

AD/BR1541/MBI

Brussels, 30 April 2013

IRU RESOLUTION

ON

ACCESS TO THE PROFESSION AND THE EUROPEAN REGISTER OF ROAD TRANSPORT UNDERTAKINGS IN THE EU

Unanimously adopted by the IRU Goods Transport Liaison Committee (CLTM) on 6 March 2013 and by the IRU Passenger Transport Council (CTP) on 11 April 2013

IRU Resolution on the implementation of the European Electronic Register for Road Transport Undertakings (ERRU).

The International Road Transport Union (IRU), representing truck, bus, coach and taxi operators through its national Member Associations in 74 countries on 5 continents, including in the 27 Member States of the European Union:

Considering that:

- **Technical implementation of the ERRU has not been fulfilled:**
 - According to EU Regulation 1071/2009 on access to the profession of road transport operator and in particular its provisions on the European Register of Road transport Undertakings (ERRU), all EU Member States had to establish a national electronic register of road transport undertakings and make it accessible by 31 December 2012;
 - Today, the majority of EU Member States are still not fully compliant with the rules relating to the establishment of the ERRU.
- **Lack of legal clarity and harmonisation persists:**
 - Considerable differences in interpretation and implementation of the provisions of EU Regulation 1071/2009 on access to the profession of road transport undertakings persist relating to issues such as:
 - liability of the transport undertaking, transport manager and driver for committed infringements;
 - the weighing of most serious, very serious and serious infringements and proportionality of sanctions leading to the loss of good repute;
 - the withdrawal of the operating licence or Community licence which is constitutionally not possible in some Member States;

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- the absence in some Member States of the rehabilitation of road transport undertakings and transport managers who have lost their good repute
 - the numbers of competent authorities identified by Member States ranging from two in one Member State to around 300 in another;
 - the risk of heavier or excessive scrutiny of transport undertakings from some Member States by enforcement authorities of other Member States as the result of the way in which the regulation is interpreted.
- The current fragmentation of the EU into country-specific or even regional enforcement areas undermines the regulatory framework, the achievement of fair competition and road safety objectives, while also imposing damaging costs on road transport operators.
 - These developments slow down the process of harmonisation of enforcement in the European Union and could increase distortion of competition based on the country of establishment, between road transport operators.
- **Lack of information exchange exists:**
 - There is a lack of transparent information on appeals procedures against infringements in the different Member States, which makes it more difficult to appeal against infringements committed abroad.
 - Given the current fragmented interpretation and implementation in the EU, providing clear information on the actual rules and their enforcement in the 27 Member States should be an absolute priority.

**Calls on the:
European Commission to:**

- Undertake action towards Members States which have not yet implemented the ERRU;
- Continue its initiatives to provide guidance to the Member States on the interpretation and implementation of EU Regulation 1071/2009 on access to the profession of road transport undertaking, including on appeals and rehabilitation procedures;
- Support close cooperation between the road transport industry, the enforcement community and competent authorities of the Member States to implement the EU access to the profession rules and in particular its provisions relating to the ERRU;
- Facilitate the exchange of information among Member States on the interpretation and implementation of EU Regulation 1071/2009 on access to the profession and facilitate further harmonisation by continuing to provide the necessary guidance;
- Facilitate the creation of online information on the interpretation and implementation of EU Regulation 1071/2009 and appeals procedures in the 27 Member States which should be made available to the competent authorities of the Member States, enforcement authorities and road transport operators;
- Elaborate new proposals which lead to a further harmonised EU legal framework on the access to the profession and its enforcement. These proposals should take into account the differences in judicial systems in the Member States, but should reduce the possibilities to differently interpret, implement, derogate and enforce the EU rules.

Competent authorities of the Member States to:

- Give priority to the implementation of the ERRU within their national strategic planning;
- Cooperate with the enforcement authorities and the road transport industry on the implementation of EU Regulation 1071/2009;
- Actively work towards a further harmonisation of the EU rules on access to the profession of road transport operator and in particular those relating to the ERRU and those having a direct or indirect impact on the good repute of the transport manager or undertaking, using European Commission guidance to this end;
- Agree without delay on the need for a further harmonised legal framework on the access to the profession, its enforcement and on a timetable to achieve it.

European Parliament to:

- Take a more active role in the monitoring of the implementation of the rules on access to the profession of road transport operator and intervene with the European Commission and EU Presidencies to adjust when considered necessary;

Call for and support the establishment of a further harmonised EU legal framework for access to the profession and its enforcement and ensure that this is safeguarded during the decision making process for new European Commission proposals.

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