

Forum International des Transports International Transport Forum

27-Feb-2017

English - Or. English

INTERNATIONAL TRANSPORT FORUM TRANSPORT MANAGEMENT BOARD

Group on Road Transport

Report by CZECH REPUBLIC on Implementation of the QUALITY CHARTER

The application Czech Republic was approved by the Group on Road Transport under Agenda Item 4 of the meeting held on 4 - 5 October 2016 in Kiev (Ukraine).

JT03409519

Complete document available on OLIS in its original format

This document and any map included herein are without prejudice to the status of or sovereignty over any territory, to the delimitation of international frontiers and boundaries and to the name of any territory, city or area.

ITF/TMB/TR(2016)3/ADD1/FINAL



Ing. Ladislav Němec Deputy Minister Transport Section Prague & . September 2016 Č. j.: 317/2016-110-SDNA/1

Dear Secretary General,

I would like to inform you that the Czech Republic is compliant with the requirements of the Quality Charter for international road haulage operations undertaken under the ECMT Multilateral Quota.

Compliance with the Charter is achieved through Regulations of the EU and the implementation of appropriate Directives of the EU. The key international legal instruments are Regulation 1071/2009, Regulation 1072/2009, Regulation 561/2006, Regulation 165/2014, Directive 2002/15, Directive 2006/22 and Directive 2003/59.

The EU Regulations are supported by domestic legislation, especially the Law on road Transport, as well as the respective Labor Law.

In support of these laws, the Association Česmad - Road Haulage Association manages the Czech ECMT permit allocations. Česmad ensures that undertakings asking for permits meet all the requirements of the Quality Charter prior to the issue of permits. ECMT permits are only issued to an operator with a standard international operator's licence.

The check list has already been submitted to you via email prior to this letter.

Sincerely yours,

Mr. José Viegas

Secretary General

International Transport Forum Group on Road Transport

2, rue André Pascal

F-75775 Paris Cedex 16

REPORT ON IMPLEMENTATION OF QUALITY CHARTER FOR INTERNATIONAL ROAD HAULAGE OPERATIONS UNDER THE ECMT MULTILATERAL QUOTA

COUNTRY: CZECH REPUBLIC

NATIONAL AUTHORITY: MINISTRY OF TRANSPORT

DATE OF SUBMISSION: 2 SEPTEMBER 2016

SECTION 1. PROVISIONS REGARDING TRANSPORT UNDERTAKINGS (Chapter II of the Charter)

A) Conditions of establishment (Chapter II, 2)

Implemented

Article 2.2.a)	□ Fully
	Corresponding National Provision: [Law/By-Law/Administrative Arrangement, reference Number, Date of enforcement, Article, etc] 1. Regulation (EC) No 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator 2. Road Transport Law nr. 111/1994 in the edition of last issue
	☐ Useful Links:
	http://www.mdcr.cz/cs/Silnicni_doprava/Nakladni_doprava/Legislativa
Article 2.2.b)	□ Fully
	Corresponding National Provision: [Law/By-Law/Administrative Arrangement, reference Number, Date of enforcement, Article, etc] 1. Regulation (EC) No 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator 2. Road Transport Law nr. 111/1994 in the edition of last issue
	☐ Useful Links:
	http://www.mdcr.cz/cs/Silnicni_doprava/Nakladni_doprava/Legislativa
Article 2.2.c)	□ Fully
	Corresponding National Provision: [Law/By-Law/Administrative Arrangement, reference Number, Date of enforcement, Article, etc] 1. Regulation (EC) No 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator 2. Road Transport Law nr. 111/1994 §6 in the edition of last issue
	☐ Useful Links:
	http://www.mdcr.cz/cs/Silnicni_doprava/Nakladni_doprava/Legislativa

Request for recognition of equivalence, if appropriate, in relation to one or more provisions listed above:

Provision of the Charter: [Chapter, article]	Corresponding National Provision: -
Any other comments:	

B) Good Repute (Chapter II, 3)

Implemented

Article 3.1.	□ Fully
	Corresponding National Provision:
	 Regulation (EC) No 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator Road Transport Law nr. 111/1994 in the edition of last issue
	☐ Useful Links:
	http://www.mdcr.cz/cs/Silnicni_doprava/Nakladni_doprava/Legislativa
Article 3.2., incl:	□ Fully
	Corresponding National Provision:
points a) to e);list of most serious infringements:point d), items i - vii;	 Regulation (EC) No 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator Road Transport Law nr. 111/1994 in the edition of last issue Decree about state technical supervision and road side checks nr. 522/2006 All parameters are based on the regulation 1071/2009 Useful Links: http://www.mdcr.cz/cs/Silnicni_doprava/Nakladni_doprava/Legislativa
Article 3.3.	□ Fully
	Corresponding National Provision
	 Regulation (EC) No 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator Road Transport Law nr. 111/1994 in the edition of last issue Useful Links:
	http://www.mdcr.cz/cs/Silnicni_doprava/Nakladni_doprava/Legislativa

Request for recognition of equivalence, if appropriate, in relation to one or more provisions listed above:

Provision of the Charter: [Chapter, article]	Corresponding National Provision: -
Any other comments:	

C) Professional competence (Chapter II, 4)

Article 4.2, incl.:	□ Fully
	Corresponding National Provision:
	 Regulation (EC) No 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator Road Transport Law nr. 111/1994 § 8a in the edition of last issue
	Decree of the Ministry of Transport 478/2000 implementing Act 111/1994 §8
- List of knowledge	60 questions, sufficient points are over 60 %
(4.2.a); b); cf.annex1)	Case study more than 50 %
- Examination required: oral; written; exempted	All parameters of examinations are based on the regulation 1071/2009
(cf. 4.2.c))	☐ Useful Links:
	http://www.mdcr.cz/cs/Silnicni_doprava/Nakladni_doprava/Legislativa:
Article 4.3., incl.:	□ Fully
- Examinations procedure (4.3.a); cf. annex 2)	Corresponding National Provision: [Law/By-Law/Administrative Arrangement, reference Number, Date of enforcement, Article, etc] 1. Regulation (EC) No 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator 2. Road Transport Law nr. 111/1994 § 7 in the edition of last issue
	Decree of the Ministry of Transport 478/2000 implementing Act 111/1994
- approval of examination bodies (4.3.b))	 15 Regional transport departments establish examining boards - examinations 1 time per month; issue the professional competence certificates.
- pre-training (4.3.c))	- Approval according to the Road Transport Law – by the jurisdiction Ministry of Transport
	☐ Useful Links: http://www.mdcr.cz/cs/Silnicni_doprava/Nakladni_doprava/Legislativa

Article 4.4. CPC, incl.:	□ Fully
	Corresponding National Provision
	 Regulation (EC) No 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator Road Transport Law nr. 111/1994 § 8b in the edition of last issue
- National certificate (4.4.a); cf. Annex)	- 15 regional transport departments
- IRU Academy CPC (4.4.b))	- Name of the IRU accredited institution, authorised nationally : Česmad Bohemia Road Transport Association [the model annexed – cf Annex 1]
	☐ Useful Links:
	http://www.mdcr.cz/cs/Silnicni_doprava/Nakladni_doprava/Legislativa
	http://www.prodopravce.cz

Request for recognition of equivalence, if appropriate, in relation to one or more provisions listed above:

Provision of the Charter: [Chapter, article]	Corresponding National Provision: -
Any other comments:	

D) Financial standing (Chapter II, 5)

Article 5.2., including Capital required for:	☐ Fully Corresponding National Provision:
	 Regulation (EC) No 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator Road Transport Law nr. 111/1994 §8 in the edition of last issue
- first vehicle	- [9000 EUR]
- each additional vehicle	- [5000 EUR]
	☐ Useful Links: http://www.mdcr.cz/cs/Silnicni_doprava/Nakladni_doprava/Legislativa

ITF/TMB/TR(2016)3/ADD1/FINAL

Article 5.3 & 5.4	☐ Fully Company and in a National Provision.
	Corresponding National Provision: 1. Regulation (EC) No 1071/2009 of the European Parliament and of
	the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator 2. Road Transport Law nr. 111/1994 §8 in the edition of last issue Decree Ministry of Transport 478/2000 implementing Act 111/1994
	- Financial standing by transport operator could be demonstrated by the all relevant proofs/documents which are used in regulation 1071/2009 - number of motor vehicles, leasing etc
	☐ Useful Links:
	http://www.mdcr.cz/cs/Silnicni_doprava/Nakladni_doprava/Legislativa:
Article 5.5.	□ Fully
	Corresponding National Provision:
	 Regulation (EC) No 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator Road Transport Law nr. 111/1994 §8 in the edition of last issue
	☐ Useful Links:
	http://www.mdcr.cz/cs/Silnicni_doprava/Nakladni_doprava/Legislativa
Request for recognition of	f equivalence, if appropriate, in relation to one or more provisions listed above:
Provision of the Charter: [Chapter, article]	Corresponding National Provision: -

Provision of the Charter: [Chapter, article]	Corresponding National Provision: -
Any other comments:	

SECTION 2. PROVISIONS REGARDING THE DRIVERS (Chapter III of the Charter)

A) Driving times and rest periods(Chapter III, 1):

All 43 Member Countries participating in the ECMT Multilateral Quota are parties to the European Agreement concerning the Work of Crews of Vehicles Engaged in International Road Transport (AETR) dated 1 July 1970. In the course of any international road haulage operation carried out under an ECMT licence, the undertaking and members of the crew must comply with the provisions laid down by the AETR with regard to the duration of driving and rest times and crew composition [It is understood that compliance with these provisions are monitored through National procedures, established for the purpose of implementing the AETR or equivalent regulations].

A	Comments:	
Anv (Comments:	-

B) Driver training (Chapter III, 2)

Article 2.1:	□ Fully
	Corresponding National Provision:
	 Directive 2003/59/EC of the European Parliament and of the Council of 15 July 2003 on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers, amending Council Regulation (EEC) No 3820/85 Law for initial and refreshing professional competence for driving of motor vehicle nr. 247/2000
	☐ Useful Links: http://www.mdcr.cz/cs/Legislativa/Legislativa/Legislativa/Legislativa_CR_silnicni/Silniční+doprava/
Article 2.2.a) - Initial qualification, incl:	□ Fully
	 Corresponding National Provision: [Law/By-Law/Administrative Arrangement, reference Number, Date of enforcement, Article, etc] Directive 2003/59/EC of the European Parliament and of the Council of 15 July 2003 on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers, amending Council Regulation (EEC) No 3820/85 Law for initial and refreshing professional competence for driving of motor vehicle nr. 247/2000
- List of knowledge (cf.annex4)	- announce 156/2008 to the law 247/2000
- Course + test, or, a	- 247/2000 § 47; 280 hour or 140 hour
test only	- 247/2000 § 52
- exemptions	☐ Useful Links: http://www.mdcr.cz/cs/Legislativa/Legislativa/Legislativa_CR_silnicni/Silniční+doprava/

Antiala 2.2 h)	
Article 2.2.b) - Periodic training,	☐ Fully Corresponding National Provision:
- List of knowledge (cf.annex4)	 Directive 2003/59/EC of the European Parliament and of the Council of 15 July 2003 on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers, amending Council Regulation (EEC) No 3820/85 Law for initial and refreshing professional competence for driving of motor vehicle nr. 247/2000 Announce 156/2008 to the law 247/2000 - announce 156/2008
- Number of hours - Periodicity	- law 247/2000 § 48 7 hours every year, 35 in total within 5 years
- first periodic training to be completed by	- 1 August 2011
	☐ Useful Links http://www.mdcr.cz/cs/Legislativa/Legislativa/Legislativa/Legislativa_CR_silnicni/Silniční+doprava/
Articles 2.3; 2.4 - approval of training centres	□ Fully Corresponding National Provision: 1) 2003/59/EC of the European Parliament and of the Council of 15 July 2003 on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers, amending Council Regulation (EEC) No 3820/85 2) Law for initial and refreshing professional competence for driving of
	motor vehicle nr. 247/2000 §49, §50 a § 51 Announce 156/2008 to the law 247/2000
	Useful Links: http://www.mdcr.cz/cs/Legislativa/Legislativa/Legislativa/Legislativa_CR_silnicni/Silniční+doprava/
Article 2.6 - CPC proof, incl.:	☐ Fully Implemented by:
- Sign affixed on driver licence	 2003/59/EC of the European Parliament and of the Council of 15 July 2003 on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers, amending Council Regulation (EEC) No 3820/85 Law for initial and refreshing professional competence for driving of motor vehicle nr. 247/2000 §49, §50 a § 51 Announce 156/2008 to the law 247/2000 on the driver licence is using code 95 as a confirmation that driver has a
(permit)	professional competence in the format 95(DD.MM.YY)]

- Driver Qualification card (cf. annex 5)	- 15 regional transport departments [please see the annex 2] ; Annex 8 - Announce 156/2008 to the law 247/2000
- IRU Academy CPC	- Name of the IRU accredited institution, authorised nationally Česmad
	Bohemia - Road Transport Association [please see the annex 1]
	Different Linder
	☐ Useful Links: http://www.mdcr.cz/cs/Legislativa/Legislativa/Legislativa CR silnicni/Silniční+doprava/
	http://skoleni.prodopravce.cz/akademie-silnicni-dopravy-cyklus
Request for recognition of equivalence, if appropriate, in relation to one or more provisions listed above:	
Provision of the Charte [Chapter, article]	r: Corresponding National Provision: -
Any other comments:	
C) Conditions of employ	oment (Chapter III, 3)
Implemented	
Article 3.1	□ Fully
	Corresponding National Provision: :
	262/2000 - Labor Law
	☐ Useful Links: http://business.center.cz/business/pravo/zakony/zakonik-prace/
Any other comments:	

SECTION 3. PROVISIONS REGARDING CHECKS AND PENALTIES (Chapter IV of the Charter)

A) Competent authorities and mutual assistance (Chapter IV, 1)

1.2.1: re. provisions on undertakings, incl.:	☐ Fully [Designated National Authority (ies)]:
- authorisations- training/examination- CPC	- 15 regional transport departments - accredited training center / examinations - 15 transport departments - training center Česmad Bohemia - Road Transport Association Useful Links: -
1.2.2: re. provisions on drivers, incl.:	☐ Fully [designated National Authority (ies)]:
- training/examinations	-training - accredited training center; -examinations - 15 regional transport departments
- CPC	-[Authority (ies)]: training center Česmad Bohemia - Road Transport Association
	☐ Useful Links: http://skoleni.prodopravce.cz/akademie-silnicni-dopravy-cyklus
Articles 1.2.3- 1.2.4.	☐ Fully [Authority(ies)]:15 regional transport departments, Customs and Ministry of Transport for the final decision ☐ Useful Links: -
Article 1.2.5	□ Fully
	[Authority (ies)]: One of the 15 regional transport control departments or stops Customs and checks the vehicle. With the finding of infringement a request for confirmation of the fees and penalty is sent to the Ministry of Transport for the final decision
	(Penalty 10 000 Czech Crowns - 400 EUR for the small infringement. 30 000 CZK - 1100 EUR for "normal". For the repeated infringement of the company 50 000 CZK - 2400 EUR.)
	☐ Useful Links: -

Article 1.3.	□ Fully
	[Authority (ies)]: Ministry of Transport
	☐ Useful Links:
Any other comments in re	lation to one or more provisions listed above:
Provision of the Charter: [article]	[comment]

B) Checks (Chapter IV, 2)

Article 2.1 checks re.	□ Fully
Drivers, incl: - 2.1.1. Driving times and rest periods (cf. also. Annex 6)	Directive 2006/22/EC of the European parliament and of the Council of 15 march 2006
	Corresponding National Provisions: Announce 522/2006 about state supervision and checks in road transport
	- [designated National Authority/Body (ies)]: Police Czech Republic, Customs, Ministry of Transport
	Customs, Ministry of Transport
	- [Frequency and scope of checks, incl. roadside; at the premises] : Year 2013 - 77976 vehicles ; Year 2014 - 81079 vehicles
	☐ Useful Links:
	http://www.mdcr.cz/cs/Silnicni_doprava/Nakladni_doprava/Legislativa/http://www.mdcr.cz/NR/rdonlyres/CEA643B5-2E22-4BAD-9DAD-17E38C574C48/0/Prez2014.pdf
Article 2.2 Checks re.	□ Fully
Undertakings, incl:	Directive 2006/22/EC of the European parliament and of the Council of 15 march 2006
	Corresponding National Provisions: Announce 522/2006 about state supervision and checks in road transport
	- [designated National Authority/Body (ies)]: 15 regional transport departments
	- [Frequency of checks] : Year 2013 - 473350 work/day; Year 2014 398 773 work/day
	☐ Useful Links: http://www.mdcr.cz/cs/Silnicni_doprava/Nakladni_doprava/Legislativa/

ITF/TMB/TR(2016)3/ADD1/FINAL

Request for recognition of equivalence, if appropriate, in relation to one or more provisions listed above

Provision of the Charter: [Chapter, article]	Corresponding National Provision: -
Any other comments:	

C) Classification of Infringements (Chapter IV, 3)

Implemented

Article 3.1. re. driving times and rest periods (cf. also. Annex 7)	□ Fully Corresponding National Provisions: a. [Law/ By-Law] : Announce 522/2006 about state supervision and checks in road transport b. [Content/List] as per Commission Directive 2009/5/EC □ Useful Links: http://www.mdcr.cz/cs/Silnicni_doprava/Nakladni_doprava/Legislativa/
Article 3.2. re. undertakings, incl:	□ Fully Corresponding National Provisions: a. [Law/ By-Law] : Announce 522/2006 about state supervision and checks in road transport b. [Content/List] – as per Regulation (EC) No 1071/2009 of the European Parliament and of the Council □ Useful Links: http://www.mdcr.cz/cs/Silnicni_doprava/Nakladni_doprava/Legislativa/

Request for recognition of equivalence, if appropriate, in relation to one or more provisions listed above:

Provision of the Charter: [Chapter, article]	Corresponding National Provision: -
Any other comments:	

D) Penalties (Chapter IV, 4)

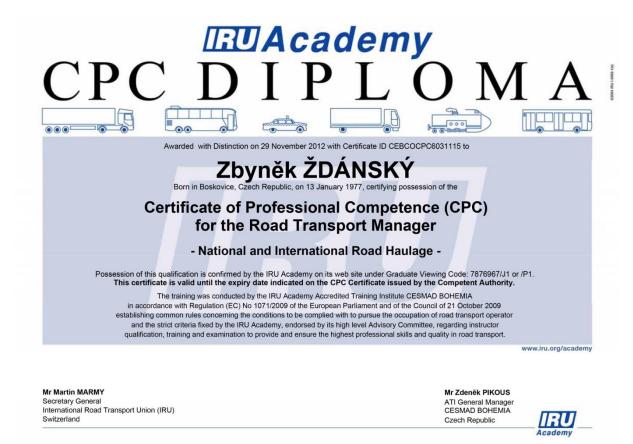
Implemented

Article 4.1.	□ Fully
	Corresponding National Provisions: Road Transport Law nr. 111/1994 in the edition of last issue
	☐ Useful Links: http://www.mdcr.cz/cs/Silnicni_doprava/Nakladni_doprava/Legislativa/
Article 4.2.on drivers incl, infringements re:	□ Fully
- 4.2.1. AETR rules	Corresponding National Provisions: Road Transport Law nr. 111/1994 in the edition of last issue
- 4.2.2. driver training	Corresponding National Provisions: Road Transport Law nr. 111/1994 in the edition of last issue
	☐ Useful Links: http://www.mdcr.cz/cs/Silnicni_doprava/Nakladni_doprava/Legislativa/
Article 4.3. on under-	□ Fully
takings:	Corresponding National Provisions: Road Transport Law nr. 111/1994 in the edition of last issue
- 4.3.1.	- [Competent Authority/Body(ies)]: 15 regional transport departments
- 4.3 2.	- [Notification, Time limits for rectifying the situation]- as per Regulation (EC) No 1071/2009 of the European Parliament and of the Council
	☐ Useful Links: http://www.mdcr.cz/cs/Silnicni_doprava/Nakladni_doprava/Legislativa/

Any other comments in relation to one or more provisions listed above:

Provision of the Charter: [article]	[comment]
-------------------------------------	-----------

ANNEX 1. Model of the CPC manager



ANNEX 2. Model of the Driver Qualification Card

