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IRU Position on the EU Mobility Package – technical analysis and recommendations on the revision of the EU on enforcement requirements in road transport

Additional technical analysis and IRU recommendations to European legislators on the Commission proposal to modify EU rules on enforcement requirements in road transport.

I. BACKGROUND

IRU welcomes the Commission proposal in general, but strongly opposes checking working time at the road-side

IRU welcomes the [Commission proposal](#) on enforcement requirements whose preparation was the subject of a very intense and constructive consultation process, to which IRU extensively contributed. The key IRU priorities for this revision are the creation of a fairer competitive framework in the EU road freight and passenger transport and logistics market, the simplification and clarification of the existing rules, a more aligned implementation and application of the existing rules and more efficient, intelligence-led enforcement.

From this perspective, IRU welcomes Commission's proposals to further clarify existing rules and to make them more enforceable. IRU also agrees with closer cooperation and exchange of information between Member States' authorities. However, IRU regrets the impractical and unenforceable proposal to extend checking working time at the roadside.

IRU has therefore formulated concrete proposals to EU legislators on how best to shape future enforcement rules, with the objective to create optimal safety, working and operational conditions for drivers and companies, and indeed enforcers, which contribute to safer and increasingly sustainable road transport, logistics and mobility services to European citizens, businesses and visitors.

These IRU proposals are the result of an intensive intra-industry debate and are supported unanimously or by IRU Members – the representative trade associations - from all EU Member States.

II. DIRECTIVE 2006/22/EC – ENFORCEMENT

1. IRU opposes blunt across-the-board extension of Directive 2006/22/EC to the Road Transport Working Time Directive

IRU does not support a blunt, across-the-board extension of Directive 2006/22/EC to the Road Transport Working Time Directive, and strongly opposes checking working time at the road side as impractical and unenforceable.

Analysing employment and labour documents is a highly complex procedure that would severely prolong the check and should be left to checks at premises or other targeted controls done by specialised staff. IRU also points out the fact that in many

Member States, it is the collective agreements between social partners regulating and controlling part of the working time provisions that make controls even more complex.

IRU therefore requests that dedicated modifications are made into Article 2, paragraph 1 and paragraph 4, Article 6, and Annexe I, Part A, to make sure that working time is checked at premises only.

2. Article 2 – checking thresholds

IRU supports the Commission proposal to set dedicated thresholds for checks, to ensure safety and a level playing field for all on the market.

3. Article 7.1.d, 8 and 9 – Strengthening cooperation between Member States, exchange of information and risk rating

IRU supports Commission proposals to strengthen exchange of information (Article 7.1.d), and structured cooperation upon reasoned request (Article 8) between Member States, as well as the introduction of risk rating systems to target frequent offenders (Article 9), including establishing a common formula for calculating risk rating, to take into account number, severity and frequency of offenses.

A precondition to being able to better target frequent offenders is that all Member States follow the same approach, especially in relation to the interpretation and weighing of infringements, their proportionality, sanctioning, appeal procedures and the liability of drivers, transport managers, undertakings and third parties in the logistics chain, as differences could lead to distortion of competition.

At the same time, IRU shall be extremely vigilant within the debate on the modification Regulation (EC) No 1071/2009, to make sure that business-related rules such as posting of workers, taxation and contractual obligations should not count in the evaluation of the good repute of an undertaking.

4. Article 11 – Establishing a common approach to recording and controlling periods of other work

IRU supports the Commission approach on Article 11, but recommends a pragmatic and practical solutions – as already advocated by IRU in its proposals regarding the amendment of Regulation (EC) No 561/2006 - in accordance with better regulation and less administrative burden. Under this approach, the obligation for registration of driver's activities would not apply if it is burdensome and would specify that in many cases systematic weekly and daily rest periods may, but do not have to be, manually registered retroactively via the tachograph. Furthermore, enforcers would be instructed to deduce from reading the tachograph records for the last 28 days that the regular gaps in records (of specific duration corresponding with minimum daily or weekly rest) are legitimate daily/weekly rest periods, unless proven otherwise.

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