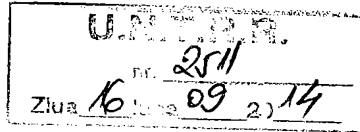




LA MOBILITÉ EST EN NOUS



UNTRR
Uniunea Națională a Transportatorilor
Rutieri din România
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sector 4
cod 040157
BUCAREST
ROUMANIE

Paris, le 11/09/2014

For the kind attention of Mr Radu DINESCU,

Dear Secretary General,

We have received your letter dated 29 August 2014 and noted with high consideration your questions and concerns about the new French legislation to fight weekly rest taken on board vehicles.

We agree with you, the single market is a major achievement of the European integration process. It is based on the Robert Schuman declaration establishing the ECSC (European Coal and Steel Community) in the 1951 Treaty of Paris and the development of a unified market was then the central policy commitment contained in the 1957 Treaty of Rome. But despite its considerable successes, the European single market remains far from complete and is unfortunately not achieved yet. The Monti report (2010) suggested that half of single market legislations confronted implementation difficulties of some kind.

Of course, the FNTR does not want to see any reversion to national protectionism but in an integrated market, the players must, as far as possible, enjoy equal conditions. This is one of our major concerns in order to help our companies to survive and save jobs. Nevertheless, the new legislation adopted in July is on some points ambiguous and this is why we asked our ministry of transport the necessary clarifications.

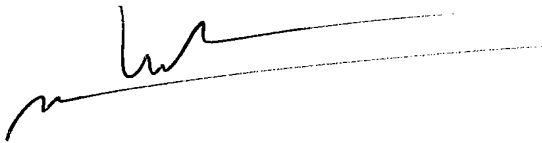
Moreover, we also asked the IRU to contact the DG MOVE to request a legal advice on the French text. The IRU got last July a reply with unsatisfactory comments: "there is no specific provision in the regulation 561/2006 that would explicitly forbid spending the regular weekly rest in the vehicle. At the same time, it is clearly in the spirit of the Regulation that a driver should not be forced by his employer to spend his regular weekly rest in the vehicle".

Furthermore, the DG MOVE identified a significant problem concerning the penalty system which should be according to article 19 of regulation 561/2006 "effective, proportionate, dissuasive and non-discriminatory." Contrary to what you stated, a number of FNTR members can be concerned as well by the legislation when they have subsidiaries in other EU Member States. Those companies can be concerned at least at the same level as the foreigners companies and most probably even more accurately targeted by the controllers because it is always easier to control a French entrepreneur.

You also referred to acts of vandalism which are absolutely unacceptable and must be fought at EU and local levels by police authorities. This also points out the urgent need for further EU investments in safe parkings as required in the Regulation 1315/2013 (article 39-2-c: "the development of rest areas on motorways approximately every 100 km in line with the needs of society, of the market and of the environment, in order inter alia to provide appropriate parking space for commercial road users with an appropriate level of safety and security").

Since the publication of the new legislation in France we got a great number of complaints from our sister associations throughout Europe and be assured that your strong message will also be sent out to the French authorities. Of course, we will keep you informed about all the outcome resulting from our investigations at national and European level.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Nicolas Paulissen', written over a horizontal line.

Nicolas PAULISSEN
GENERAL DELEGATE