

TEN STEPS

towards a Single European Enforcement Area, via an EU-wide vision and strategy for enforcement of road transport and logistics rules in the digital age

IRU proposals

- Following the latest wave of EU enlargements, the EU Single Market has further widened, with steady integration of economies, markets and services of new and old Member States.
- Goods and passenger transport flows have increased to serve prosperity, better jobs, mobility, integration, specialisation and division of labour within the EU.
- The road transport and logistics sectors, its companies and drivers, have been at the centre of this outstanding societal, political and economic process.
- Legislation is being updated to reflect this evolution, including recently with a set of proposals grouped in three Mobility Packages. The objectives are to address climate change, improve market functioning, social acceptability, encourage innovation, safety and ultimately sustainability in its three dimensions – social, economic and environmental.
- Innovative and modern enforcement, being the second pillar of an efficiently functioning market, is unfortunately lagging behind, despite some positive steps, such as the creation of ERRU:
 - As yet, there are no coherent and comprehensive EU vision and strategy on enforcement of EU's road transport acquis in its entirety,
 - There is no steady evolution in making enforcement more targeted, more intelligence-led, based on aligned risk-rating systems of transport companies and drivers,
 - Beyond the European Labour Authority (ELA), there is no EU body/agency to ensure coordination and alignment of Member States' approaches on enforcing the entire set of road transport rules, within a Single European Enforcement Area,
 - Wide-scale digitalisation is still at an early stage. This includes transport documents, including those proving compliance and the creation of central information hub(s) or the interconnection of existing enforcement-related databases.
- At a backdrop of severe budgetary cuts since the financial crisis in 2008, an alarming understaffing (in some cases up to 85%) of relevant national road transport enforcement authorities in many EU's Member States is becoming increasingly visible.
- Without change, the fair and efficient implementation of EU's road transport-related legislation and above all the very functioning and efficiency of EU's road transport market and logistics chains will be further compromised, to the detriment of those engaged in the sector, as well as EU's mobility, economy and trade.
- The EU's road transport social partners, IRU and ETF, have therefore proposed three strategic actions, to make a breakthrough within the current EU legislature:
 - A. ***To make enforcement and in particular digitalisation of enforcement of the entire EU's road transport acquis a policy and funding priority for the current EU legislature***, whereby enforcement becomes more targeted, intelligence-led with aligned risk-rating systems of transport companies and drivers.
 - B. ***For the European Commission, to consider preparing and submitting a dedicated Communication to the European Parliament and the Council on Enforcement in the Digital Age***, as an outcome of a wide Member States', societal and industry consultation, with the closest possible involvement of European road transport social partners and enforcers.
 - C. ***For the European Commission and the two EU legislators, European Parliament and Council, to consider the creation of a full scale European Road Transport Agency (ERTA)***, with the objective to accompany implementation, digitalisation and enforcement of the entire EU's road transport acquis, whilst at the same time providing assistance in information, harmonisation, interpretation, and sharing good practices.

Following EU social partners summary proposals, the IRU further submits to the European Commission **ten key recommendations**, which the IRU believes should become the stepping-stones for an upcoming

European Commission Communication on Enforcement in the Digital Age, aiming ultimately at creating a Single European Enforcement Area. These are:

1. **No amendments into the applicable legislation and no new rules should be proposed/allowed in the future without a preliminary impact assessment of their enforceability.** Any future legislative proposal must be accompanied by a detailed enforceability assessment and concrete proposals, within the legal text, for its implementation, within a coherent and cooperative EU-wide approach. Enforceability of rules should be monitored and guaranteed at every stage of the law-making process, from submitting the legislative proposal, through the process of proposing/adopting amendments, up to the final adoption of the legislative text.
2. **Propose, during the first half of the current legislature, an EU strategy and action plan, with funds allocated to it, to enhance trust-building among Member States' control authorities** including via an enhanced system of peer reviews and joint controls at premises (within the framework of ELA and a future ERTA), whilst at the same time targeting and optimising controls at the roadside, focusing on road safety and basic social rules, whilst preventing discrimination.
3. **Create, by 2025, a full-scale European Road Transport Agency (ERTA), preceded (2023) by the creation of an EU-wide information portal covering the entire set of EU road transport rules,** to facilitate operators' access to information and enhance collaboration and communication (including on infringement and appeal procedures) between Member States' enforcement agencies; monitor and make available relevant legislation, including national legislation applicable to visiting road transport operators, in all EU official languages; provide research, statistics and market information; provide interpretative opinions on the legislation and its enforcement; contribute to harmonising enforcement practices, and produce guidelines and good practices. Should the need arise, consolidate good practices into guidance notes, by submitting them for approval to the EU Road Transport Committee.
4. **Work out and propose by 2025, EU-wide quantitative performance indicators for roadside controls covering the core of the road transport legislation.** Ensure full digitalisation and harmonisation of roadside control practices, to become entirely (100%) information-driven and targeted.
5. **By 2025, digitalise all key road transport control documents (freight and passenger).** No paper control documents should be required at the roadside after 2025.
6. **Work out by 2023, a common classification of infringements covering the large core of the EU road transport acquis and an EU-wide risk rating system** including a system of intelligence-led targeted checks and joint controls at premises, possibly to coincide with the entry into force of Mobility Package 1 rules, whilst at the same preventing bureaucracy and red tape.
7. **By 2025, create an EU digital road transport enforcement hub,** by interlinking enforcement databases and creating relevant and compatible enforcers' applications for roadside controls, whilst respecting yet not hiding behind GDPR rules. Take political and legal actions already during the first half of the current legislature to make this possible.
8. **Help the establishment, already in 2020-2021, of a genuine EU-wide public-private road transport enforcement discussion forum, by supporting the functioning of already existing structures, such as CORTE and ECR,** with the involvement of all key representative organisations of enforcers and the road transport industry, in particular social partners, but also the research community. Support the creation, by 2023, of a public-private (enforcers and industry) enforcement-related joint public **information and conciliation desk**, for operators and drivers to submit questions and problematic cases, to be jointly discussed/answered by enforcers and industry, with the possibility to ensure a genuine follow up, including by submitting proposals to the European Commission.
9. **Develop and approve, by 2023, a dedicated multi-year action plan to invest into training of enforcement officers** and related enforcement technology (EU enforcement fund), to ensure full digitalisation, industry-friendliness, and highest possible quality of control of the complex EU road transport legislation.
10. **Support the creation (by 2022) and EU-wide acceptance of voluntary Service Level Agreements** between enforcers and the road transport community in Europe, to establish jointly agreed good practice standards for roadside checks in road transport (passengers and freight). Should the need arise, consolidate such agreements, by submitting them for endorsement to the EU Road Transport Committee.