

CTM/G9364/PKR

Geneva, 2 April 2009

IRU RESOLUTION ON THE FIGHT AGAINST FRAUD IN THE ROAD FREIGHT TRANSPORT MARKET

*adopted unanimously by the IRU Goods Transport Council
in Geneva on 2 April 2009*

This IRU Resolution targets the prevention and the sanctioning of fraudulent activities in the transport market.

The International Road Transport Union (IRU), representing truck fleet operators through its 180 Members in 74 countries on the 5 continents,

Considering that:

- dishonest shippers, whether “original” or intermediaries frequently involved in long chains of transport orders, may misuse the present difficult market conditions to the disadvantage of the carrier;
- there are obviously legal tools to remedy the situation *post factum*, if the real transport operator financially survives the losses suffered such as: denouncement to the police and if the police investigation is successful, a criminal lawsuit, a civil lawsuit, a request to the Court for company dissolution against the defrauders etc., but more often than not such juridical initiatives do not achieve the desired results;
- the most effective defence tool against fraud is *prevention*;

Therefore urgently calls upon

Transport Operators to

- examine all suspicious circumstances of transport orders, such as elevated freight rates offered; if the name of the cargo owner is not revealed; excessively long payment delays fixed; sudden and unreasonable changes in requested loading capacities and/or other transport characteristics; cash payment offered; evident lack of professionalism on behalf of the “shipper”; obvious lack of obligatory company information on written communication from the “shipper”;
- check by all available means the identity of the “shipper”; reject orders for exorbitant freight rates; should not accept long payment delays and reject order if need be; should not accept cash payment and reject order; reject changes in contractual conditions delivered by the “shipper” in an unusual manner; ask for a second opinion on you potential client; strive to conclude a written contract in a legally correct form; not participate in a chain of intermediaries; not accept (and do not continue to conduct) transport orders from “shippers” owing them money for previous work etc;

- report on any anomalies to the road transport association they belong to; in justified cases, they should make their suspicions known to the police and other authorities as well as sue defrauders;

Road Transport Associations to

- draw the attention of their member operators to the real dangers of fraud;
- inform the membership about the need to employ care and prevention in order to avoid the defrauders' traps;
- exclude from association membership operators who may be dishonest and thus cause damage to their fellow operators;
- call for solidarity of and cooperation among their members to fight defrauders, which is in their common interest, while remaining competitors on the market;

National Authorities, Police Forces and Courts to

- investigate any suspicious cases reported to them by road transport operators or their associations;
- do everything possible to prevent the "escalation of cases" in a series of repeated frauds by the same group of criminals; in this respect national police authorities should seek contact with Interpol since many fraud cases are organised at an international level;
- consider carefully files handed in by transport operators and/or their national road transport associations to national Courts against defrauders in the road freight transport market and take decisions, within the scope of the law, which create precedents helping to dissuade criminals to commit such crimes.

* * * * *