

IRU Enforcement Workshop

EU Common Formula & ERRU 3 Implementation
in Ireland

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EU Common Formula

EU Common Formula

□ Legislative Basis

- [Directive 2006/22/EC](#) & [Commission Implementing Regulation \(EU\) 2022/695](#)

□ Aim

- Harmonisation of enforcement practices
- Ensuring drivers and transport undertakings are treated equally as regards checks and sanctions across EU
- Facilitate the exchange of information on risk scores in the context of cross-border enforcement.



EU Common Formula

RSA

□ Scope

- Roadworthiness, Drivers' Hours, Tachograph and Working Time Infringements
- For licensed operators, conditions relating to the requirement of good repute
 - Transport Manager/Transport undertaking convictions or penalties for serious infringements of:
 - Commercial law
 - Insolvency law
 - Pay and employment conditions in the profession
 - Road traffic law
 - Professional liability
 - Trafficking in human beings or drugs
 - Tax law
 - Transport Manager/Transport undertaking convictions for a serious criminal offence or incurred a penalty for a serious infringement of:
 - Drivers' hours, tachograph and working time law
 - The maximum weights and dimensions of commercial vehicles used in international traffic
 - The initial qualification and continuous training of drivers
 - The roadworthiness of commercial vehicles, including the compulsory technical inspection of motor vehicles
 - Access to the market in international road haulage or, as appropriate, access to the market in road passenger transport
 - Safety in the carriage of dangerous goods by road
 - The installation and use of speed-limiting devices in certain categories of vehicle
 - Driving licences
 - Admission to the occupation
 - Animal transport
 - The posting of workers in road transport
 - The law applicable to contractual obligations
 - Cabotage

Source: Regulation
(EC) No 1071/2009
as amended by
Regulation (EU)
2020/1055

EU Common Formula

Formula Details

RSA

$$R = \left(\frac{\sum_i \frac{n_{i_{MSI}} \times v_{MSI} + n_{i_{VSI}} \times v_{VSI} + n_{i_{SI}} \times v_{SI} + n_{i_{MI}} \times v_{MI}}{N_i}}{r} \right) \times g$$

What's included - common formula takes into account the number, gravity and frequency of occurrence of infringements, the results of controls where no infringement has been detected and whether a road transport undertaking has been using the smart tachograph

Where:

R —	the undertaking's overall risk rating
n —	number of infringements of a given type per individual check (all types of controls).
i —	individual check
v —	weighted score according to type/seriousness of infringement (MI/SI/VSI/MSI)
MSI —	most serious infringement
VSI —	very serious infringement
SI —	serious infringement
MI —	minor infringement
N —	number of vehicles controlled during an individual check
r —	total number of checks on the undertaking
g —	weighting for the use of the smart tachograph pursuant to Chapter II of Regulation (EU) No 165/2014

EU Common Formula

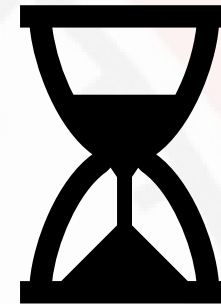
Principles stated in the implementing legislation

- The period of time during which an infringement is counted in the formula shall be 2 years.
- Transport operators shall be classified into the following risk bands based on their score:
 - — operators on which no checks were performed (grey band)
 - — 0-100 points: low-risk operators (green band)
 - — 101-200 points: medium-risk operators (amber band)
 - — 201 points or more: high risk operators (red band)
- The weighted score of an individual check ('i') shall be calculated by applying the following weighting factors ('v') according to the type of infringement:
 - MI = 1
 - SI = 10
 - VSI = 30
 - MSI = 90
- An undertakings' final risk rating shall take into account the total number of checks carried out ('r'), both at the roadside and at its premises, including those checks where no infringements were detected.

EU Common Formula

Principles stated in the implementing legislation continued

- Checks where no infringements are detected shall be recorded with zero points.
- The weighted score of an individual check shall take into account all the vehicles checked ('N').
- The date of infringement that is taken into account in the common formula is deemed the date on which the infringement was recorded
- If a check at a transport undertaking's premises establishes that its whole fleet is equipped with the smart tachograph, its final score shall be multiplied by a factor of 0,9 ('g').
- Timelines
 - Entry into force of new formula – 22 May 2022
 - Record risk rating in National Electronic Register – 25 Oct 2023
 - Ratings available to officers at the roadside - 24 Oct 2024



Current Irish System (CVORI) versus EU Common Formula

Main Differences

Main Differences

CVORI versus EU Common Formula

- **Ratings** – Under CVORI operators have two ratings, a driver's hours (DH) and a roadworthiness (RW) rating. Under the common formula, operators will receive one rating only which will be computed based on all infringement categories in scope.
- **Ranking system** – CVORI uses a percentile ranking system where operators are ranked relative to one another whereas the common formula is based on an absolute scoring system.
- **Scope of infringements** – The CVORI system incorporates infringements of EU legislation relating to vehicle roadworthiness, drivers' hours, tachograph, working time, operator licensing and driver CPC, whereas (for licensed operators) the common formula will expand this list to include infringements of legislation pertaining to vehicle weights and dimensions in international traffic, access to the market in road passenger transport, driving licences, carriage of dangerous goods by road, the installation and use of speed limitation devices, animal transport and the law applicable to contractual obligations.
- **Timing** – The CVORI system is based on infringements/clean inspections undertaken over a rolling three-year period with more recent encounters (year 1) being weighted more heavily and year 2 and year 3 etc., whereas the common formula will be based on infringements/clean inspections carried out over a rolling two-year period with no weighting applied for more recent (year 1) infringements.
- **Smart Tacho reward** – The CVORI system does not reward operators if their whole fleets are wholly equipped with SMART tachographs, whereas under the common formula their final scoring will be multiplied by a factor of 0.9 if this is the case as SMART tachographs have functionality included to assist officers enforcing changes introduced by the Mobility Package.

ERRU 3

Proposed Irish Implementation Model

ERRU 3 Message Types

Roles for RTOL (Licensing Authority) and the RSA (Enforcement Authority)

RSA

- **Check Good Repute (CGR)**

allows the requesting MS to send a query to one or all responding MSs to determine the fitness of a TM

- RTOL receives CGR Requests and responds
- RTOL sends CGR Requests and receives responses

n/a

- **Notification of Check Result (NCR)**

allows the MS where the check was carried out to notify the result of a check to the MS of establishment. When no infringement has been detected during the check, NCR allows the MS where the check has been carried out to notify the MS of establishment the positive result of the check (Clean Checks).

- RTOL receives NCRs from other MSs for infringements committed in other MSs
- RTOL receives NCRs from RSA for infringements committed in Ireland.

- RSA receives NCRs from other MSs for infringements committed/clean checks in other MSs (for Risk Register)
- RSA sends NCRs for infringements committed/clean checks in Ireland.

- **Check Transport Undertaking Data (CTUD)**

allows requesting MS to send a query to the responding MS about the following data specific to an Operator:

- information about the Community Licence and the certified true copies
- risk rating band
- number of vehicles at the disposal of the transport undertaking
- registration number and registration country of the vehicles at the disposal of the transport undertaking
- number of employees

- RTOL receives CTUD Requests
- RTOL sends CTUD Responses

- RSA roadside inspectors send CTUD Requests and received CTUD Responses
- RSA Risk Register send Risk Rating to RTOL to enable RTOL to answer CTUDs

- **Notification of Unfitness (NU)**

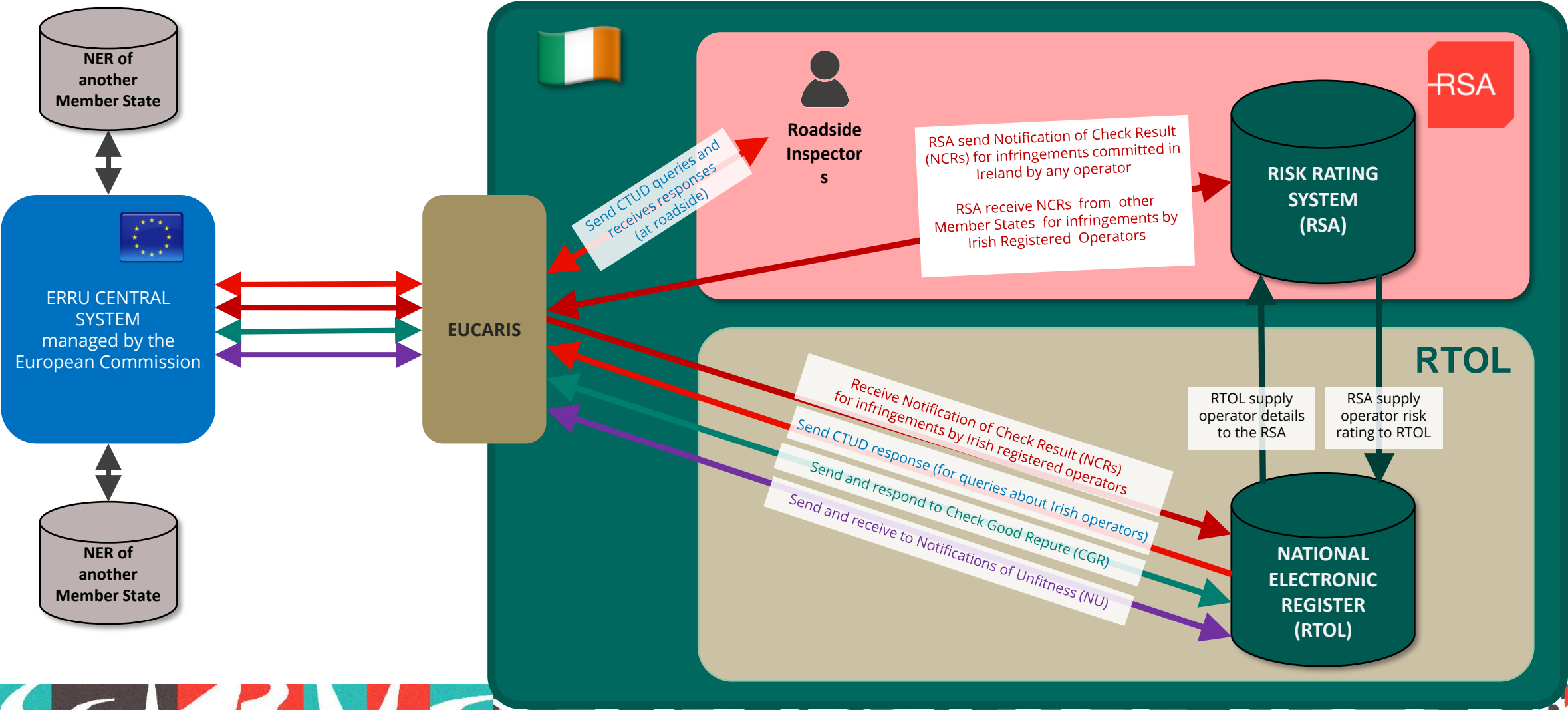
allows an MS to inform all other MSs that a TM has been declared unfit

- RTOL receives NUs
- RTOL sends NUs

n/a

ERRU 3 Ireland

Information flows to RSA (Enforcement Authority) and RTOL (Licensing Authority)



Implementation

Lesson learned to date from Ireland

Some challenges encounter so far

EU Common Formula – from an Irish perspective

- Short implementation timeframe
- Implementing SMART tacho bonus
- What to do with our current system – decommission (yes/no) or use for a different purpose
- Stakeholder engagement
- Scope of infringements & competent authorities involved
- Budgetary implications (system costs – both development & maintenance)
- Complexity of data flows & data sharing considerations (linkages to NER & ERRU systems)
- Dealing with queries/complaints



Thank you