

By email and post

Mr Radu Dinescu
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Geneva, 8 September 2014

**MEASURES ADOPTED IN FRANCE AND BELGIUM ON THE WEEKLY REST PERIOD
BEING TAKEN ON BOARD OF A VEHICLE**

Dear Mr Dinescu,

Thank you for your letter of 27 August 2014 on the above subject, which continues to be a major concern for the IRU.

The IRU considers the announced sanctions to be highly disproportionate and protectionist. We are also concerned about the lack of practical guidance on implementing these new laws, which makes it impossible for road hauliers to know what is acceptable or not. The implications resulting from the possible enforcement of these provisions would not only affect road hauliers and drivers, but could also jeopardise EU trade.

As you are certainly aware, from the very beginning the IRU has been actively involved in trying to find a solution to this problem, in partnership with the relevant competent authorities and bodies at both European and Member State levels, as well as with the enforcement community (see a summary of the IRU steps under item I.3 of BR2796 of 24 July 2014 enclosed for your convenience). Most recently, the IRU has had further contact and meetings with Council of the European Union Transport Attachés and the European Commission. The short term aim is to have this issue placed on the political agenda of the European Council, ideally to be discussed in the meeting of Transport Ministers on 8 October 2014. The same objective is foreseen for the European Parliament. The IRU Secretariat is already in contact with Member States' EU Representations and is undertaking specific steps in this direction.

The IRU fully shares your concerns and intends to continue leading the battle against these extremely worrying and disproportionate national protectionist measures, which we also consider to be against the principles of EU law. The IRU Secretariat has therefore contacted the Belgian and French Transport Ministries with a summary of the most frequently asked questions concerning the actual enforcement strategies. A reply has been received from the Belgian authorities and distributed to IRU Members on 2 September 2014.

Furthermore, the IRU is in contact with the enforcers, both through *Euro Contrôle Route (ECR)* but also directly with the national enforcement bodies to ensure clarity and obtain information on enforcement practises.

Given the legal uncertainty and operational difficulties that these new measures cause, during the CAS meeting on 3 September 2014, IRU Members agreed on a strategy on how to approach the measures currently in force and address similar attempts by Member States that are likely to appear in the future. In this respect, the IRU has urged the European institutions and Member States to deal with this phenomenon of national protectionist measures, which create barriers to the single European road transport market.

It is crucial that these efforts are coupled with actions from IRU Members at national level by raising this issue with Transport Ministries and enforcement authorities. IRU Members should also approach their MEPs to make them aware of the situation and encourage a discussion of this issue in the EP TRAN Committee. The readiness of MEPs, for example in the form of parliamentary questions, to support lobbying efforts in this direction should be verified.

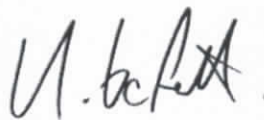
In the meantime, I would encourage you to continue and further strengthen your advocacy with the Romanian competent authorities, for them to raise strongly the issue in the Council of the European Union, possibly in partnership with other EU Member States, such as the Visegrad countries. I would be grateful if you could provide the IRU with details of any contacts that you have already had, or are planning to have, with your national authorities and politicians, Members of the European Parliament or Romanian representatives to the European Union. This will enable us to better coordinate our joint lobbying activities. It would also be highly appreciated if you would supply any quantitative data you have concerning the impact of the Belgian and French measures on Romanian hauliers' operations. This might include for example details of the extra kilometres driven, extra costs incurred by companies or the lack of secured parking spaces with accommodation on specific routes in the EU.

To date, the IRU has not received any information concerning actual cases of drivers being fined in Belgium or France. Should you become aware of any specific instances of drivers being sanctioned then the IRU would be highly interested in receiving information on such cases.

I would like to assure you that for the IRU, attacks against drivers, vehicles and cargo represent one of the priorities for our cooperation with enforcement organisations such as ECR and TISPOL. Their attention has been drawn to the increasing number of attacks against Eastern European registered vehicles, including the case you mention in your letter. We will also work with the European Commission to look for specific solutions in this area that could be beneficial for IRU Members.

Thank you in advance for your kind support and cooperation.

Yours sincerely,



Umberto de Pretto
Secretary General