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JOINT STATEMENT

Efficient enforcement in the aftermath of the COVID-19 pandemic

Transport and road transport in particular is the backbone of global trade and economy with enforcement authorities playing a pivotal role in ensuring compliance and safety on the road. The sector has demonstrated its essential role for society and the economy, by transporting essential goods and moving people during the COVID-19 pandemic.

Despite its resilience, the entire road transport community has been and will continue to be heavily impacted by the pandemic. In this exceptional situation, companies, enforcement authorities and drivers have not been able to carry out their activities normally due to confinement measures, temporary operational restrictions and barriers, limited human resources and the impact of health measures on operations. In the case of goods transport, revenue declined up to 50% during the confinement period, whilst for passenger transport in some cases these numbers went up to 100%. A significant number of companies are facing liquidity problems and risk bankruptcy within the coming months.

Road transport companies and professional drivers have been facing many unforeseen challenges, including temporary short- or longer-term unemployment, much longer waiting times at internal and external EU borders and other temporary control points, new documentation procedures and requirements in some countries for vehicles to travel in convoys. At the same time, control authorities face difficulties with the enforcement of regulations and with carrying out roadside inspections in adequate sanitary conditions.

Since the outbreak of the pandemic, many emergency measures and national exemptions from rules and regulations have been introduced in order to facilitate the continuation of supply chains and road transport. On the other hand, this has led to a complicated patchwork of rules within the EU, which makes compliance and enforcement extremely complicated, time consuming and partly unenforceable. For the road transport sector, differing measures with regard to driving and rest time rules and the expiration of control documents, such as driving licenses and certificates of professional competence (CPCs), have been of particular concern.

Today, a number of EU Member States have announced or are considering de-confinement measures, which are expected to progressively remove the current temporary restrictions and barriers, thus enabling an eventual return to full-scale compliance with EU rules and provisions. However, one must also bear in mind that the 'new normal' arising from de-confinement provisionally requires that during the entire road transport operation and controls, special requirements and restrictions apply with regard to protecting the health and safety of transport workers and enforcement officials involved.

Compliance with and enforcement of current rules are essential for the proper functioning of the road transport industry, ensuring road safety and a level-playing field for all market stakeholders. The sector needs to become more resilient in order to overcome the challenges created by the pandemic.

To this end, IRU, ETF, CORTE, ECR and ROADPOL call for the following best practices for enforcement during the de-confinement period, for as long as temporary restrictions on the movement of people and goods remain in place:

1. Enforcement should be undertaken in full consideration of the exceptional circumstances, including the complexity and temporary nature of national exemptions from road transport rules, such as those introduced by EU Member States under Article 14 of Regulation (EC) No 561/2006, without said enforcement resulting in longer roadside inspections;

2. For the period from mid-March to end May 2020, enforcement authorities should use sound judgement, tolerance and discretion in determining what infringements are reasonable to pursue, including those concerning rules governing driving and rest times, bearing in mind the complexity of each individual case arising from the multitude of national exemptions;
3. In line with the provisions of Regulation (EU) 2020/698¹ of 25 May 2020, which lays down specific and temporary measures concerning the renewal or extension of certain certificates, licences and authorisations and the postponement of certain periodic checks and periodic training in certain areas of transport legislation, enforcement authorities should respect the extended validity of these documents, whilst at the same time remaining tolerant, in line with the relevant guidance note of the European Commission², regarding those control documents, such as the CPC for animal transport, which have not been covered by the above Regulation, until operators and drivers across EU Member States have the possibility to renew such documents;
4. Smart enforcement practices, such as intelligence sharing between Member States, should remain a priority, as the current exceptional circumstances increase the need for efficient enforcement;
5. Whenever feasible, digital enforcement should be used to minimise physical contact and allow social distancing to be practiced.

Bearing in mind the exceptional circumstances caused by the pandemic and our common goal to ensure legal certainty for companies, professional drivers and enforcers, we also call on the European Commission to acknowledge the current challenges for enforcement and exhort it to support the progressive resumption of controls, including in the interest of road safety, by:

- Centralising and clearly communicating all specific national measures and exemptions to the road transport and enforcement community, including publishing a list of all temporary relaxations of rules governing driving and rest times;
- Showing tolerance on the percentage performance requirements, which are imposed on EU Member States, with regard to roadside and company inspections for 2020.

As representatives of the road transport industry, trade unions and enforcers at European Union level, IRU, ETF, CORTE, ECR and ROADPOL stand ready to shoulder their responsibilities and cooperate together and with the European Commission to support the implementation of the above principles, as the sector begins to steadily resume normal operations.

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To the EU

¹ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32020R0698&from=FR>

² European Commission, see Annex at https://ec.europa.eu/transport/sites/transport/files/2020-04-06-issue_of_expiry_of_licences_and_certificates.pdf