

Mr Radu Dinescu
Secretary General
UNTRR
ROMANIA



By email

AD/BR1045272/MMA

Brussels, 21 June 2018

LETTER 1152/09 RELATING TO ABUSIVE CONTROLS OF REGULAR WEEKLY RESTS IN FRANCE AND BELGIUM

Dear Mr Dinescu,

Dear Radu,

Thank you very much for your letter of 9 May informing on abusive controls of regular weekly rest in the cabin in France and Belgium. Upon receipt of your letter, I asked for the matter to be further investigated and this took, unfortunately, longer than expected.

IRU contacted the Belgian and French IRU member associations about the national laws relating to the penalisation of the regular weekly rest spent in the cabin. IRU received confirmation that penalties can be given only if the driver is caught "red-handed" - while taking his regular weekly rest in the cabin. Consequently, a driver cannot be penalised for potentially having taken other earlier regular weekly rests in the cabin. IRU received confirmation that there are no plans to change the laws.

IRU also explored this informally with the European Commission. Unfortunately, there is no official document mentioning that drivers can only be penalised for taking the regular weekly rest in the cabin when caught red-handed. It was however recognised that clarification is needed in this respect and IRU is currently examining together with the Commission how this could best be achieved.

IRU has no information that French or Belgian control officers usually ask for evidence (hotel receipts for example) to prove that the regular weekly rests were taken outside the vehicle. Until now, IRU has only been able to assess one concrete case of penalisation of a Romanian haulier in Belgium where there is apparently no proof that the driver was spending the regular weekly rest inside the vehicle. This case is still awaiting trial in order to conclude if the penalty was justified or not.

IRU has launched a campaign against unjustified penalties for spending the regular weekly rest in the cabin but sufficient proof is needed in support of our arguments. The campaign includes clear messages to decision makers: the debate on driving and rest time and rest in the cabin should not be misused to tackle unsolved questions on posting of workers and market access rules. As you may know, IRU is very active in a European project which aims to develop standards for safe and secure parking areas. We actually expect the legislators to confirm that spending the regular weekly rest in the cabin shall be allowed, if taken in a safe and secure parking area.

If possible, I would like to invite you to provide us with penalty reports from France and Belgium indicating unjustified penalties relating to the regular weekly rest and requests for hotel bills as a proof. This will allow IRU to further examine this matter and potentially take additional action where appropriate.

IRU remains at your disposal should you need further assistance.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'M. Maedge', written in a cursive style.

Matthias Maedge

General Delegate of the IRU Permanent Delegation to the EU