



TRAINING SEMINAR ON INTERNATIONAL ROAD HAULAGE IN THE EURO-MEDITERRANEAN REGION

STAGE 3: MARKET STRUCTURE AND LIBERALISATION

**HARMONISATION OF THE PROFESSIONAL STANDARDS OF THE ROAD
FREIGHT TRANSPORT INDUSTRY**

Presentation Summary

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HARMONISATION OF THE PROFESSIONAL STANDARDS OF THE ROAD FREIGHT TRANSPORT INDUSTRY

Anything which is produced anywhere can be carried. Taking this as a starting point, European Union Member States realised that road freight transport industry is capable of playing a crucial role in the development of their economies. The adoption of measures common to all Member States was considered to be of paramount importance based on the understanding that it would encourage the effective exercise of the right of establishment of their operators. Furthermore, this would ensure that such operators are better qualified, thus contributing to rationalization of the market, improvement in the quality of the service provided, in the interests of users, operators and the economy as a whole, and to greater road safety.

Harmonisation of the rules for admission to the occupation of road transport operator effectively covers the good repute, financial standing and professional competence of operators. It is further agreed that harmonization of these rules would remedy any distortions of competition and enhance protection of the environment and professional liability.

Uniformity is further extended towards establishing drivers' attestation, in the absence of which Member States are deprived of checking whether drivers from non-member countries are lawfully employed or are lawfully at the disposal of the haulier responsible for the transport operation.

In the absence of uniform rules in relation to driver's attestation it would be impossible to check whether drivers outside the Member State of establishment of the haulier are employed or supplied lawfully, which would lead to a market situation where drivers from non-member countries could be sometimes engaged unlawfully and solely for international carriage outside the haulier's Member State of establishment with an intent to breach the national legislation of the Member State of establishment that issued the haulier's Community authorization. Such unlawfully employed drivers often work in precarious conditions and are underpaid, which jeopardizes road safety.

The introduction of common rules in relation to driver's attestation within the European Union would further cause drivers who are nationals of non-member countries to acquire a driver attestation document unreservedly approved by the EU.

HARMONIZED RULES ON ADMISSION TO THE OCCUPATION OF ROAD HAULAGE OPERATOR AND RELATED ISSUES

1. Undertakings wishing to engage in the occupation of road transport operator must:

- (a) be of good repute. This requirement is not satisfied, or is no longer satisfied, if the natural person or persons who are deemed to satisfy this condition:
 - (i) have been convicted of serious criminal offences, including offences of a commercial nature,
 - (ii) have been declared unfit to pursue the occupation of road transport operator under any rules in force,
 - (iii) have been convicted of serious, repeated offences against the rules in force.
- (b) be of appropriate financial standing. Appropriate financial standing shall consist in having available sufficient resources to ensure proper launching and proper administration of the

undertaking. For the purposes of assessing financial standing, the competent authority shall have regard to: annual accounts of the undertaking, if any; funds available, including cash at bank, overdraft and loan facilities; any assets, including property, which are available to provide security for the undertaking; costs, including purchase cost or initial payment for vehicles, premises, plant and equipment, and working capital.

- (c) satisfy the condition as to professional competence. The condition relating to professional competence shall consist in the possession of skills demonstrated by passing a written examination, organized by the authority or body designated for this purpose by each Member State. Member States may exempt from examination applicant road transport operators who provide proof of at least five years' practical experience in a transport undertaking at management level.

If the above conditions are not satisfied, the competent authorities of the Member State of establishment shall reject an application for the issue or renewal of an EU authorization or of a driver attestation, by means of a decision which states the reasons therefore.

Furthermore, the competent authorities shall withdraw an EU authorization or a driver attestation where the holder no longer satisfies the above conditions or has supplied incorrect information in relation to the data required for the issue of an EU authorization or of a driver attestation.

Additionally, in the event of serious infringements or repeated minor infringements of carriage regulations, the competent authorities of the Member State of establishment of the haulier may, inter alia, temporarily or partially withdraw the certified true copies of the EU authorization and may withdraw driver attestations. In the event of serious infringements or repeated minor infringements regarding any misuse whatsoever of driver attestations, the competent authorities of the Member State of establishment of the haulier who committed such infringements shall impose appropriate sanctions, such as suspension of the issue of driver attestations or withdrawal of driver attestations. Such sanctions are determined having regard to the seriousness of the infringement committed by the holder of the authorization.

Where serious offences or minor, repeated offences against the rules governing either road haulage or road passenger transport have been committed by non-resident road transport operators and might lead to withdrawal of the authorization to practice as a road transport operator, the Member States shall provide the Member State in which such a road transport operator is established with all the information in their possession concerning those offences and the penalties they have imposed.