

Str. Ienăchiță Văcărescu, nr. 60, CP 040157, Sector 4, București-ROMÂNIA
Tel: (+40-21) 336 77 88; (+40-21) 330 14 25
Fax: (+40-21) 335 48 25; (+40-21) 337 48 53
www.untrr.ro; e-mail: office@untrr.ro

No. 1152/09.05.2018

IRU Permanent Delegation to the EU

Mr. Matthias MAEDGE - General Delegate

Ref.: request for IRU immediate intervention to stop French and Belgian abusive controls of regular weekly rest

Dear Mr. Maedge,

The National Union of Road Hauliers from Romania – UNTRR, the professional and employers' association which represents the Romanian companies performing road transport of goods and passengers, kindly asks for IRU immediate intervention to stop the abusive control practices of French and Belgian authorities regarding the enforcement of the ban on spending the regular weekly rest in the cabin of the vehicles.

An increasing number of Romanian road hauliers complain that their drivers were controlled in France and Belgium, being asked to prove that they did not spend the previous regular weekly rest in the cabin although at that time, the drivers were in other countries than France or Belgium.

Moreover, French and Belgium control officers asked the Romanian drivers for documents to prove that they spent the previous weekly rest at the hotel, not accepting drivers' declarations (even photos shown as proof) saying that they spent the regular weekly rest at relatives or at other places outside of the cabin.

Consequently, many Romanian road hauliers received huge fines between 1000 EUR and 2 250 EUR in France and Belgium for not having documents to prove that their drivers did not spend regular weekly rest outside the cabin when they were in other countries than France and Belgium.

We acknowledge the fact that since 2014, France and Belgium introduced national laws banning professional drivers to spend regular weekly rest in the cabin, despite the general EU framework and practice of many years. However, both Belgian and French laws banning the regular weekly rest in the cabin are also stipulating that driver has to be controlled on the spot, he doesn't have to prove afterwards where his normal weekly rest was spent:

- **Belgium:** According to the royal decree of 19 July 2000, modified on 19 April 2014 on the fines applicable when certain infringements regarding road transport are detected, it is stipulated in Annex 1, c), point 8: "The normal weekly rest, mandatory at the time of the control, is taken on board of the vehicle: 1800 euros"



- **France:** According to French Ministry of Sustainable Development document - Frequently Asked Questions regarding the ban on spending the regular weekly rest in the vehicle cabin that was introduced in France in July 2014:
Infringement is detected when driver is found on board when regular weekly rest period is due.

Consequently, according to French and Belgian laws banning the regular weekly rest in the cabin, the enforcement authorities from these countries should control only the current regular weekly rest and should not ask for any documents concerning the driver's regular weekly rest.

While also acknowledging the fact that last year, the EU Court of Justice decided that Regulation (EC) No 561/2006 [Article 8.8] must be understood as banning drivers from taking their regular weekly rest period in their vehicles, may we underline that the ECJ decision does not provide any obligation to spend the regular weekly rest at the hotel. It is alarming that ECJ decision was made before the adoption of EC proposed revision of Regulation no. 561/2006, when the proposal to ban the regular weekly rest in the cabin is currently debated in the European Parliament and the European Council.

In this extremely uncertain context for Romanian road hauliers, we kindly ask for IRU's urgent intervention to the European Commission and to all the relevant authorities in order to stop these national interpretations and abusive enforcement practices of France and Belgium, which should not ask hotel documents for regular weekly rests taken by drivers in other countries. We need IRU support in asking the European Commission to be the guardian of the EU common rules and their uniform enforcement across all the EU Member States, in order to guarantee a level playing field for all the EU hauliers within the EU.

Expressing our trust in your urgent intervention, we remain at your disposal for any further information.

Yours sincerely,

**Secretary General
Radu DINESCU**

