



# ● The EU road haulage legislation

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## Who are we?

- 395 persons in 5 Directorates
- A Shared Resource Directorate together with DG Energy
- Inland Transport Directorate – staff of 62 persons
- Commissioner – Vice-President Siim Kallas
- Director-General – Matthias Ruete



## New Road Haulage legislation – Road Package

- Adoption by the European Parliament and Council on 21 October 2009
- Publication on 14 November 2009
- Concerns the basic requirements for undertakings to engage in road transport and to have access to the international transport

# ● The Road Package – Overall aims

- Simplification
  - » For road haulage 2 new regulations replace 2 directives and 2 regulations
- Harmonisation
  - » e.g. “cabotage”
- Better control and enforcement
  - » e.g. ERRU

- The two regulations on road haulage
  - Regulation (EC) 1071/2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator (“access to profession”)
  - Regulation (EC) 1072/2009 on common rules for access to the international road haulage market

## ● 1071/2009 – Access to profession

- Conditions to be authorised to engage in transport of goods and persons
- A regulation replaces a directive
- Transport Manager to be designated by each undertaking
- 4 requirements:
  - » Establishment
  - » Good repute
  - » Financial standing
  - » Professional competence

# ● Access to profession – Establishment

- New criteria
- Prevent “letter box companies”
- Undertakings have to dispose of:
  - » Operating centre with administrative + technical equipment and facilities in the Member State of establishment
  - » Vehicles registered in the Member State of establishment

## ● Access to profession – Good repute

- Transport manager has to satisfy the requirement of good repute
- New provision: may not have been convicted for trafficking of human beings and drugs
- No conviction for infringements against EU law
  - » New Annex IV: “Most serious infringements”
- Exchange of information on infringements committed in other Member States
  - » Explained in the access to the market



## ● Access to profession – Electronic registers

- Member States have to set up national electronic registers of all transport undertakings
- Interconnected to exchange information (ERRU)
- Contains record of infringements committed in other Member States
  - » Targeted controls based on refined risk assessment
- List of persons who are “unfit” for the profession

- 1072/2009 - Access to the international road haulage market
  - Conditions in order to engage in international transport
  - Community licence for undertakings
    - » Complying with legislation on establishment
    - » Allowed to engage in international carriage of goods by road
  - Applies for international transport in the EU

## ● Access to the international road haulage market – Cabotage

- 3 operations within 7 days after unloading in an international transport
- One or more of these 3 operations may be carried out in other Member States (one per Member State within 3 days)
- No interference with Directive 92/106/EC on combined transport
- Safeguard procedure foreseen
- Application starting 14 May 2010

- Access to the international road haulage market
  - Exchange of information on infringements
  - Host Member States that ascertains a serious infringement informs the Member State of establishment
    - » May ask for administrative penalties
  - Member State of establishment carries out administrative procedure: check whether, due to specific circumstances, the loss of good repute would constitute a disproportionate response in the individual case
  - Member State of establishment informs host Member State about the follow-up

## ● Road package – Implementation

- Application from 4 December 2011
- ERRU
  - » 2 technical Commission decisions (2009 + 2010)
  - » Interconnection by 31/12/2012
- Definition of “serious infringements”
  - » Before 2015
- Review of Annex I of access to profession

## ● Social rules

- Driving time and rest period rules harmonised in an area of 49 countries
- In the EU by Regulation 561/2006, Regulation 3821/85 and Directive 2006/22/EC
- Beyond the EU borders by the AETR agreement under the United Nations
- A sophisticated device - digital tachograph - for the control
- Since 1 January 2010 checks cover 3 % of working days, 30 % roadside, 50 % undertakings

## ● Commission directive 2009/5/EC

- Categorises infringements against Regulation (EC) No 561/2006 and Council Regulation (EEC) No 3821/85
- 3 categories of infringements:
  - » Minor Infringements, Serious Infringements, Very Serious Infringements
- Categorisation depends on:
  - » gravity and the possible consequences for road safety
  - » ability to control the driver's and the undertaking's compliance with the legislation

# Examples: infringements against Regulation (EC) No 561/2006

				VSI	SI	MI
B	Driving periods					
B1	Art. 6.1	Exceed daily driving time of 9 h if possibilities to extend to 10 h not allowed	9 h<...<10 h			X
B2			10 h<...<11 h		X	
B3			11 h<...	X		
B4		Exceed extended daily driving time of 10 h if extension allowed	10 h<...<11 h			X
B5			11 h<...<12 h		X	
B6			12 h<...	X		



- Examples: infringements against Council Regulation (EEC) No 3821/85

			VSI	SI	MI
G3	Art. 14.1	Not carrying a sufficient number of record sheets		X	
G4		Model of record sheet not approved		X	
G5		Not carrying enough paper for printouts			X
G6	Art. 14.2	Undertaking not keeping record sheets, printouts and downloaded data	X		

# ● Control of transport of dangerous goods

- Directive 95/50/EC:
  - » The Member States shall ensure that a representative proportion of consignments of dangerous goods transported by road is subject to the checks of their compliance with the laws on the transport of dangerous goods by road
  - » Random checks covering an extensive portion of the road network
  - » Done according to a check list
  - » Possibility to take samples of dangerous goods for testing
  - » Possibility to immobilise the vehicle until rectification of dangerous deficiencies

# ● Control of roadworthiness

- Directive 2000/30/EC:
  - » In order to improve road safety and the environment, Member States shall ensure that commercial vehicles circulating within the EU comply more fully with certain technical conditions of roadworthiness testing directive 2009/40/EC
  - » Unannounced, unexpected checks on public highways
  - » Done according to a check list
  - » Possibility to take the vehicle to a more thorough check to the testing centre
  - » Possibility to immobilise the vehicle until rectification of dangerous deficiencies

- Developments on roadside controls of roadworthiness
  - New update to Directive 2000/30/EC to be adopted soon:
    - » Checklist in line with 2009/40/EC
    - » VIN number
    - » Community licence number for ERRU
    - » Reverse side to indicate deficiencies
  - Commission Recommendation foreseen:
    - » Minor, major and dangerous defects
    - » How to assess failures into these three groups?

# ● Commission Recommendation on enforcement in the field of road safety

## ***Enforcement in the field of speeding:***

- Ensure the use of automated speed enforcement equipment on motorways, secondary roads and urban roads
- Provide for procedures assuring that all speeding violations registered by the automated speed enforcement equipment are followed-up

## ***Enforcement in the field of drink-driving:***

- The application of random breath testing with an alcohol screening device
- Ensuring the use of evidential breath test devices in case of suspected drink-driving

## ***Enforcement of the use of seat belts:***

- Ensuring that intensive enforcement actions of at least two weeks take place at least three times a year
- Ensure that the use of seat belts is enforced in every individual case where non-use is observed

# ● The proposal on cross-border enforcement of fines

- The Commission has proposed to improve road safety through the implementation of a system facilitating the enforcement of sanctions against drivers who commit an offence in another Member State
- A number of bilateral agreements have been concluded between Member States, but these have proved difficult to implement. Moreover, they result in a multiplication of different mechanisms.
- The offences covered by the proposal are speeding, driving under the influence of alcohol, not using a seat belt, and failing to stop at a red light
- Some 75% of road deaths are caused by these traffic offences.
- The proposal includes the implementation of a data exchange system at EU level to facilitate enforcement of such traffic offences.

More information:

<http://ec.europa.eu/transport/road>

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