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Forum International des Transports
International Transport Forum

10-May-2017

English - Or. English

**INTERNATIONAL TRANSPORT FORUM
TRANSPORT MANAGEMENT BOARD**

**ITF/TMB/TR(2016)3/ADD26/FINAL
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Group on Road Transport

Report by GERMANY on current state of implementation of the QUALITY CHARTER

This application from Germany was approved by the Group of Road Transport under Agenda Item 3 of the meeting held on 13 and 14 March 2017 in Paris.

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Application for recognition of Quality Charter compliance

Aktenzeichen: LA 24/734.2/4-06
Datum: Bonn 30.09.2016

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Mr. Sekretary General,

Germany fulfills all the requirements of the ECMT Quality Charter. This is usually achieved because of European Union membership and the obligation to apply and observe the relevant legislation. EU legislation is supported by national legislation

The Federal Office for goods transport manages the German ECMT quota allocation to German hauliers und is also responsible for monitoring infringements committed by foreign hauliers and drivers. ECMT licences are only issued to operators with a standard international licence.

More details can be found in the filled in check list.

Sincerely yours
By order


Stefan Schimming

Attachement: Report by Germany on the implementation of the Quality Charter



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

COUNTRY: GERMANY

NATIONAL AUTHORITY: FEDERAL MINISTRY FOR TRANSPORT AND DIGITAL
INFRASTRUCTURE

TITLES OF NATIONAL REGULATIONS /LAWS REFERRED BELOW IN THE TEXT

GERMAN TITLE	ENGLISH TRANSLATION
Güterkraftverkehrsgesetz (GüKG)	Road Haulage Act (GüKG)
Berufszugangsverordnung für den Güterkraftverkehr (GBZugV)	Regulations on Admission to the Occupation of Road Haulage Operator
Allgemeine Verwaltungsvorschrift zum Güterkraftverkehrsrecht (GüKVwV)	General Administrative Regulation on the German domestic road haulage law (GüKVwV)
Gesetz zur Regelung der Arbeitszeit von selbständigen Kraftfahrern, KrF ArbZG	Act on the Organization of the Working Time of Self-Employed Drivers (KrF ArbZG)
Berufskraftfahrer-Qualifikations-Gesetz (BKrFQG)	Act on the initial qualification and periodic training of drivers of certain motor vehicles for the carriage of goods or passengers (Professional Drivers' Qualification Act - BKrFQG)
Verordnung zur Durchführung des Berufskraftfahrer-Qualifikations-Gesetzes (BKrFQV)	Regulations implementing the Professional Drivers' Qualification Act (Professional Drivers' Qualification Regulations - BKrFQV)
Bürgerliches Gesetzbuch	German Civil Code
Gesetz zur Regelung eines allgemeinen Mindestlohns - Mindestlohngesetz	Act on a General Minimum Wage - General Minimum Wage Act
Gesetz über zwingende Arbeitsbedingungen für grenzüberschreitend entsandte und für regelmäßig im Inland beschäftigte Arbeitnehmer und Arbeitnehmerinnen - Arbeitnehmer-Entsendegesetz	Act on Mandatory Working Conditions for Persons Posted across the borders or regularly employed in the home market - Law on posted workers
Kündigungsschutzgesetz	Unfair Dismissal Protection Act
Betriebsverfassungsgesetz	Act governing labour relations at the workplace
Bundespersonalvertretungsgesetz	Federal Personnel Representation Act
Tarifvertragsgesetz	Collective Agreements Act
Gewerbeordnung	Trade Regulation Code
Handelsgesetzbuch	Commercial Code
Gesetz über Teilzeitarbeit und befristete Arbeitsverträge - Teilzeit- und Befristungsgesetz	Act on Part-Time Work and Fixed-Term Employment
Gesetz über die Zahlung des Arbeitsentgelts an Feiertagen und im Krankheitsfall - Entgeltfortzahlungsgesetz	Act on continued payment of remuneration on public holidays and in the event of sickness - Continued Remuneration Act
Mindesturlaubsgesetz für Arbeitnehmer - Bundesurlaubsgesetz	Federal Act on Leave
Arbeitszeitgesetz	Hours of Work Act - Working Time Act

Gesetz zur Regelung der Arbeitnehmerüberlassung	Act on Temporary Employment Businesses - Personnel Leasing Act
Gesetz zum Schutze der erwerbstätigen Mutter	Act on the Protection of Working Mothers
Gesetz zum Elterngeld und zur Elternzeit	Act on Parental Allowance and Parental Leave
Gesetz über die Pflegezeit	Act on Care-giving Leave
Gesetz über den Nachweis der für ein Arbeitsverhältnis geltenden wesentlichen Bedingungen - Nachweisgesetz	Act on Proof of the Existence of an Employment Relationship - Act on Documenting Essential Conditions for an Employment Contract
Gesetz zum Schutze der arbeitenden Jugend - Jugendarbeitsschutzgesetz	Act on the Protection of Young People at Work - Youth Employment Protection Act
Gesetz über die Durchführung von Maßnahmen des Arbeitsschutzes zur Verbesserung der Sicherheit und des Gesundheitsschutzes der Beschäftigten bei der Arbeit - Arbeitsschutzgesetz	Act on the Implementation of Measures of Safety and Health at Work to Encourage Improvements in the Safety and Health of Workers at Work - Occupational Health and Safety Act
Verordnung über Arbeitsstätten	Workplaces Ordinance
Sozialgesetzbuch (SGB) Viertes Buch (IV) - Gemeinsame Vorschriften für die Sozialversicherung	Social Code (SGB) Book IV - Common Provisions on Social Security
Sozialgesetzbuch (SGB) Neuntes Buch (IX) - Rehabilitation und Teilhabe behinderter Menschen	Social Code (SGB) Book IX - Rehabilitation and integration of people with disabilities
Allgemeines Gleichbehandlungsgesetz	General Equal Treatment Act
Gesetz zur Bekämpfung der Schwarzarbeit und illegalen Beschäftigung - Schwarzarbeitsbekämpfungsgesetz	Act to Combat Undeclared Work and Illegal Work - Undeclared Work Act
Arbeitsgerichtsgesetz	Labour Courts Act
Fahrpersonalgesetz (FPersG)	Act on Driving Personnel (FpersG)
Fahrpersonalverordnung (FPersV)	Regulation on Driving Personnel (FperV)
Verordnung über den grenzüberschreitenden Güterkraftverkehr und den Kabotageverkehr (GüKGrKabotageV)	Regulations on Cross-Border Road Haulage and Cabotage (GüKGrKabotageV)

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

A) Conditions of establishment (Chapter II, 2)

Implemented

Article 2.2.a)	<input checked="" type="checkbox"/> Fully <p>Germany complies with this provision through Article 5 of Regulation (EC) No 1071/2009 which defines conditions of establishment for road transport operators.</p> <p>Supporting national legislation: Güterkraftverkehrsgesetz (GüKG); § 10 Abs. 1 Berufszugangsverordnung für den Güterkraftverkehr (GBZugV); Allgemeine Verwaltungsvorschrift zum Güterkraftverkehrsrecht (GüKVwV) Rn. 2.</p> <p>Useful Links: http://www.gesetze-im-internet.de/g_kg_1998/ http://www.gesetze-im-internet.de/gbzugv_2011/ http://www.verwaltungsvorschriften-im-internet.de/bsvwvbund_09112012_737223.htm</p>
Article 2.2.b)	<input checked="" type="checkbox"/> Fully <p>Germany complies with this provision through Article 5 of Regulation (EC) No 1071/2009 which defines conditions of establishment for road transport operators.</p> <p>Supporting national legislation: Güterkraftverkehrsgesetz (GüKG); § 10 Abs. 1 Berufszugangsverordnung für den Güterkraftverkehr (GBZugV).</p> <p>Useful Links: http://www.gesetze-im-internet.de/g_kg_1998/ http://www.gesetze-im-internet.de/gbzugv_2011/</p>
Article 2.2.c)	<input checked="" type="checkbox"/> Fully <p>Germany complies with this provision through Article 5 of Regulation (EC) No 1071/2009 which defines conditions of establishment for road transport operators.</p> <p>Supporting national legislation: Güterkraftverkehrsgesetz (GüKG); § 10 Abs. 1 Berufszugangsverordnung für den Güterkraftverkehr (GBZugV).</p> <p>Useful Links: http://www.gesetze-im-internet.de/g_kg_1998/ http://www.gesetze-im-internet.de/gbzugv_2011/</p>

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

Provision of the Charter:	Not applicable as Germany complies with the Charter.
Any other comments:	none

B) Good Repute (Chapter II, 3)**Implemented**

Article 3.1.	<input checked="" type="checkbox"/> Fully Germany complies with this provision through Article 4 and Article 6 of Regulation (EC) No 1071/2009 which defines conditions of proving good repute for road transport operators and transport managers. Supporting national legislation: Güterkraftverkehrsgesetz (GüKG); § 2 Berufszugangsverordnung für den Güterkraftverkehr (GBZugV); Allgemeine Verwaltungsvorschrift zum Güterkraftverkehrsrecht (GüKVwV) Rn. 8 ff.. Useful Links: http://www.gesetze-im-internet.de/g_kg_1998/ http://www.gesetze-im-internet.de/gbzugv_2011/ http://www.verwaltungsvorschriften-im-internet.de/bsvwvbund_09112012_737223.htm
Article 3.2., incl: - points a) to e); - list of most serious infringements: point d), items i - vii;	<input checked="" type="checkbox"/> Fully Germany complies with this provision through Article 6 of Regulation (EC) No 1071/2009 which defines conditions of proving good repute for road transport operators; List of most serious infringements: Annex IV of Regulation (EC) No 1071/2009. Supporting national legislation: Güterkraftverkehrsgesetz (GüKG), § 2 Berufszugangsverordnung für den Güterkraftverkehr (GBZugV). Useful Links: http://www.gesetze-im-internet.de/g_kg_1998/ http://www.gesetze-im-internet.de/gbzugv_2011/
Article 3.3.	<input checked="" type="checkbox"/> Fully Germany complies with this provision through Article 4 and Article 14 of Regulation (EC) No 1071/2009 which defines the procedure for declaration of unfitness of the transport manager. Supporting national legislation: Güterkraftverkehrsgesetz (GüKG); Allgemeine Verwaltungsvorschrift zum Güterkraftverkehrsrecht (GüKVwV) Rn. 31 ff. Useful Links: http://www.gesetze-im-internet.de/g_kg_1998/ http://www.verwaltungsvorschriften-im-internet.de/bsvwvbund_09112012_737223.htm

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

Provision of the Charter:	Not applicable as Germany complies with the Charter.
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Any other comments:	none
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C) Professional competence (Chapter II, 4)**Implemented**

<p>Article 4.2, incl.:</p> <ul style="list-style-type: none"> - List of knowledge (4.2.a); b); cf.annex1) - Examination required: oral; written; exempted (cf. 4.2.c)) 	<p><input checked="" type="checkbox"/> Fully</p> <ul style="list-style-type: none"> - Germany complies with this provision through Article 8 and Annex I of Regulation (EC) No 1071/2009 which defines conditions relating to the requirements for professional competence; - Germany complies with this provision through Article 8, Article 9 and Annex I of Regulation (EC) No 1071/2009 which defines conditions relating to the requirements for professional competence; <p>Supporting national legislation: §§ 4, 5 Berufszugangsverordnung für den Güterkraftverkehr (GBZugV)</p> <p>Useful Link: http://www.gesetze-im-internet.de/gbzugv_2011/</p>
<p>Article 4.3., incl.:</p> <ul style="list-style-type: none"> - Examinations procedure (4.3.a); cf. annex 2) - approval of examination bodies (4.3.b)) - pre-training (4.3.c)) 	<p><input checked="" type="checkbox"/> Fully</p> <ul style="list-style-type: none"> Germany complies with this provision through Article 8 and Annex II of Regulation (EC) No 1071/2009 which defines conditions relating to the requirements for professional competence; Supported by §§ 5, 6 GBZugV Germany complies with this provision through Article 8 of Regulation (EC) No 1071/2009 which defines conditions for approval of examination bodies. Approved bodies in Germany are the Chambers of Industry and Commerce (IHK), § 11 Gesetz zur vorläufigen Regelung des Rechts der Industrie- und Handelskammern (IHKG). - in Germany pre-training is not mandatory <p>Supporting national legislation: Berufszugangsverordnung für den Güterkraftverkehr (GBZugV)</p> <p>Useful Links: http://www.gesetze-im-internet.de/gbzugv_2011/ https://www.gesetze-im-internet.de/ihkg/_11.html</p>
<p>Article 4.4. CPC, incl.:</p> <ul style="list-style-type: none"> - National certificate (4.4.a); cf. Annex) - IRU Academy CPC (4.4.b)) 	<p><input checked="" type="checkbox"/> Fully</p> <ul style="list-style-type: none"> Germany complies with this provision through Article 8 Annex III of Regulation (EC) No 1071/2009 which defines the model of the certificate of professional competence that the approved bodies must use. Only model in Annex III of Regulation (EC) 1071/2009 is used, § 5 Abs. 7 Berufszugangsverordnung für den Güterkraftverkehr (GBZugV). - not applicable <p>Useful Links: http://www.gesetze-im-internet.de/gbzugv_2011/</p>

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

Provision of the Charter:	Not applicable as Germany complies with the Charter.
Any other comments:	none

D) Financial standing (Chapter II, 5)**Implemented**

<p>Article 5.2., including Capital required for:</p> <p>- first vehicle - each additional vehicle</p>	<p><input checked="" type="checkbox"/> Fully</p> <p>Germany complies with this provision through Article 7 of Regulation (EC) No 1071/2009 which defines requirements of financial standing for road transport operators.</p> <p>Supporting national legislation, § 3 GBZugV; GüKVwV Rn. 17 f.</p> <p>Useful Links: http://www.gesetze-im-internet.de/gbzugv_2011/_3.html http://www.verwaltungsvorschriften-im-internet.de/bsvwvbund_09112012_737223.htm</p>
<p>Article 5.3 & 5.4</p>	<p><input checked="" type="checkbox"/> Fully</p> <p>Germany complies with this provision through Article 7 of Regulation (EC) No 1071/2009 which defines requirements of financial standing for road transport operators.</p> <p>Supporting national legislation, § 3 GBZugV; GüKVwV Rn. 17 f.</p> <p>Useful Links: http://www.gesetze-im-internet.de/gbzugv_2011/_3.html http://www.verwaltungsvorschriften-im-internet.de/bsvwvbund_09112012_737223.htm</p>
<p>Article 5.5.</p>	<p><input checked="" type="checkbox"/> Fully</p> <p>Germany complies with this provision through Article 7 of Regulation (EC) No 1071/2009 which defines requirements of financial standing for road transport operators.</p> <p>Supporting national legislation, § 3 GBZugV.</p> <p>Useful Link: http://www.gesetze-im-internet.de/gbzugv_2011/_3.html</p>

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

<p>Provision of the Charter: [Chapter, article]</p>	<p>Not applicable as Germany complies with the Charter.</p>
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<p>Any other comments:</p>	<p>none</p>
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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: Germany complies with Regulation (EC) No 561/2006 on driving times, breaks and rest periods; Regulation (EU) No 165/2014 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 has been transposed into national legislation by “Gesetz zur Regelung der Arbeitszeit von selbständigen Kraftfahrern, KrF ArbZG”, <http://www.gesetze-im-internet.de/krfarbzg/>). Germany is also compliant with Directive 2006/22/EC on requirements for enforcement.

B) Driver training (Chapter III, 2)

Implemented

Article 2.1:	<input checked="" type="checkbox"/> Fully Germany complies with this provision through Directive 2003/59/EC which defines conditions for the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers and is implemented in national legislation by „Berufskraftfahrer-Qualifikations-Gesetz (BKrFQG)” and “Verordnung zur Durchführung des Berufskraftfahrer-Qualifikations-Gesetzes (BKrFQV)”. Useful Links: http://www.gesetze-im-internet.de/bkrfqg/ http://www.gesetze-im-internet.de/bkrfqv/
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<p>Article 2.2.a)</p> <ul style="list-style-type: none"> - Initial qualification, incl: - List of knowledge (cf.annex4) - Course + test, or, a test only - exemptions 	<p><input checked="" type="checkbox"/> Fully</p> <p>Germany complies with this provision through Article 3 of Directive 2003/59/EC which defines conditions for the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers and is implemented in national legislation by „Berufskraftfahrer-Qualifikations-Gesetz (BKrFQG)” and “Verordnung zur Durchführung des Berufskraftfahrer-Qualifikations-Gesetzes (BKrFQV)”.</p> <ul style="list-style-type: none"> - § 4 BKrFQG; §§ 1, 2 BKrFQV - Annex I of BKrFQV. - Test only: § 1 BKrFQV. - Course and Test: § 2 BKrFQV - Germany complies with this provision through Article 2 of Directive 2003/59/EC which lists the exemptions from the Directive and have been implemented in § 3 BKrFQG. <p>Useful Links: http://www.gesetze-im-internet.de/bkrfqg/ http://www.gesetze-im-internet.de/bkrfqv/</p>
<p>Article 2.2.b)</p> <ul style="list-style-type: none"> - Periodic training, incl: - List of knowledge (cf.annex4) - Number of hours (35) - Periodicity (every 5 years) - first periodic training to be completed by [31 Dec 2019] 	<p><input checked="" type="checkbox"/> Fully</p> <p>Germany complies with this provision through Directive 2003/59/EC which defines conditions for the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers and is implemented in national legislation by „Berufskraftfahrer-Qualifikations-Gesetz (BKrFQG)” and “Verordnung zur Durchführung des Berufskraftfahrer-Qualifikations-Gesetzes (BKrFQV)”.</p> <ul style="list-style-type: none"> - § 5 BKrFQG - Annex I of BKrFQV - § 4 Abs. 2 BKrFQV. - § 5 Abs. 1 BKrFQG. - Germany will ensure that administrative processes are in place to ensure that concerned drivers complete their initial qualification or first periodic training by 31 December 2019 at the latest; § 5 BKrFQG. <p>Useful Links: http://www.gesetze-im-internet.de/bkrfqg/ http://www.gesetze-im-internet.de/bkrfqv/</p>

Articles 2.3; 2.4 - approval of training centres	<input checked="" type="checkbox"/> Fully Germany complies with this provision through Directive 2003/59/EC which defines conditions for the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers and is implemented in national legislation by „Berufskraftfahrer-Qualifikations-Gesetz (BKrFQG)” and “Verordnung zur Durchführung des Berufskraftfahrer-Qualifikations-Gesetzes (BKrFQV)”. § 7 BKrFQG; § 6 BKrFQV. Useful Links: http://www.gesetze-im-internet.de/bkrfqg/ http://www.gesetze-im-internet.de/bkrfqv/
Article 2.6 - CPC proof, incl.: - Sign affixed on driver licence (permit) - Driver Qualification card (cf. annex 5) - IRU Academy CPC	<input checked="" type="checkbox"/> Fully Germany complies with this provision through Directive 2003/59/EC which defines conditions for the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers and is implemented in national legislation by „Berufskraftfahrer-Qualifikations-Gesetz (BKrFQG)” and “Verordnung zur Durchführung des Berufskraftfahrer-Qualifikations-Gesetzes (BKrFQV)”. - § 5 Abs. 2 BKrFQV - Driver Qualification Cards are not issued in Germany yet - not applicable Useful Links: http://www.gesetze-im-internet.de/bkrfqv/

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

Provision of the Charter: [Chapter, article]	Not applicable as Germany complies with the Charter.
Any other comments:	none

C) Conditions of employment (Chapter III, 3)

Implemented

Article 3.1	<p><input checked="" type="checkbox"/> Fully</p> <p>Germany complies with EU legislation covering conditions of employment and employment rights.</p> <p>Useful links to <u>main</u> national legal acts in the field of conditions of employment and employment rights:</p> <ul style="list-style-type: none"> - Bürgerliches Gesetzbuch https://www.gesetze-im-internet.de/bgb/ - Gesetz zur Regelung eines allgemeinen Mindestlohns - Mindestlohngesetz https://www.gesetze-im-internet.de/milog/ - Gesetz über zwingende Arbeitsbedingungen für grenzüberschreitend entsandte und für regelmäßig im Inland beschäftigte Arbeitnehmer und Arbeitnehmerinnen – Arbeitnehmer-Entsendegesetz http://www.gesetze-im-internet.de/aentg_2009/ - Kündigungsschutzgesetz http://www.gesetze-im-internet.de/kschg/ - Betriebsverfassungsgesetz https://www.gesetze-im-internet.de/betrvg/ - Bundespersonalvertretungsgesetz http://www.gesetze-im-internet.de/bpersvg/ - Tarifvertragsgesetz http://www.gesetze-im-internet.de/tvfg/ - Gewerbeordnung https://www.gesetze-im-internet.de/gewo/ - Handelsgesetzbuch http://www.gesetze-im-internet.de/hgb/ - Gesetz über Teilzeitarbeit und befristete Arbeitsverträge - Teilzeit- und Befristungsgesetz https://www.gesetze-im-internet.de/tzbfhg/ - Gesetz über die Zahlung des Arbeitsentgelts an Feiertagen und im Krankheitsfall – Entgeltfortzahlungsgesetz https://www.gesetze-im-internet.de/entgfg/ - Mindesturlaubsgesetz für Arbeitnehmer - Bundesurlaubsgesetz https://www.gesetze-im-internet.de/burlg/ - Arbeitszeitgesetz http://www.gesetze-im-internet.de/arbzg/ - Gesetz zur Regelung der Arbeitnehmerüberlassung http://www.gesetze-im-internet.de/a_g/ - Gesetz zum Schutze der erwerbstätigen Mutter https://www.gesetze-im-internet.de/muschg/ - Gesetz zum Elterngeld und zur Elternzeit https://www.gesetze-im-internet.de/beeg/ - Gesetz über die Pflegezeit http://www.gesetze-im-internet.de/pflegezg/ - Gesetz über den Nachweis der für ein Arbeitsverhältnis geltenden wesentlichen Bedingungen – Nachweisgesetz http://www.gesetze-im-internet.de/nachwg/
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	<ul style="list-style-type: none"> - Gesetz zum Schutze der arbeitenden Jugend – Jugendarbeitsschutzgesetz https://www.gesetze-im-internet.de/jarbschg/ - Gesetz über die Durchführung von Maßnahmen des Arbeitsschutzes zur Verbesserung der Sicherheit und des Gesundheitsschutzes der Beschäftigten bei der Arbeit – Arbeitsschutzgesetz https://www.gesetze-im-internet.de/arbschg/ - Verordnung über Arbeitsstätten https://www.gesetze-im-internet.de/arbst_ttv_2004/ - Sozialgesetzbuch (SGB) Viertes Buch (IV) - Gemeinsame Vorschriften für die Sozialversicherung http://www.gesetze-im-internet.de/sgb_4/ - Sozialgesetzbuch (SGB) Neuntes Buch (IX) - Rehabilitation und Teilhabe behinderter Menschen https://www.gesetze-im-internet.de/sgb_9/ - Allgemeines Gleichbehandlungsgesetz https://www.gesetze-im-internet.de/agg/ - Gesetz zur Bekämpfung der Schwarzarbeit und illegalen Beschäftigung – Schwarzarbeitsbekämpfungsgesetz https://www.gesetze-im-internet.de/schwarzarbg_2004/ - Arbeitsgerichtsgesetz https://www.gesetze-im-internet.de/arbagg/
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<p>Any other comments:</p>	<p>none</p>
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SECTION 3. PROVISIONS REGARDING CHECKS AND PENALTIES
(Chapter IV of the Charter)

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

Implemented

<p>1.2.1: re. provisions on undertakings, incl.:</p> <ul style="list-style-type: none"> - authorisations - training/ examinations - CPC 	<p><input checked="" type="checkbox"/> Fully</p> <ul style="list-style-type: none"> - competent authorities of the Federal States, § 3 Abs. 7 GüKG; §§ 10, 11 GBZugV; GükVwV, Rn. 2ff - Chambers of Industry and Commerce (IHK), §§ 5, 6 GBZugV - Chambers of Industry and Commerce (IHK), § 5 Abs. 7 GBZugV <p>Useful Links: http://www.gesetze-im-internet.de/g_kg_1998/ http://www.gesetze-im-internet.de/gbzugv_2011/ http://www.verwaltungsvorschriften-im-internet.de/bsvwvbund_09112012_737223.htm</p>
<p>1.2.2: re. provisions on drivers, incl.:</p> <ul style="list-style-type: none"> - training/ examinations - CPC 	<p><input checked="" type="checkbox"/> Fully</p> <p>Corresponding National Provision [designated National Authority (ies)]:</p> <ul style="list-style-type: none"> - roadside checks: Federal Office for Goods Transport (BAG) + Federal State Police; Checks at undertakings' premises: Authorities of Federal States; coordinated checks: bilateral agreements, Euro Contrôle Route. - Approval of training centres: competent authorities of the Federal States, §7 BKrFQG, § 6 BKrFQV. - Issuance by Chambers of Industry and Commerce (IHK) and approved training centres, § 5 Abs. 1 BKrFQV <p>Useful Links: http://www.gesetze-im-internet.de/bkrfqg/ http://www.gesetze-im-internet.de/bkrfqv/</p>
<p>Articles 1.2.3- 1.2.4.</p>	<p><input checked="" type="checkbox"/> Fully</p> <p>In accordance with Article 18 of Regulation (EC) No 1071/2009 Federal Office for Goods Transport as national contact point is the competent authority for the exchange of information on offences committed by undertakings and drivers of EU member countries. Exchange of information about offences and imposed penalties with other ECMT member countries can only be provided in accordance to national legislation on data protection.</p> <p>Useful Links: http://www.gesetze-im-internet.de/g_kg_1998/_17.html</p>

Article 1.2.5	<input checked="" type="checkbox"/> Fully Federal Office for Goods Transport (BAG), § 4 Abs. 6 GüKGrKabotageV Useful Links: http://www.gesetze-im-internet.de/g_kgrkabotagev_2012/_4.html
Article 1.3.	<input checked="" type="checkbox"/> Fully Information about ECMT licences issued by Germany can only be provided in accordance to national legislation on data protection. Contact points for issues relating ECMT multilateral quota: - Federal Ministry of Transport and digital infrastructure and - Federal Office for Goods Transport

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

Provision of the Charter:	none
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B) Checks (Chapter IV, 2)

Implemented

Article 2.1. - checks re. Drivers , incl: - 2.1.1. Driving times and rest periods (cf. also. Annex 6):	<input checked="" type="checkbox"/> Fully Authorities at federal state level, § 4 Fahrpersonalgesetz (FPersG); Federal Office for Goods Transport (BAG), § 9 FPersG, § 11 Güterkraftverkehrsgesetz (GüKG). Useful Links: http://www.gesetze-im-internet.de/fahrpersstg/ http://www.gesetze-im-internet.de/g_kg_1998/
Article 2.2. - Checks re. Undertakings, incl:	<input checked="" type="checkbox"/> Fully Authorities at federal state level; § 11 GBZuGV. Useful Links: http://www.gesetze-im-internet.de/gbzugv_2011/

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

Provision of the Charter:	Not applicable as Germany complies with the Charter.
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Any other comments:	none
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C) Classification of Infringements (Chapter IV, 3)**Implemented**

Article 3.1. re. driving times and rest periods (cf. also. Annex 7)	<input checked="" type="checkbox"/> Fully Germany complies with this provision through Annex IV of Regulation (EC) No 1071/2009 and Annex I of Regulation (EU) 2016/403 supplementing Regulation (EC) No 1071/2009 of the European Parliament and of the Council with regard to the classification of serious infringements of the Union rules, which may lead to the loss of good repute by the road transport operator, and amending Annex III to Directive 2006/22/EC of the European Parliament and of the Council Competent authorities for risk rating system: <i>Authorities on federal state level</i>
Article 3.2. re. undertakings, incl:	<input checked="" type="checkbox"/> Fully All aspects related to the good repute of undertakings are considered and action against the most serious infringements is taken.

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

Provision of the Charter:	Not applicable as Germany complies with the Charter.
Any other comments:	none

D) Penalties (Chapter IV, 4)**Implemented**

Article 4.1.	<input checked="" type="checkbox"/> Fully Germany complies with existing EU Regulations regarding penalties for infringements by operators and drivers and their categorization.
Article 4.2.on drivers incl, infringements re: - 4.2.1. AETR rules - 4.2.2. driver training	<input checked="" type="checkbox"/> Fully - §§ 21 - 24 Fahrpersonalverordnung (FPersV), §§ 8, 8a Fahrpersonalgesetz (FPersG) - § 9 Berufskraftfahrer-Qualifikations-Gesetz (BKrFQG) Useful Links: http://www.gesetze-im-internet.de/fpersv/ http://www.gesetze-im-internet.de/fahrpersstg/ http://www.gesetze-im-internet.de/bkrfqg/_9.html
Article 4.3. on undertakings: - 4.3.1. - 4.3 2.	<input checked="" type="checkbox"/> Fully § 4 Verordnung über den grenzüberschreitenden Güterkraftverkehr und den Kabotageverkehr (GüKGrKabotageV) - The Federal Office for Goods Transport (BAG) will notify undertakings if it considers they are no longer fulfilling the requirements defined in the Quality Charter for road transport operators. Useful Links: http://www.gesetze-im-internet.de/g_kgrkabotagev_2012/_4.html

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

Provision of the Charter: [article]	none
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