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Fédération Nationale des Transports Routiers (FNTR)

For the kind attention of:

Mr. Jean-Christophe PIC - President

Mrs. Florence BERTHELOT-General Delegate

Ref.: urgent request to stop French abusive controls of the regular weekly rest of Romanian professional drivers

Dear Mr. President, dear Mrs. General Delegate,

The National Union of Road Hauliers from Romania (UNTRR) is the employers' professional organization representing Romanian road transport industry for more than 28 years. Since our establishment in 1990, more than 14 000 Romanian hauliers joined UNTRR.

Considering our collaboration as IRU members, UNTRR asks for your urgent intervention to stop the abusive control practices of French authorities against Romanian road hauliers and professional drivers regarding the enforcement of the ban to spend the regular weekly rest in the cabin of the vehicles. French controls exceed the French legal framework and the decision of the European Court of Justice regarding this ban. We ask France to stop these abuses and wait for the adoption of the revised Regulation 561/2006 establishing common EU rules for driving and rest times of the professional drivers.

Romanian road hauliers are abusively controlled and fined in France

An increasing number of Romanian road hauliers complain that their drivers were controlled in France 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.

Moreover, French 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 for not having documents to prove that their drivers did not spend regular weekly rest outside the cabin when their drivers were in other countries than France.

French controls exceed the French legal framework and the decision of the European Court of Justice on the ban of the regular weekly rest in the cabin

We acknowledge the fact that since 2014, France introduced national legislation banning professional drivers to spend their regular weekly rest in the cabin, despite the general EU framework and practice of many years. However, French law banning the regular



weekly rest in the cabin is also stipulating that the driver has to be controlled on the spot, he doesn't have to prove afterwards where his normal weekly rest was spent:

- 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 legislation banning the regular weekly rest in the cabin, the enforcement authorities from France 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.

UNTRR asked the President of French Republic, Mr. Emmanuel Macron to stop these abuses and wait for the adoption of the revised Regulation 561/2006 establishing common EU rules for driving and rest times of the professional drivers in all EU countries. We asked the French Government, by letter to the French Minister of Transport Mrs. Borne to respect the common EU rules and the main values of the European Union to whom Romania has joined.

We kindly ask for FNTR support and urgent intervention to stop these national interpretations and abusive enforcement practices of the French authorities, which should not ask hotel documents for previous regular weekly rests taken by professional drivers in other countries.

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

Yours sincerely,

**Secretary General
Radu DINESCU**

