

Forum International des Transports International Transport Forum

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INTERNATIONAL TRANSPORT FORUM TRANSPORT MANAGEMENT BOARD

Group on Road Transport

UK Report on Implementation of QUALITY CHARTER

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

The Report is complemented by Goods Vehicle Operator Licensing Guide by the UK Vehicle and Operator Service Agency [cf. ITF/TMB/TR(2016)3/ADD9/APP1]

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Complete document available on OLIS in its original format

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9 June 2016

Elene Shatberashvili Working Group on Road Transport International Transport Forum OECD/ITF 2 rue André Pascal F-75775 Paris Cedex 16

Dear Elene

Re: Implementation of Quality Charter for International Road Haulage Operations under the ECMT Multilateral Quota

Country: United Kingdom

National Authority: Department for Transport/International Road Freight Office

The United Kingdom 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 usually achieved through European Union Regulations and the implementation of appropriate European Union Directives. The key international legal instruments are Regulation 1071/2009, Regulation 1072/2009, Regulation 561/2006, Regulation 3821/85, Directive 2002/15/EC and Directive 2006/22/EC.

In support of these laws, the International Road Freight Office (IRFO) manages the UK ECMT permit allocations. IRFO ensures that undertakings seeking permits meet all the requirements of the Quality Charter prior to the issue of permits.

For background, we provide the guide that is available for GB operators interested in applying for a licence to manage goods vehicle operations. This sets out all the necessary regulatory requirements applicants must meet; it is available at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/193518/Goods-Vehicle-Operator_Licensing-Guide.pdf

The check list submitted with this statement of compliance details the laws and/or administrative processes adhered to ensure that the provisions of the Charter in the Country are met by UK holders of ECMT licences. ECMT permits are only issued to an operator with a standard international operator's licence.

Yours sincerely

SHARON LENTON

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Acting Head of the International Road Freight Office

Saving lives, safer roads, cutting crime, protecting the environment

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

COUNTRY: UNITED KINGDOM

NATIONAL AUTHORITY: DEPARTMENT FOR TRANSPORT

INTERNATIONAL ROAD FREIGHT OFFICE

DATE OF SUBMISSION: 9 JUNE 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
	The UK complies with this provision through Article 5 of EU Regulation 1071/2009 which defines conditions of establishment for goods vehicle operators.
	The EU Regulation is supported by domestic legislation, The Goods Vehicles (Licensing of Operators) Act 1995. http://www.legislation.gov.uk/ukpga/1995/23/contents
	further information summarising the legislation and providing guidance can be found at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/19 https://www.gov.uk/government/uploads/system/upload
Article 2.2.b)	□ Fully
	The UK complies with this provision through Article 5 of EU Regulation 1071/2009 which defines conditions of establishment for goods vehicle operators.
	The EU Regulation is supported by domestic legislation, The Goods Vehicles (Licensing of Operators) Act 1995. Link as above in 2.2.a).
Article 2.2.c)	□ Fully
	The UK complies with this provision through Article 5 of EU Regulation 1071/2009 which defines conditions of establishment for goods vehicle operators.
	The EU Regulation is supported by domestic legislation, The Goods Vehicles (Licensing of Operators) Act 1995. Link as above in 2.2.a).

Provision of the Charter:	Not applicable as UK complies with the Charter.
Any other comments:	The UK notified the European Commission of our compliance with these conditions. This has been accepted by the Commission.

B) Good Repute (Chapter II, 3)

Implemented

Article 3.1.	□ Fully The UK complies with this provision through Article 6 of EU Regulation 1071/2009 which defines conditions of establishment for goods vehicle operators. The EU Regulation is supported by domestic legislation, The Goods Vehicles (Licensing of Operators) Act 1995. Link as above in 2.2.a).
Article 3.2., incl:	□ Fully
- points a) to e);- list of most serious infringements: point d), items i - vii;	The UK complies with this provision through Article 6 of EU Regulation 1071/2009 which defines conditions of establishment for goods vehicle operators. The EU Regulation is supported by domestic legislation, The Goods Vehicles (Licensing of Operators) Act 1995. Link as above in 2.2.a).
Article 3.3.	□ Fully The UK complies with this provision through Article 14 of EU Regulation 1071/2009 which defines conditions of establishment for goods vehicle operators. The EU Regulation is supported by domestic legislation, The Goods Vehicles (Licensing of Operators) Act 1995. Link as above in 2.2.a).

Provision of the Charter:	Not applicable as UK complies with the Charter.
Any other comments:	The UK notified the European Commission of our compliance with these conditions. This has been accepted by the Commission.

C) Professional competence (Chapter II, 4)

Article 4.2, incl.:	□ Fully
- List of knowledge (4.2.a); b); cf.annex1)	The UK complies with this provision through Article 8 and Annex I of EU Regulation 1071/2009 which defines conditions relating to the requirements for professional competence.
- Examination required: oral; written; exempted (cf. 4.2.c))	The UK complies with this provision through Article 8, Article 9 and Annex I of EU Regulation 1071/2009 which defines conditions relating to the requirements for professional competence.
	The EU Regulation is supported by domestic legislation, The Goods Vehicles (Licensing of Operators) Act 1995. Link as above in 2.2.a).
Article 4.3., incl.:	□ Fully
- Examinations procedure (4.3.a); cf. annex 2)	The UK complies with this provision through Article 8 and Annex II of EU Regulation 1071/2009 which defines conditions relating to the requirements for professional competence.
- approval of examination bodies (4.3.b))	The UK complies with this provision through Article 8 of EU Regulation 1071/2009 which defines conditions relating to the requirements for professional competence.
	Approved examination bodies for the CPC exams in the UK are:
	Oxford Cambridge and RSA (OCR)
	The Chartered Institute of Logistics and Transport
- pre-training (4.3.c))	City & Guilds
	These bodies organise the exams and training centres and obtain approval to offer the exams by the Office of Qualifications and Examinations Regulation (Ofqual) in England, The Department for Children, Education, Lifelong Learning and Skills (DCELLS) in Wales, the Examinations and Assessment (CCEA) in N.Ireland and Scottish Qualifications Authority (SQA) in Scotland.
	The EU Regulation is supported by domestic legislation, The Goods Vehicles (Licensing of Operators) Act 1995. Link as above in 2.2.a).
Article 4.4. CPC, incl.:	□ Fully
- National certificate	The UK complies with this provision through Annex III of EU Regulation 1071/2009 which defines the model of the certificate of professional competence that the approved bodies must use.
(4.4.a); cf. Annex 3)	The approved bodies in the UK meet the requirements for the approval of

	examination and training centres as set out in Article 8 of EU Regulation 1071/2009 and are duly approved to offer the exams and issue certificates by the Office of Qualifications and Examinations Regulation (Ofqual) in England, The Department for Children, Education, Lifelong Learning and Skills (DCELLS) in Wales, the Examinations and Assessment (CCEA) in N. Ireland and Scottish Qualifications Authority (SQA) in Scotland.
- IRU Academy CPC (4.4.b))	The EU Regulation is supported by domestic legislation, The Goods Vehicles (Licensing of Operators) Act 1995. Link as above in 2.2.a).

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

Provision of the Charter:	Not applicable as UK complies with the Charter.
Any other comments:	The UK notified the European Commission of our compliance with these conditions. This has been accepted by the Commission.

D) Financial standing (Chapter II, 5)

Article 5.2., including Capital required for: - first vehicle - each additional vehicle	□ Fully The UK complies with this provision through Annex 7 of EU Regulation 1071/2009 which defines conditions of establishment for goods vehicle operators. The EU Regulation is supported by domestic legislation, The Goods Vehicles (Licensing of Operators) Act 1995. Link as above in 2.2.a).
Article 5.3 & 5.4	□ Fully The UK complies with this provision through Annex 7 of EU Regulation 1071/2009 which defines conditions of establishment for goods vehicle operators. The EU Regulation is supported by domestic legislation, The Goods Vehicles (Licensing of Operators) Act 1995. Link as above in 2.2.a).

ITF/TMB/TR(2016)3/ADD9/FINAL

UK complies with this provision through Annex 7 of EU Regulation
/2009 which defines conditions of establishment for goods vehicle ators.
EU Regulation is supported by domestic legislation, The Goods Vehicles ensing of Operators) Act 1995. Link as above in 2.2.a).

Provision of the Charter:	Not applicable as UK complies with the Charter.
Any other comments:	In accordance with the EU rules at Annex 7 of EU Regulation 1071/2009 the financial standing rates are adjusted annually in local currency to maintain its value in Euros.

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].

Any Comments: The UK complies with Regulation (EC) No 561/2006 on driving times, breaks and rest periods; Regulation (EEC) No 3821/85 on the fitment and use of tachographs to record compliance with 561/2006 and Directive 2002/15/EC on the working time of mobile road transport workers (which have been transposed into domestic legislation in the Road Transport (Working Time) Regulations 2005). The UK is also compliant with Directive 2006/22/EC on requirements for enforcement.

B) Driver training (Chapter III, 2)

Article 2.1:	□ Fully
	The UK complies with this provision through Directive 2003/59/EC which defines conditions the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers.
	The EU Regulation is supported by domestic legislation, Vehicle Drivers (Certificates of Professional Competence) 2007.

Article 2.2.a) - Initial qualification, incl:	□ Fully
	The UK complies with this provision through Article 3 of Directive 2003/59/EC which defines conditions the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers.
	The EU Regulation is supported by domestic legislation, Vehicle Drivers (Certificates of Professional Competence) 2007.
- List of knowledge (cf.annex4)	The UK complies with this provision through Annex I section 1 of Directive 2003/59/EC which defines conditions the list of subjects to be covered by courses for the periodic training of drivers.
- Course + test, or, a test only	The UK complies with this provision through Article 3 of Directive 2003/59/EC which defines the qualification and training options for the periodic training of drivers.
- exemptions	The UK complies with this provision through Article 2 of Directive 2003/59/EC which list the exemptions from the Directive for vocational drivers of certain vehicles under specified conditions.
Article 2.2.b) - Periodic	□ Fully
training, incl:	The UK complies with this provision through Directive 2003/59/EC which defines conditions the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers.
	The EU Regulation is supported by domestic legislation, Vehicle Drivers (Certificates of Professional Competence) 2007.
- List of knowledge (cf.annex4)	The UK complies with this provision through Articles 4, 6 and 7 of Directive 2003/59/EC which defines the qualification and training options for the periodic training of drivers.
- Number of hours (35)	The UK complies with this provision through Directive 2003/59/EC which defines conditions the number of hours of periodic training of drivers of certain road vehicles for the carriage of goods or passengers.
- Periodicity (every 5 years)	The UK complies with this provision through Directive 2003/59/EC which defines conditions the number of periodicity of periodic training of drivers of certain road vehicles for the carriage of goods or passengers.
- first periodic training to be completed by [31 Dec 2019]	The UK will ensure that administrative processes are in place to ensure that drivers complete their first periodic training by 31 December 2019.

Articles 2.3;	□ Fully
	The UK complies with this provision through Section 5.1 of Directive 2003/59/EC concerning Approval of the initial qualification and periodic training.
	The EU Regulation is supported by domestic legislation, The Vehicle Drivers (Certificates of Professional Competence) Regulations 2007.
	http://www.legislation.gov.uk/uksi/2007/605/contents/made
2.4 - approval of training centres	The Joint Approvals Unit for Period Training (JAUPT) sends their recommendations to the Driver and Vehicle Standards Agency (DVSA) who formally approve Driver CPC training centres on behalf of the Secretary of State.
Article 2.6 - CPC proof,	□ Fully
incl.:	The UK complies with this provision through Annex II of Directive 2003/59/EC which defines the model requirements of the Driver Qualification Card.
- Sign affixed on driver	
licence (permit)	The EU Regulation is supported by domestic legislation, The Vehicle Drivers (Certificates of Professional Competence) Regulations 2007.
- Driver Qualification card (cf. annex 5)	http://www.legislation.gov.uk/uksi/2007/605/contents/made
	DVSA advise the Driver and Vehicle Licensing Agency (DVLA) when drivers have completed the necessary training and DVLA issue a Driver Qualification Card.
- IRU Academy CPC	-

Provision of the Charter:	Not applicable as UK complies with the Charter.
Any other comments:	The UK notified the European Commission of our compliance with these conditions. This has been accepted by the Commission.

C) Conditions of employment (Chapter III, 3)

Article 3.1	□ Fully
	The UK complies with EU legislation covering conditions of employment and employment rights.
	UK legislation includes:
	Equal Pay Act 1970
	Health & Safety at Work etc Act 1974
	Sex Discrimination Act 1975
	Race Relations Act 1976
	Trade Union and Labour Relations (Consolidation) Act 1992
	Disability Discrimination Act 1995
	Employment Tribunals Act 1996
	Employment Rights Act 1996
	Public Interest Disclosure Act 1998
	Data Protection Act 1998
	National Minimum Wage Act 1998
	Human Rights Act 1998
	Employment Relations Act 1999
	Employment Act 2002
	Employment Relations Act 2004
	Disability Discrimination Act 2005
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Any other comments:	The UK notified the European Commission of our compliance with these
	conditions. This has been accepted by the Commission.

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

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

□ Fully
In GB Traffic Commissioners are appointed by the Secretary of State to administer the GB operator licensing system which includes the power to issue authorisations (licences) to haulage operators under The Goods Vehicles (Licensing of Operators) Act 1995. Office of the Traffic Commissioner staff deals to examine and process applications for licences on behalf of the Traffic Commissioners.
The Secretary of State approves examination bodies to approve training centres and organise examinations leading to the award of a certificate of professional competence under The Goods Vehicles (Licensing of Operators) Act 1995.
Approved examination bodies for the CPC exams in GB are:
Oxford Cambridge and RSA (OCR)
The Chartered Institute of Logistics and Transport
City & Guilds
□ Fully
Officers from the Driver and Vehicle Standards Agency carry out checks on drivers at the roadside and operator premises to check compliance with driving times, breaks and rest periods. They also co-ordinate a national enforcement strategy for these checks.
The Driver and Vehicle Standards Agency, acting on recommendations received from their contractor - the Joint Approvals Unit for Periodic Training (JAUPT), approve Driver CPC training centres on behalf of the Secretary of State.
The Driver and Vehicle Licensing Agency issue the Driver Qualification Card.
□ Fully
The UK attends all Road Transport Group meetings and we have a national contact point for ECMT matters to liaise with other Member Country contacts if there are any enforcement issues, and will exchange information on offences committed by ECMT licence holders from another Member country any penalties imposed.

ITF/TMB/TR(2016)3/ADD9/FINAL

Article 1.2.5	☐ Fully The UK – via the national contact point - will support any processes which might lead to the removal of ECMT licences from any operator who has committed serious infringements.
Article 1.3.	□ Fully The UK is happy to provide details of undertakings holding ECMT licences providing such information complies with national legislation on data confidentiality. In the UK issues related to ECMT licences should be directed to the national contact point and/or International Road Freight Office (details below): Mrs Kim Fishenden Office Manager DVSA - International Road Freight Office, Eastbrook, Shaftesbury Road, Cambridge, CB2 8BF, United Kingdom Tel: +44 (0) 1223 531051

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

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B) Checks (Chapter IV, 2)

Article 2.1 checks re. Drivers , incl: - 2.1.1. Driving times and rest periods (cf. also Annex 6):	□ Fully The Driver and Vehicle Standards Agency implement a system of enforcement checks on driving and rest times at the roadside and at operator premises. DVSA have a coherent national enforcement strategy in place to deal with driving and rest times.
Article 2.2 Checks re. Undertakings, incl:	☐ Fully The Traffic Commissioners carry out periodic checks of undertakings (on an ongoing basis and at least every 5 years) to ensure they meet the requirements related to good repute, professional competence and financial standing.

Request for recognition o	f equivalence, if appropriate, in relation to one or more provisions listed above:
Provision of the Charter:	Not applicable as UK complies with the Charter.
Any other comments:	
C) Classification of Infrin	gements (Chapter IV, 3)
Implemented	
Article 3.1. re. driving times and rest periods	□ Fully
(cf. also. Annex 7)	The UK fully complies with enforcement against infringements of the AETR rules through DVSA enforcement officers.
Article 3.2. re. undertakings, incl:	□ Fully
<u> </u>	The Traffic Commissioners consider all aspects related to the good repute of undertakings and take action against the most serious infringements.
Request for recognition o	f equivalence, if appropriate, in relation to one or more provisions listed above:
Provision of the Charter: [Chapter, article]	Not applicable as UK complies with the Charter.
Any other comments:	

D) Penalties (Chapter IV, 4)

Article 4.1.	□ Fully
	The UK complies with existing EU Regulations regarding penalties for infringements by operators and drivers.
Article 4.2.on drivers	□ Fully
incl, infringements re:	Penalties for infringements of driving times and rest period infringements are included in the following domestic legislation:
- 4.2.1. AETR rules	Primary legislation
	Transport Act 1968
	Road Traffic Offenders Act 1988 (RTOA)
- 4.2.2. driver training	Road Traffic Act 1988
	Road Safety Act 2006
	Secondary Legislation
	The Fixed Penalty Offences Order 2009 (SI No. 2009/483)
	The Fixed Penalty (Amendment) Order 2013 (SI No. 2013/1569)
	The Road Safety (Financial Penalty Deposit) (Appropriate Amount) Order 2009 (SI No. 2009/492)
	The Road Safety (Financial Penalty Deposit) (Appropriate Amount) (Amendment) Order 2013 (SI No. 2013/2025)
	The Road Safety (Financial Penalty Deposit) Order 2009 (SI No. 2009/491)
	The Road Safety (Financial Penalty Deposit) (Interest) Order 2009 (SI No. 2009/498)
	The Fixed Penalty (Procedure) (Vehicle Examiners) Regulations 2009 (SI No. 2009/495)
	Penalties for Driver CPC related infringements are also included in the Fixed Penalty regime.
	The DVSA have administrative systems in place to deal with approved training centres who no longer meet the required standards.
	DVSA/DVLA have systems in place to remove the distinguishing mark if drivers have not met the required Driver CPC training requirements.
	The Goods Vehicles (Community Licences) Regulations includes provisions relating to the offence of not having a Community licence and the level of penalties for non-compliance.

Article 4.3. on undertakings:	☐ Fully The Traffic Commissioners will put in administrative systems which may lead to the withdrawal of ECMT licences if they no longer meet the requirements of Chapter II.
- 4.3 2.	The Traffic Commissioners will notify undertakings if they consider they are no longer fulfilling the requirements for pursuit of the occupation of road transport operator and will set time limits to rectify the situation.

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

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