



The View From the Road Transport Industry

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TRACE Transport Regulators Align Control Enforcement

Freija Fonteyn
Head of Legal Department,
TLV, UETR

Damian Viccars
Head of Social Affairs &
EU Road Safety, IRU

- 1. Why industry supports TRACE**
- 2. Examples of inconsistent enforcement**
- 3. How TRACE can provide solutions**
- 4. Conclusions**

1. Why industry supports TRACE

- **Divergent and un-harmonised enforcement of key social rules.**
 - A common regulatory framework for driving and rest time rules and the digital tachograph is undermined by fragmented enforcement environment.

Consequences:

- Transport Company: A costly, lack of legal certainty, makes it impossible for businesses to plan single market transport operations on the basis of consistent and predictable rules.
- Drivers : Unpredictable working conditions, unintended infringements and occupational stress each time a border is crossed.
- Road Safety & Driver training: Regulatory objectives, compliance, fair competition and the positive impact of training undermined.

2. Examples of inconsistent enforcement:

In practice – problems with differences in application & interpretation of the legislation by control bodies:

- “a new driving period can only be started after a period of 24 hours”
- “The driver card must stay in the tachograph during the daily and weekly rest”
- “weekly rest must fall together with the weekend. A weekly rest period in the middle of the week is not valid”

**Transport Companies / Associations,
Drivers / Trade Unions and Enforcers
share a common consensus:**

**Common legal interpretations and
enforcement practices are badly
needed!**

Divergent application of the rules has lead to guidelines and Commission implementing decisions:

- 6 guidance notes – clarifying the approach to be followed
- Commission decision of 07/06/2011 on the calculation of daily driving time

BUT...

NOT LEGALLY BINDING &

NOT ALWAYS APPLIED IN PRACTICE

3. How TRACE can provide solutions

- **Agree a common approach to correct application of the rules.**
- **Ensure that what is agreed in Brussels reaches the people who count, by enforcing the rules correctly at the roadside.**
- **Highlighting to the EC the points where agreement cannot be reached and signalling the need for further measures to remedy this.**

CONCLUSIONS:

a. Drivers have EU level training requirements – why not controllers too?

- Increase in quality of controls needed
- Inspections on driving and rest times/tachographs should be reserved for trained and/or certified control officers

b) TRACE important for legal certainty and legitimacy of the driving and rest times:

- Fair and correct roadside checks. Drivers feel hunted
- Avoiding reduced compliance, leading to unfair competition
- Sanctions that rectifies the breach

CONCLUSIONS:

- **TRACE is an important step forward, but the mission is not accomplished yet**
- **TRACE cannot remain just a shelf project: governments must invest in implementation**
- **We hope the TRACE manual becomes a guide for good practice enforcement of the Regulation**