

Brussels, 7 February 2006

IRU position on CORTE'S PROPOSAL TO CREATE A MEMORANDUM OF UNDERSTANDING (MOU) ON ENFORCEMENT OF THE NEW EU DRIVING AND REST TIME RULES REGULATION

IRU Position on CORTE's proposal to create a Memorandum of Understanding (MOU) on enforcement of the new EU Driving and Rest Time Rules Regulation.

I. ANALYSIS

1. The need for a common interpretation of driving and rest time rules

The existing EU Driving and Rest Time Rules Regulation 3820/85 (EEC) has historically been interpreted differently by EU Member States. Before the current EU legislative revision of driving and rest time rules took place, the IRU argued that it was more important to establish a common understanding of the existing rules and ensure their harmonised application, than it was for the EU to carry out substantive amendments to the rules themselves. Divergences between Member States' application of the rules create distortions of competition between EU operators and lead to unintentional infringements of the rules by international operators. Once the new EU Driving and Rest Time Rules Regulation enters into force in 2007 the need for a common approach to the regulation will not have diminished.

CORTE – a group of experts from EU member State road transport enforcement bodies – intends to address this need during the second half of 2006. It proposes to develop a Memorandum of Understanding on the interpretation and practical enforcement of the new EU Driving and Rest Time Regulation.

2. The MOU Concept and its proposed method of development

The MOU concept aims to introduce the common interpretation and harmonised enforcement of driving and rest time rules, that the road transport industry has recognised a need for. CORTE aims to complete its work on a MOU, ideally before the new Driving and Rest Time Rules Regulation enters into force in the first quarter of 2007. First, a draft project plan must be submitted to the Commission and an application to tender made by CORTE to undertake the work on behalf of the European Commission. The IRU as a key stakeholder would be expected to contribute fully to the development of the MOU if it agrees to take part.

II. IRU POSITION

The IRU recognises the need for a common interpretation and harmonised enforcement of EU Driving and Rest Time Rules which would serve industry by removing distortions of competition within the EU and minimise the potential for unintentional infringements of the Regulation by international operators.

Noting that there are a number of relevant bodies whose involvement may be required, the IRU is in principle willing to co-operate with any organisation whose objective is to develop a common interpretation of EU Driving and Rest Time Rules.

Therefore, the IRU should give full support to CORTE - in so far as the interests of all stakeholders are met - towards the development of the MOU and its practical application in road transport enforcement.
