

Uniunea Națională

a Transportatorilor Rutieri din România

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INTERNATIONAL ROAD TRANSPORT UNION

For the kind attention of Mr. Umberto de PRETTO – Secretary General

Subject: UNTRR requires urgent measures to determine French and Belgian authorities to immediately withdraw their recent national regulations on the introduction of severe fines and penalties applicable in case drivers spend their weekly rest period in vehicles

Dear Mr. Secretary General,

The National Union of Road Hauliers from Romania – UNTRR addresses International Road Transport Union - IRU with the urgent request to protect EU road transport industry against the recent anti-competitive and anti-European regulations introduced by France and Belgium, concerning the application of severe penalties in case drivers spend their weekly rest period in vehicles:

- On 21st of June 2014 Belgium adopted a new royal decree which forbids spending the regular weekly rest in the cabin of the vehicle. The fine for not complying with this regulation can reach to 1800 Euro.
- On 11st of July 2014 France adopted Law no.2014-790 to combat social and unfair competition, which forbids professional drivers to spend the regular weekly rest in the cabin of the vehicle. Failure to comply with this law is considered a serious offence which is fined with 30 000 Euro and one year imprisonment.

Our association is seriously concerned about such legal approaches, at national level, of the European Regulation no. 561/2006 whose aim is, actually, the harmonization of certain social legislation relating to road transport, in the spirit of the liberalization of the European road transport market. Even if after 2009, this liberalization trend registered some stagnation, due to the economical and financial crisis, it is unacceptable that certain Members States to adopt protectionist measures, promoted with the single purpose to become a tool used against European competition in the field of transport. These initiatives, adopted under the popular umbrella of fighting against the social dumping, introduce national protectionism which is totally against the values and principles of European single market. From this perspective, **such national initiatives should be condemned as they are against the spirit of the European Union and its aim on the medium and long run – the single market.**



The measures taken by Belgium and France exceed any other penalty, being very restrictive, inadequate to the committed infringement, certainly disproportionate and definitely discriminatory as they are not applicable to the resident transport operators, which obviously are not spending their weekly rest in the cabin of the vehicle, but at home.

Moreover, these possible fines don't affect road transport companies and professional drivers only, but they threaten also the goods of billions of Euros which they carry every day. May we recall hereby the recent case of a Romanian truck property of our member company – Dianthus, whose all 6 tires on trailer were drilled during the night rest of the driver, in a parking lot at Chigy, France (photos annexed hereby). Despite all UNTRR interventions to IRU and French professional road transport associations, no reply has been received so far and please also note that, at the same parking lot, a couple tractor trailer registered in Poland was affected by the same incident. However, instead of taking more safety measures within the parking lots in order to reduce the number of such incidents, the French Government introduces protectionist measures against foreign transport operators which could only inflame such vandal behaviors in road transport field.

In the light of all the above mentioned facts, we strongly believe that there is an urgent need of clarification at European level and we consider that IRU, together with the relevant authorities of the Member States and with the European Commission, should not tolerate such approaches of another Member State, which either behaves normally, or it withdraws from the European Union. Otherwise, we risk the escalation of a competition between Member States, where fines can reach hundreds of thousands of Euros and decades in prison for offenses established at national level and not by European legislation.

We consider that IRU should adopt by emergency a firm position to stop such national initiatives as those recently adopted by Belgium and France, oriented against the transport companies from other Member States and with a direct impact on the East European ones. In this respect, **we require to IRU to address European Commission and all the other relevant European and national authorities and to undertake by emergency all the legal measures and the institutional dialogue approaches to determine French and Belgian authorities to immediately withdraw these recently adopted measures.**

In this context, we kindly ask you to actively represent the interests and rights of European road transport operators so that they won't be fined abusively, based on the national legislations of certain Member States which provide extremely disproportionate penalties to the infringement committed.

Expressing our trust that IRU will undertake by emergency all the necessary measures, we look forward for your kind reply and we assure you of our highest consideration.

Yours sincerely,

**Secretary General
Radu DINESCU**















