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European Commission
Directorate-General for Energy and Transport
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Unit "Land Transport Policy"

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Dear Sir/Madam

**REVIEW OF THE COMMUNITY LEGISLATION ON THE ACCESS TO THE ROAD
TRANSPORT MARKET AND ON THE ADMISSION TO THE OCCUPATION OF ROAD
TRANSPORT OPERATOR**

Please find below the response to the above consultation from the United Kingdom Road Haulage Association.

The Road Haulage Association (RHA) is the primary trade association representing the hire-or-reward sector of the UK road freight transport industry. The association comprises 10,000 member companies, operating between them 90,000+ commercial vehicles and employing some 250,000 staff. Members range from single vehicle owner-drivers right through to multi-national fleet operators.

As well as lobbying European and domestic government bodies and the authorities on behalf of the membership, a major part of the associations remit is to ensure that the road freight sector has the knowledge and ability to operate in a safe, legal, efficient and environmentally aware manner.

Road transport is under particular strain in respect of the environmental burden, as it lies at the intersection of sometimes conflicting interests between the commercial and competitiveness requirements of road freight movements and issues such as public health, traffic congestion and climate change. To ensure that those entering this sector of industry are competent and able to operate in such an environment it is essential that the legislation relating to access to the road transport market is both adequate and also at the appropriate level to maintain a satisfactory standard.

I hope this is useful. If you have any queries, please do not hesitate to contact me.

Yours sincerely

Karen Dee
Director of Policy

RESPONSE TO THE REVIEW OF THE COMMUNITY LEGISLATION ON THE ACCESS TO THE ROAD TRANSPORT MARKET AND ON THE ADMISSION TO THE OCCUPATION OF ROAD TRANSPORT OPERATOR

PART A

Question 1: Is the merging of goods transport and passenger transport a real simplification. Which option is the preferred one?

Answer 1: Option 3. Although existing legislation governing the industry is complex we feel that there would not be any advantage gained by combining regulations to cover both commercial and passenger transport.

Question 3: Should higher qualitative requirements be imposed on hauliers/carriers engaged in certain types of road transport? If so, which ones?

Answer 3: Compliant operators based within the UK already adhere to a high level of qualitative requirements, including adequate insurance cover. Therefore, we believe UK interpretation of the existing EU regulations is of a sufficiently high standard. Where benefit would be gained is by more rigorous and uniform enforcement of existing regulations across all Member States.

Question 4: Should Member States be required to verify whether the haulier/operator still satisfies the conditions for maintaining the licence at shorter intervals on a regular basis?

Answer 4: The existing verification procedures carried out in respect of UK based haulier/operator's, via the Traffic Commissioners and their agents (which are based on continuous licensing for a 5 year period but with risk-based spot checks) provide a good system.

Question 5: Should the validity of the Community be reduced to a shorter period of validity than 5 years? If so, to how many years should it be reduced?

Answer 5: No.

Question 6: Should the Regulation provide more detailed specifications for certified copies i.e. standardise them in order to avoid confusion during an inspection? If so, what specifications or new (security) features should be introduced? Could a gradual shift to an on-line registry of the issued Community licences be envisaged?

Answer 6: A uniform approach to compliance within this area of the existing regulations and practiced across all member states enforcement agencies would be welcomed, with an online registry seen as the ultimate goal.

Question 7: Should the driver attestation be made more uniform across the Community? Should the format of the current paper based document be changed? Should it gradually be made electronically readable?

Answer 7: We are not aware of any major problems with the existing system. An electronic version would be ultimately desirable.

Question 8: Should the current maximum period of validity be shortened?

Answer 8: No

Question 9: Are stakeholders of the opinion that the obligation to hold a driver attestation should be extended to drivers who are EU nationals?

Answer 9: No.

Question 11: What is the stakeholders' opinion on the use of a uniform, Community-wide journey form in goods transport by road replacing the variety of national documents?

Answer 11: The existing requirement to ensure that a completed CMR document is available for inspection throughout the journey is adequate and does not need unnecessary revision.

Questions 17/18: Do stakeholders perceive the varying rules as a problem? Do stakeholders consider that a clearer and more precise definition of road cabotage would be useful? What are the stakeholders' views on these approaches? What alternatives could be proposed for a clear and easily enforceable definition of road cabotage?

Answers 17/18: Clearer, more widely accepted definitions of cabotage would be advantageous since the current lack of clarity is resulting in widespread abuse. Cabotage operations were initially permitted in order to make operators involved in international journeys more efficient (i.e reduce empty running). This implies that such operations should be of short duration and infrequent. Operations that take place continuously over a prolonged period (even if only one or two prolonged periods of activity occur within a 12 month period) could arguably more accurately be described as 'domestic operations' rather than cabotage.

PART B

Question 1: Is there a need, and for what reasons, for higher minimum standards for admission to the occupation? If so, should they apply to all road transport professions or only to certain categories? Which ones?

Answer 1: The level of the requirements laid down by the UK Department for Transport is such that Goods Vehicle Operators, who have been issued with a licence, have adequately shown that they are able to comply with their obligations.

Question 2: Should criteria other than good reputation, financial standing and professional competence be included? If so, what should they be? For example, should criteria which prevent 'letter-box' companies from engaging in the occupation be included? If yes, how?

Answer 2: It would be difficult to ascertain what benefit would be achieved by imposing additional criteria over and above the existing requirements.

Question 3: What exemptions and dispensations could be abolished?

Answer 3: The UK already includes most goods vehicles over 3.5 tonnes gross vehicle weight within its Goods Vehicle Operator Licensing system and we feel there would be benefit in this being adopted across other Member States. We are not in favour of removing 'grandfather rights' but feel they should be allowed to work their way through the system.

Question 4: Do the requirements for admission to the occupation need to be checked more frequently? If so, should all or only some be checked? Which option do you prefer? If you prefer option A, what frequency do you propose?

Answer 4: The UK Department for Transport, through its compliance and enforcement agency VOSA, already carries out random checking of Goods Vehicle Operators throughout the validated period of their licences.

Question 5: Is it called for that Community legislation prevents that an undertaking which has been disqualified establishes in another Member State? If yes, what should the solution be?

Answer 5: It is totally unacceptable for Goods and Passenger Vehicle Operators to be able to obtain authorisation to carry out road transport commercially anywhere once he/she has been disqualified, or until that period of disqualification has lapsed.

Question 6: Are there any administrative burdens associated with measures considered useful in this questionnaire that could be alleviated or abandoned? If yes, by what means could that be achieved?

Answer 6: Although the industry is keen to see a reduction in the unnecessary burden of regulation, it is nonetheless essential that all necessary checks and investigations are carried out to ensure that every Goods Vehicle Operator is competent and able to comply with the obligations of holding an Operators' Licence.

Question 7: Should it be required that, to be deemed to be of good repute and granted admission to the occupation, an applicant must not have committed any repeat offences?

Answer 7: Although harmonisation might not be possible across all 25 Member States because of differing legal interpretation of the regulations, it is essential that a common understanding is developed of the types of offences (and perhaps other types of misdemeanour) that should constitute a barrier to entering the road transport industry.

Question 8: Should the definitions of serious offences which constitute a barrier to the profession be harmonised at European level?

Answer 8: As Answer 7.

Question 9: Should European legislation include a list of persons to whom the requirement of good repute applies? If your answer is yes, should the list include categories other than managers, directors and persons who have interests in the undertaking?

Answer 9: In the UK the Traffic Commissioners already require the Directors of Limited Companies to be named when an application is made and published for the granting of a Goods or Passenger Vehicle Operators Licence. These details are then made available on demand. Furthermore, Traffic Commissioners do take into account all types of offence. A uniform system would be beneficial .

Question 10: Should the licensing authorities be given easier access to information about judgements and penalties which bar an operator from being granted admission to the occupation?

Answer 10: We would like to see licensing authorities across Europe sharing and giving access to what information they are legally able to.

Question 11: Is the current information exchange system on infringements and sanctions sufficient?

Answer 11: The present situation is not ideal.

Question 12: Should the methods for assessing financial standing be further harmonised? If your answer is yes, on the basis of what financial ratios should the assessment be made? What should the thresholds be? Who should evaluate them? At what intervals should this be done?

Answer 12: The most important issue is to decide exactly what “financial standing” is for; e.g. is it to ensure an operator is able to conduct steady business or to provide an emergency reserve to pay off debts. We are not convinced that the different accounting practices in Member States would permit any further harmonisation in this area.

Question 13: Should the option of compulsory professional liability insurance be considered in greater depth? If the answer is yes, should the system supplement or completely replace the current system? What risks should insurance cover and what guarantees should it provide?

Answer 13: We do not support compulsory professional liability insurance.

Question 14: Is further harmonisation of examinations necessary? What dispensations could be abolished?

Answer 14: We are not in favour of removing grandfather rights (see answer 3). In the UK, CPC by examination is sufficiently common to have become the norm.

Question 15: Should the holder of the certificate of competence be an employee of the company concerned and a permanent resident of the Member State in which the company is established?

Answer 15: The Traffic Commissioners in the UK have already implemented some guidelines regarding this issue which we believe provide a good basis.

RHA
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