAN UNION

NATIONAL VS INTERNATIONAL TRANSPORT

The majority of the freight transport by road performed in the EU concerns national transport (65%) as compared to international transport7 (35%). This is a crucial finding, as political debate seems to focus mainly on international transport, while the large majority of transport performed in the EU is still national transport. A turning point, however, was 2011, as from that moment onwards EU-13 Member States have performed more international transport than EU 15 Member States. Currently, some 30% of total international trans-

⁵ 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.

⁶ https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=O-J%3AL%3A2020%3A249%3ATOC

⁷ Cabotage (national transport undertaken by hauliers from another Member State), cross-trade (International road transport between two different countries performed by a road motor vehicle registered in a third country), bilateral transport

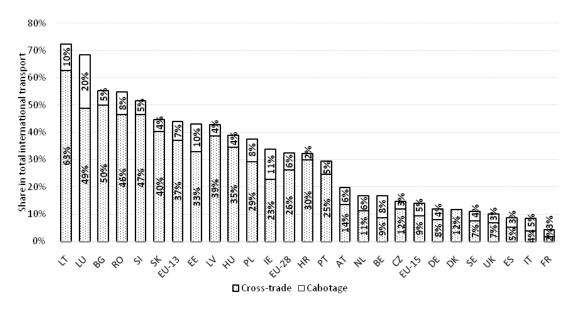


Figure 2: Application of Directive 96/71/EC to international road transport operations in the EU, estimated share in total

Source: Own calculations based on Eurostat [road_go_ta_tott] (in Tonne-km).

port is provided by Poland. Especially cabotage (+494%) and cross-trade (+97%) performed by EU-13 Member States have grown exponentially from 2009 to 2018. Nevertheless, the cabotage penetration rate⁸ in the EU-28 is still low at 3.9%, which means that the majority of national transportation is carried out by national hauliers. However, this rate is much higher for EU-15 Member States (4.5%) than for EU 13 Member States (0.6%). Moreover, these Eurostat figures on cabotage are probably an underestimation of reality, as national research in Germany and Austria found the cabotage rates in these countries are much higher than reported by Eurostat (Germany: 9.9% instead of 7.4% reported by Eurostat; Austria: 21% instead of 8.9% reported by Eurostat). Such figures indicate that even though EU 15 Member States have "lost" the battle for international transport, they are still leaders in national transport, which explains why they are reluctant to liberalise rules on cabotage, as this might lead to also losing the national transport market.

POSTING OF DRIVERS

It is estimated that a **third of the international transport operations in the EU are subject to the** **Posting of Workers Directive**⁹ (Figure 2). Most posted truck drivers are estimated to be active in cross-trade (26%) and cabotage (6%) operations. There are strong differences between Member States: more than 50% of international transport operations carried out by truck drivers from Lithuania, Luxembourg, Bulgaria, Romania and Slovenia are be covered by provisions of the Posting of Workers Directive. Furthermore, as EU-13 hauliers carry out considerably more cross-trade and cabotage operations, truck drivers from these Member States will more frequently be considered as posted workers.

INTERNATIONAL TRADE IN SERVICES

Data on the export, import, and trade balance of road freight transport services also reflect the transnational dimension of the sector. In absolute export numbers, the most important exporting Member States are the Netherlands, Poland and Austria, whereas France, Germany, the Nether-

⁸ The share of cabotage transport in total national transport, where total national transport is the sum of national transport (for hire and reward) and cabotage transport (in that country).

⁹ See Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services and (applicable from February 2022 onwards) 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.

lands, Austria and Belgium stand out as importers of transport services. Overall, about 90% and 87% of export and import are directed towards the EU-28 respectively, and only 10% and 13% is exported to and imported from outside the EU-28 respectively. The balance of trade in transport services, namely export minus import, gives an idea about the most important "net-exporting" and "net-importing" Member States. Especially Poland, Romania and Lithuania are significant net-exporting Member States, while Germany and France are the main net-importing Member States. In addition, it is remarkable to see a certain division in the six Member States covered by the TransFair study. In each tandem, one Member State is a pronounced exporting Member State (Poland, Slovenia and the Czech Republic), whereas the other is a clear importing Member State (Germany, Austria and Belgium).

In order to get an idea of the cost of international road transport, the **export of road freight transport services is divided by the million tonne-km of international transportation for calculating the average charged cost of international transport**. Applying this calculation, we found out that **in particular the EU-13 Member States are able to offer cheap services in international transport**, with Bulgaria and Poland as frontrunners. Nevertheless, it is remarkable to see that **also Germany and Luxembourg have a relatively low charged cost, indicating that they are competitive in providing international transport.**

Finally, figures on the export of transport services

can be compared to the total turnover created in the road transport sector to assess the relative importance of export in the sector (Figure 3). In the EU-28, on average 22% of all turnover created in the road transport sector originates from the export of services. However, the median lies higher at 25%. Especially in Austria (81.2%) and Luxembourg (74.8%) the export of road freight transport services is of great importance compared to total turnover in this sector. Furthermore, international transport has always been of more significance in the EU-13 compared to the EU-15. Whereas in 2018, 18% of the turnover created by the EU-15 in the road transport sector originated from the export of services, this share amounts to 31% for EU-13 Member States.

WAGE CONVERGENCE IN PERSONNEL COSTS BETWEEN EU-15 AND EU-13

The average personnel cost is generally (much) higher in the EU-15 compared to the EU-13. A strong negative correlation was found between the average personnel cost and the share of international transport in total transport (-0.56), and a strong positive correlation between the average personnel cost and the cabotage penetration rate (+0.62). This means that when the average **personnel cost in a Member State is higher, the share of international transport in total transport will be lower**, as it is relatively expensive to perform international transport. Furthermore, when the average personnel cost is higher, the cabotage penetration rate will also be higher, meaning that a higher share of national trans-

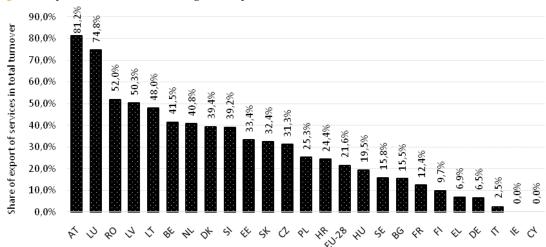


Figure 3: Export of services in road freight transport, share in total turnover created, 2018, EU-28

* No data available for ES, MT, PT and UK.

** For IE, EL and FI the total turnover concerns 2017. Source: Eurostat [bop_its6_det] and [sbs_na_1a_se_r2] **port will be performed by non-national hauliers.** However, this does not imply causality.

At the same time, from 2008 to 2017 the average personnel cost in the EU-13 increased by 27.2%, and even by 40.3% in road freight transport. These numbers indicate a certain catching up-effect by the EU-13, even mostly pronounced in the road transport sector: here, the Member States with the lowest average wages per employee, namely EU-13 Member States, have a higher annual growth rate of wages. Thus, these Member States are catching up to Member States with an already high average wage (EU-15 Member States). This is a positive evolution in this sector, characterised by a continuous pressure on wages.

EMPLOYMENT TRENDS: THE ROLE OF THIRD COUNTRY NATIONALS

Despite the concerns of job displacement in international transport through flagging out in the EU-15 and the catching up trend in wages in the EU-13, **labour shortage in the road transport sector is a pressing issue**. On the one hand, seeing that the demand for transport services is increasing due to globalisation, the demand for labour force in this sector grows as well. On the other hand, domestic labour supply is stagnating or even shrinking as the labour force in this sector is ageing more quickly than in other sectors. Furthermore, another important reason for the labour shortage is the **unattractiveness of the job particularly for EU-15 workers**, and consequently few new drivers are entering the market. Poor working conditions include long hours, low wages topped up by daily rates, an unfavourable work-life balance, unsafe and unsanitary working conditions. One solution for the shortage problem, which is increasingly used by transport companies, especially in CEE, is the employment of third country nationals.

A good indication for the increase of third country national drivers is the **development of the number** of driver attestations, issued for drivers that do not have a long-term residence permit for the EU or are not of EU nationality. From 2012 to 2018, the number of driver attestations issued rose from 28,059 to 133,657 attestations. A shift between EU-15 and EU-13 Member States is also visible. In 2012. 39% of attestations were issued for EU-15 hauliers, while this share only amounted to 9% in 2018. When relating the number of driver attestations in circulation with the total employment in the road freight transport sector, some countries stand out in particular: a high share of drivers employed in Lithuania (31.9%), Slovenia (43.8%) and Poland (12.1%) are third country nationals with a driver attestation, compared to 3.3% in the EU-28 average.

- > European Union
- > Austria
- > Belgium
- > Czech Republic
- > Germany
- > Poland
- > Slovenia
- > Austria Slovenia
- > Germany Poland
- > Belgium Czech Republic





Companies active under NACE 4941 'Freight transporty by road', 2017 Source Eurostat [bbs_ma_la_sc_r2]

European Union





Number of persons employed in 2017 in NACE 4941 'Freight transport by road' and share in total employment Source Evorations na. 18 ex (2)





Share of driver attestations in total number of persons employed in NACE 4941 'Freight transport by road' in 2017 Searce Fundal to a ta ar 21 ad Europen Complian



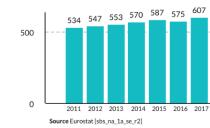
Type of transport (Share in total, 2017)	EU-28	EU-15	EU-13
Total transport	100.0%	68.0%	32.0%
$ \hookrightarrow $ National transport	64.6%	54.4%	10.2%
$ \hookrightarrow $ International transport	35.4%	13.6%	21.8%
\hookrightarrow Goods loaded in reporting country	13.1%	6.6%	6.5%
$\hookrightarrow \begin{array}{c} Goods unloaded in reporting \ country \end{array}$	10.8	5.1%	5.7%
\hookrightarrow Cross-trade	9.3%	1.3%	8.0%
\hookrightarrow Cabotage	2.2%	0.6%	1.6%

Source Eurostat [road_go_ta_tott]

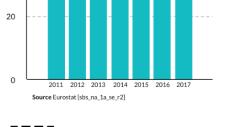


26.5 26.7 26.7 26.9 27.4 26.5 27.1







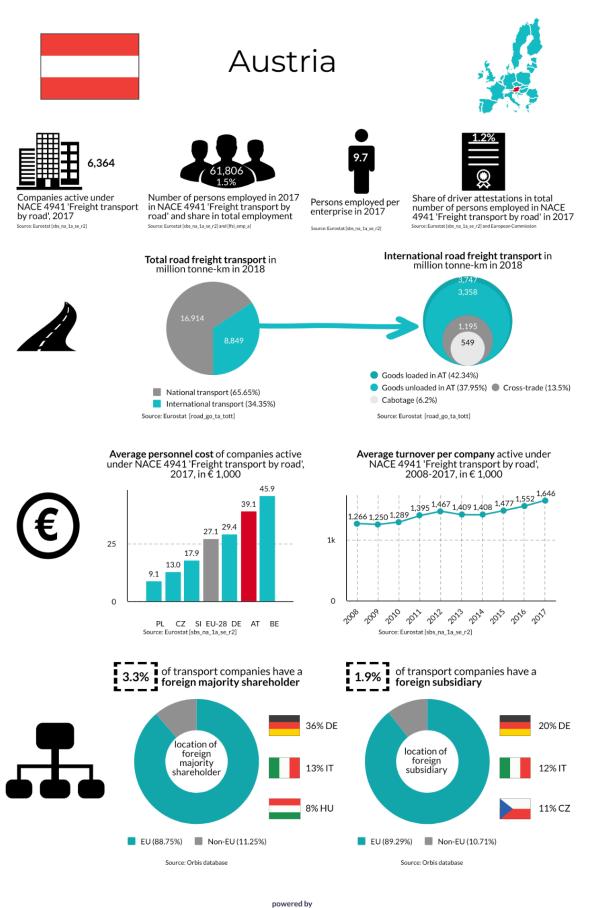












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Companies active under NACE 4941 'Freight transporty by road', 2017 1a se r2]

Belgium



Total road freight transport in million tonne-km in 2018



Number of persons employed in 2017 in NACE 4941 'Freight transport by road' and share in total employment Eurostat (sbs na 1a se r2)

Persons employed per enterprise in 2017 Source: Eurostat (sbs na 1a se r2)





Share of driver attestations in total number of persons employed in NACE 4941 'Freight transport by road' in 2017 tat [sbs_na_1a_se_r2] and Europ



National transport (63%) International transport (37%) Source: Eurostat [road_go_ta_tott]

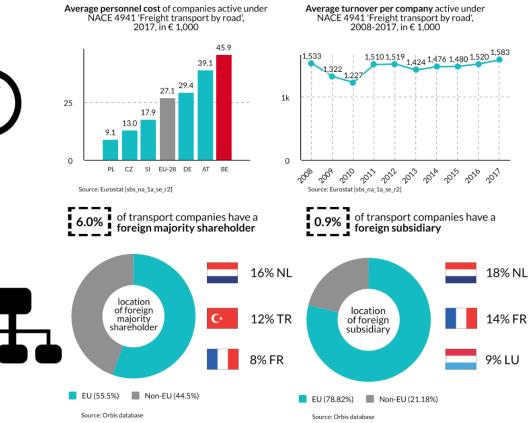
International road freight transport in million tonne-km in 2018



Cross-trade (8.74%) Cabotage (7.96%)

Source: Eurostat [road_go_ta_tott]

Average personnel cost of companies active under NACE 4941 'Freight transport by road', 2017, in € 1,000



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Companies active under NACE 4941 'Freight transport by road', 2017



Czech Republic



Persons employed per enterprise in 2017

: Eurostat (sbs na 1a se r2)



International road freight transport in million tonne-km in 2018

1008

464







Cross-trade (11.95%) Cabotage (2.65%) Source: Eurostat [road_go_ta_tott]

Goods loaded in CZ (45.68%) Goods unloaded in CZ (39.73%)

Average personnel cost of companies active under NACE 4941 'Freight transport by road', 2017, in \in 1,000



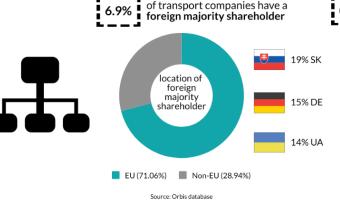


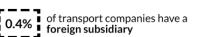
Source: Eurostat [sbs_na_1a_se_r2]

of transport companies have a

Average turnover per company active under NACE 4941 'Freight transport by road', 2015-2017, in € 1,000

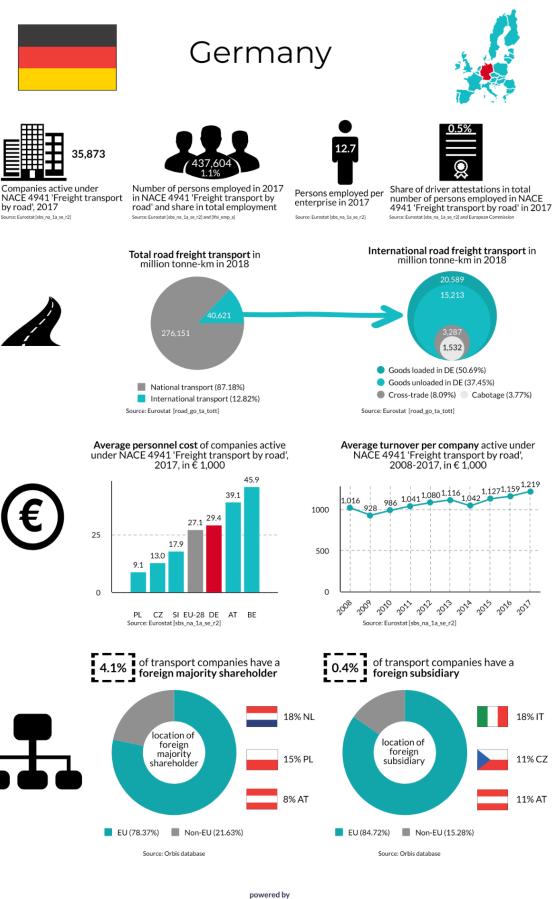


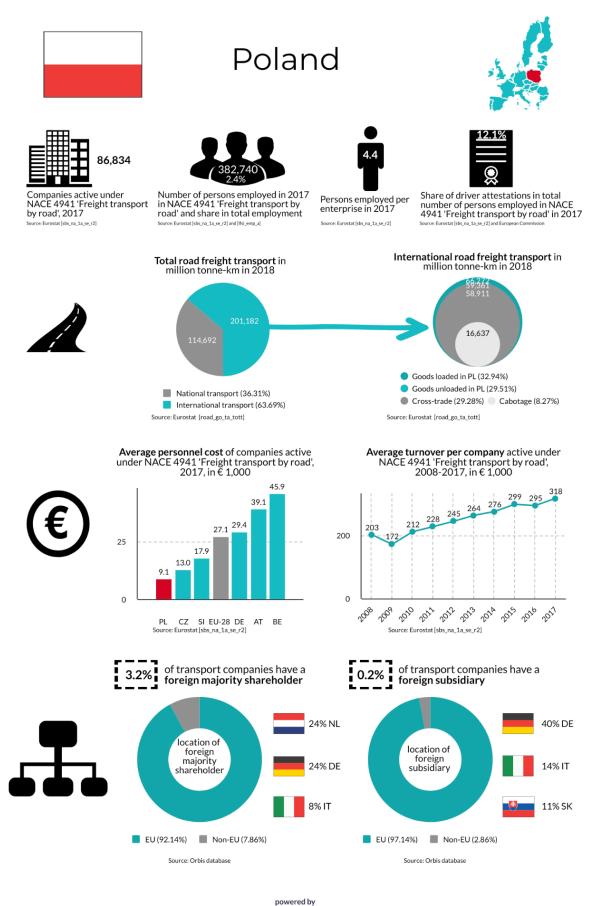






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Companies active under NACE 4941 'Freight transport by road', 2017







Persons employed per enterprise in 2017

rce: Furostat [sbs na 1a se r2]



International road freight transport in million tonne-km in 2018

9,294 <mark>5,661</mark>

991

Cross-trade (46.54%) Cabotage (4.96%)

Goods loaded in SI (28.35%)Goods unloaded in SI (20.15%)

Source: Eurostat [road_go_ta_tott]

Share of driver attestations in total number of persons employed in NACE 4941 'Freight transport by road' in 2017





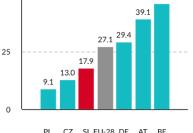
International transport (19.19%) Source: Eurostat [road_go_ta_tott]

Average personnel cost of companies active under NACE 4941 'Freight transport by road', 2017, in \in 1,000

45.9



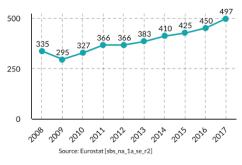
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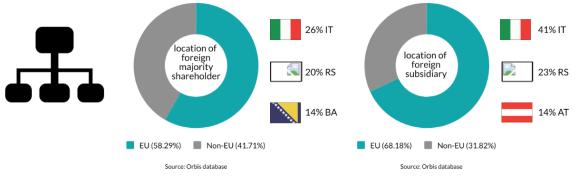
PL CZ SI EU-28 DE AT BE Source: Eurostat [sbs_na_1a_se_r2]

5.1% of transport companies have a foreign majority shareholder







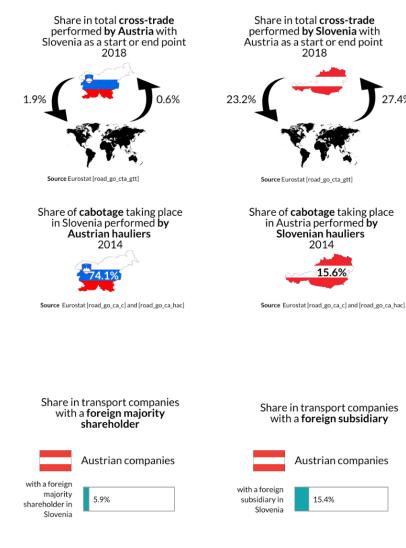








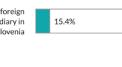
27.4%







Source Orbis database

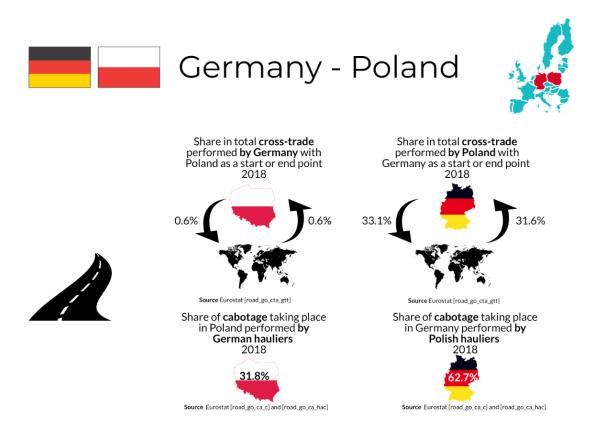




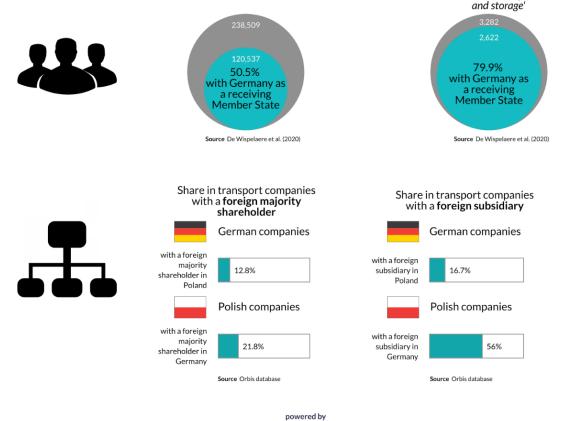


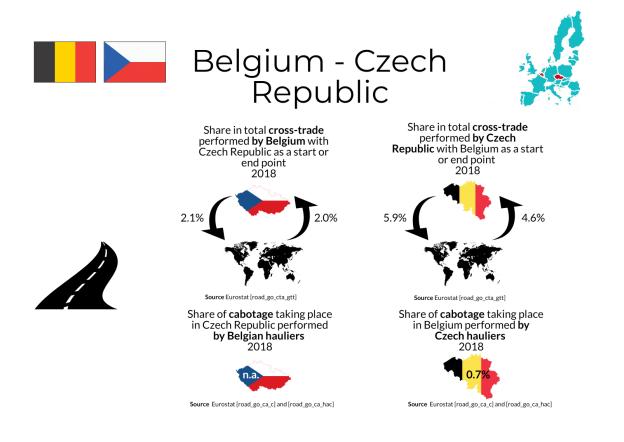
Source Orbis database



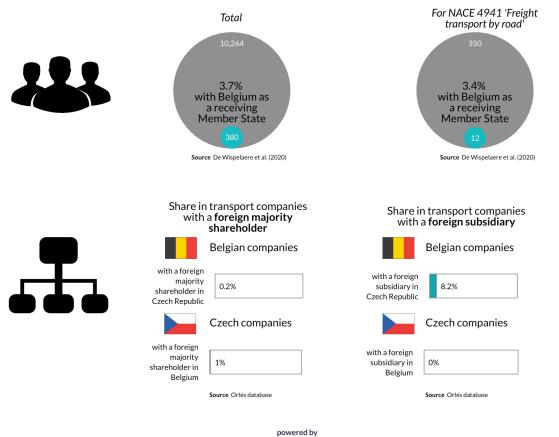


Number of **PDs A1 issued** according to art. 12 of the Basic Regulation **by Poland**, 2018 Total For NACE H 'Transportation and storage'





Number of PDs A1 issued according to art. 12 of the Basic Regulation by Czech Republic , 2018





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Executive Summary and Country Fiches



