RESOLUTION No 2001/2 ON SOCIAL ASPECTS OF ROAD TRANSPORT

This Resolution was adopted by the Council of Ministers, meeting in Lisbon on 29-30 May 2001.
RESOLUTION No 2001/2 ON THE SOCIAL ASPECTS OF ROAD TRANSPORT

The Council of Ministers of the ECMT, meeting in Lisbon on 29 and 30 May 2001,

RECALLING the previous Resolutions CEMT/CM(95)1/Final on the Integration of New Member Countries and CEMT/CM(99)13 on the Social Aspects of Road Transport;

CONSIDERING the conclusions of the Seminar on the Social Aspects of Road Transport organised by the ECMT on 14 and 15 December 1998 in Paris;

NOTING with satisfaction that the revised Consolidated Resolution CEMT/CM(2000)10/Final, adopted by the Council of Ministers on 30 and 31 May 2000 in Prague, sets out the minimum conditions for access to the occupation of international road haulier.

NOTING with similar satisfaction the adherence of virtually all ECMT Member countries, except Georgia, Turkey and Ukraine, to the European Agreement concerning the work of Crews of Vehicles engaged in International Road Transport (AETR), whose minimal social provisions relating to driving times and rest periods are consistent with the corresponding EU regulations set out in Council Regulation (EEC) 3820/85 of 20 December 1985;

AWARE that, besides the harmonisation of the conditions of access to the profession, the liberalisation of the international road haulage market must be accompanied by effective implementation and verification of the AETR or equivalent regulations with regard to maximum driving times and minimum rest periods;

AWARE that, in connection with the development of the "acquis communautaire", it is important to ensure the harmonisation of total weekly working hours of haulage drivers in ECMT member countries;

CONSIDERING that effective implementation of the AETR or equivalent regulations calls for a system of multilateral co-operation and mutual assistance between ECMT Member countries;

CONSIDERING that effective implementation of the social regulations in question requires adequate training of haulage drivers;

1. Austria entered a general reservation on this Resolution.
RECOMMENDS that ECMT Member countries:

- ensure the implementation and effective verification of rules on driving times and rest periods, as set out in the AETR or equivalent regulations, with regard to drivers engaged in international road haulage activities;
- ensure that their national legislation specifies that, in addition to the rules mentioned above, the average working week of such drivers does not exceed a weekly average of 48 hours in a reference period of four months, this restriction will not apply, initially, to independent drivers;
- for the purposes of the above paragraph, ensure that working hours, in addition to time spent driving, include the time spent on other activities, in line with those other activities covered in EC Regulations, such as loading/unloading operations and vehicle maintenance;
- include in the existing or future national system of sanctions the provisions of item 1 of the Annex below;
- promote measures aimed at familiarising haulage drivers with the regulations relating to the organisation of working times;
- make it compulsory for road haulage firms engaged in international road freight transport to keep a record of their drivers' working hours and to provide drivers with a copy of these records on request;

SUPPORTS the establishment of a system of mutual assistance between Member countries for implementation of the AETR or equivalent regulations, together with a system for the exchange of information between ECMT Member countries, and also between these countries and the ECMT Secretariat, with regard to infringements of the said regulations -- as mentioned under item 2 of the Annex below -- in order to provide for:

- penalising, by country of registration, firms which commit serious and/or repeated infringements of AETR or equivalent Regulations;
- drawing up, by the ECMT Secretariat, of a record of the infringements committed by firms from each Member country on the territories of other Member countries in the course of international road haulage movements subject to ECMT multilateral quota permits;
- introducing, once the information system on the infringements committed is effective a uniform increase for all Member countries complying with the provisions of this Resolution, of the ECMT multilateral quota.

REQUESTS the Committee of Deputies to:

- forward this Resolution to all bodies concerned;
- submit a report, at the next session of the Council, on the implementation of this Resolution with regard to the conformity of national systems of sanctions to the provisions of the present Resolution, as well as the introduction of a system of mutual assistance and exchange of information as specified above;
- in due course, make a proposal for an increase of the multilateral quota taking into account progress in the area of harmonisation of working conditions.
ANNEX

1. SANCTIONS REGIME

The sanctions regime in force in each Member country must set out conditions for the temporary, total or partial withdrawal of ECMT multilateral permits from undertakings that have infringed the AETR or equivalent regulations.

The ultimate sanction, for carriers committing serious infringements of the above Agreement or Regulations, shall be the withdrawal of the authorisation to pursue the occupation of international road haulier.

2. MUTUAL ASSISTANCE AND EXCHANGE OF INFORMATION

Members shall lend each other mutual assistance for the purpose of implementing the specified social regulations, notably through the organisation of inspections which, as far as possible, have been properly co-ordinated.

The Member country in which an offence is committed shall provide the Member country in which the transport operator is established with all the information in its possession concerning the infringements and the penalties that have been imposed, which may extend to suspension of driving in the former country. It is recommended that the competent Authorities of the Member country of establishment take measures to avoid any repetition of the offence and inform the country in which the offence was committed of the measures taken.

For the purposes of allocating a future increase in the quota, as provided for in principle under the present Resolution, each Member country shall submit two reports on infringements committed on its territory by transport operators from other Member countries in the course of international road haulage movements under ECMT multilateral quota permits:

- the first report, by 31 August at the latest of each calendar year, as a preliminary report dealing with the first semester of the year under review,

- then, by 28 February of each calendar year at the latest, a final report on infringements committed on its territory during the previous calendar year.

The above-mentioned reports should be based on a standard report form, still to be defined.