



**INTERNATIONAL TRANSPORT FORUM
TRANSPORT MANAGEMENT BOARD**

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Group on Road Transport

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

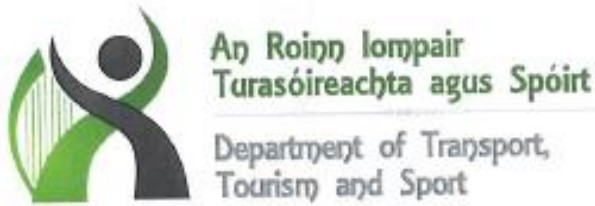
This application from Ireland was approved by the Group of Road Transport under Agenda Item 3 of the meeting held on 13 and 14 March 2017 in Paris.

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English - Or. English



An Roinn Iompair
Turasóireachta agus Spóirt

Department of Transport,
Tourism and Sport

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10 February 2017

Mr José Viegas
Secretary General
International Transport Forum
Group on Road Transport
2, rue André Pascal
F- 75775 Paris Cedex 16

Dear Secretary General

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

Country: Ireland

National Authority: Road Transport Operator Licensing Unit, Department of Transport, Tourism and Sport

Ireland 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 European Union Directives. 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.

In support of these laws the Road Transport Operator Licensing Unit (RTOL) of the Department of Transport, Tourism and Sport manages the Irish ECMT permit allocations, and participates with the Group on Road Transport within the International Transport Forum. RTOL ensures that undertaking seeking permits meet the requirements of the Quality Charter prior to the issue of permits.

The document submitted with this letter details the laws and/or administrative processes implemented to ensure that the provisions of the Quality Charter are met by Irish holders of ECMT licences, which are only issued to operators who already hold a Community Authorisation for carrying out haulage operations within the territory of the European Union.

Yours sincerely

Graham Doyle
Secretary General

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

COUNTRY: IRELAND

NATIONAL AUTHORITY: DEPARTMENT OF TRANSPORT, TOURISM AND SPORT

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

A) Conditions of establishment (Chapter II, 2)

Implemented

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| Article 2.2.a) | <p><input checked="" type="checkbox"/> Fully</p> <p>Ireland complies with this provision through Article 5 of EU Regulation 1071/2009 which defines conditions of establishment for Road Haulage Operator's.</p> <p>The EU Regulation is supported by domestic legislation:</p> <ul style="list-style-type: none"> - Road Transport Act 2011 - Road Traffic and Transport Act 2006 - Road Transport Act, 1999 - S.I. No. 66/2015 - European Union (Occupation of Road Transport Operator) Regulations 2015. <p>Further information providing guidance can be found at https://www.rtol.ie/rtol-online/static/downloads/en/EN_APPL_RHOL_GUIDELINES.pdf</p> |
| Article 2.2.b) | <p><input checked="" type="checkbox"/> Fully</p> <p>Ireland complies with this provision through Article 5 of EU Regulation 1071/2009 which defines conditions of establishment for Road Haulage Operator's.</p> <p>The EU Regulation is supported by domestic legislation; as outlined in 2.2.a) above.</p> |
| Article 2.2.c) | <p><input checked="" type="checkbox"/> Fully</p> <p>Ireland complies with this provision through Article 5 of EU Regulation 1071/2009 which defines conditions of establishment for Road Haulage Operator's.</p> <p>The EU Regulation is supported by domestic legislation; as outlined in 2.2.a) above.</p> |

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

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| Provisions of the Charter: | Corresponding National Provision: <i>Not applicable</i> – Ireland complies with the provisions of the Charter. |
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| Any other comments: | |
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B) Good Repute (Chapter II, 3)**Implemented**

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| <p>Article 3.1.</p> | <p><input checked="" type="checkbox"/>Fully</p> <p>Ireland complies with this provision through Article 6 of EU Regulation 1071/2009 which defines conditions relating to the requirement of good repute.</p> <p>The EU Regulation is supported by domestic legislation:</p> <ul style="list-style-type: none"> – Road Transport Act 2011 – Road Traffic and Transport Act 2006 – S.I. No. 66/2015 - European Union (Occupation of Road Transport Operator) Regulations 2015. <p>Further information providing guidance can be found at https://www.rtol.ie/rtol-online/static/downloads/en/EN_APPL_RHOL_GUIDELINES.pdf</p> |
| <p>Article 3.2., incl</p> <p>Points a) to e)</p> <p>List of most serious infringements: Point d), items i - iv</p> | <p><input checked="" type="checkbox"/>Fully</p> <p>Ireland complies with this provision through Article 6 of EU Regulation 1071/2009 which defines conditions relating to the requirement of Good Repute for Road Haulage operators.</p> <p>The EU Regulation is supported by domestic legislation:</p> <ul style="list-style-type: none"> – Road Transport Act 2011 – Road Traffic and Transport Act 2006. – S.I. No. 66/2015 - European Union (Occupation of Road Transport Operator) Regulations 2015. <p>The Links as above in 3.1.</p> |
| <p>Article 3.3.</p> | <p><input checked="" type="checkbox"/>Fully</p> <p>Ireland complies with this provision through Article 14 of EU Regulation 1071/2009 – Declaration of unfitness of the transport manager.</p> <p>The EU Regulation is supported by domestic legislation;</p> <ul style="list-style-type: none"> – Road Transport Act 2011 – Road Traffic and Transport Act 2006. – S.I. No. 66/2015 - European Union (Occupation of Road Transport Operator) Regulations 2015. <p>The Links as above in 3.1.</p> |

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

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| Provisions of the Charter: | Corresponding National Provision: <i>Not applicable</i> – Ireland complies with the provisions of the Charter. |
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| Any other comments: | |
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C) Professional Competence (Chapter 11, 4)

Implemented

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| <p>Article 4.2, incl:</p> <p>- List of knowledge (4.2.a); b); cf. annex 1</p> <p>Examinations required: Oral; written; exempted (cf. 4.2.c)</p> | <p><input checked="" type="checkbox"/> Fully</p> <p>Ireland complies with this provision through Article 8 and Annex 1 of EU Regulation 1071/2009 which defines conditions relating to the requirements for professional competence.</p> <p>Ireland 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.</p> <p>The EU Regulation is supported by domestic legislation;</p> <ul style="list-style-type: none"> - Road Transport Act 2011 - Road Traffic and Transport Act 2006 - Statutory Instrument. No. 66/2015 - European Union (Occupation of Road Transport Operator) Regulations 2015. <p>Further information providing guidance can be found at https://www.rtol.ie/rtol-online/static/downloads/en/EN_APPL_RHOL_GUIDELINES.pdf</p> |
| <p>Article 4.3, incl;</p> <p>- Examinations procedure 4.3(a); cf annex 2)</p> <p>-approval of examination Bodies (4.3.b)</p> | <p><input checked="" type="checkbox"/> Fully</p> <p>Ireland 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.</p> <p>Ireland complies with this provision through Article 8 of EU Regulation 1071/2009 which defines conditions relating to the requirements for professional competence.</p> <p>Approved examination body for the CPC exams in Ireland: The Chartered Institute of Logistics and Transport (CILT) is the body in Ireland authorised by the Minister for Transport, Tourism and Sport to meet the requirements as set out in Article 8 of EU Regulation 1071/2009. This</p> |

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| <p>- pre-training (4.3.c)</p> | <p>body is duly approved to offer the examinations and issue certificates of professional competence. CILT examine applications of prospective training providers and training facilities under criteria approved by the Minister for Transport, Tourism and Sport and put forward their recommendation to the Department of Transport, Tourism and Sport who make the final decision regarding the authorisation of the training provider and facility. Training Course manuals provided by CILT are approved by the Department of Transport, Tourism and Sport as meeting the syllabus requirements laid down in Annex 1 of EU Regulation 1071/2009.</p> <p>The EU Regulation is supported by domestic legislation;</p> <ul style="list-style-type: none"> - Road Transport Act 2011, - Road Traffic and Transport Act 2006, - Statutory Instrument No. 66 of 2015. <p>(Links as above in 4.2).</p> <p>Further information providing guidance can be found at:</p> <p>Transport Management Certificate of Professional Competence- Criteria and Guidelines for Prospective Training Providers http://www.dttas.ie/sites/default/files/publications/corporate/english/revised-criteria-nov-2015-transport-management-cpc/revised-criteria-transport-management-cpc-nov-2015.pdf</p> <p>Chartered Institute of Logistics and Transport - http://www.cilt.ie</p> |
| <p>Article 4.4. CPC, incl</p> <p>-National Certificate (4.4.a); cf. Annex 3)</p> <p>-IRU Academy CPC (4.4.b)</p> | <p><input checked="" type="checkbox"/> Fully</p> <p>Ireland 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.</p> <p>The CPC issued by The Chartered Institute of Logistics and Transport (CILT) closely corresponds to the model reproduced in Annex III of EC REG 1071/2009 [<i>Sample attached</i>]</p> <p>Not applicable in Ireland.</p> <p>The EU Regulation is supported by domestic legislation;</p> <ul style="list-style-type: none"> - Road Transport Act 2011, - Road Traffic and Transport Act 2006, - Statutory Instrument No. 66 of 2015. <p>(Links as above in 4.2).</p> |

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

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| <p>Provisions of the Charter:</p> | <p>Corresponding National Provision: <i>Not applicable</i> – Ireland complies with the provisions of the Charter.</p> |
| <p>Any other comments:</p> | |

D) Financial Standing (Chapter 11, 5)**Implemented**

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| <p>Article 5.2, including Capital required for:</p> <p>-first vehicle -each additional vehicle</p> | <p><input checked="" type="checkbox"/>Fully</p> <p>Ireland complies with this provision through Article 7 of EU Regulation 1071/2009 which defines conditions relating to the requirement of financial standing.</p> <ul style="list-style-type: none"> - Capital and reserves totalling at least €9,000 - €5,000 <p>The EU Regulation is supported by domestic legislation;</p> <ul style="list-style-type: none"> - Road Transport Act 2011. - Road Traffic and Transport Act 2006 <p>Further information providing guidance can be found at; https://www.rtol.ie/rtol-online/static/downloads/en/EN_APPL_RHOL_GUIDELINES.pdf</p> |
| <p>Article 5.3 & 5.4</p> | <p><input checked="" type="checkbox"/>Fully</p> <p>Ireland complies with this provision through Article 7 of EU Regulation 1071/2009 which defines conditions relating to the requirement of financial standing.</p> <p>The EU Regulation is supported by domestic legislation;:</p> <ul style="list-style-type: none"> - Road Transport Act 2011. - Road Traffic and Transport Act 2006 <p>The Links as above in 5.2.</p> |
| <p>Article 5.5</p> | <p><input checked="" type="checkbox"/>Fully</p> <p>Ireland complies with this provision through Article 7 of EU Regulation 1071/2009 which defines conditions relating to the requirement of financial standing.</p> <p>The EU Regulation is supported by domestic legislation;</p> <ul style="list-style-type: none"> - Road Transport Act 2011. - Road Traffic and Transport Act 2006 <p>The Links as above in 5.2.</p> |

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

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| Provisions of the Charter: | Corresponding National Provision: <i>Not applicable</i> – Ireland complies with the provisions of the Charter. |
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| Any other comments: | |
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SECTION 2. PROVISIONS REGARDING THE DRIVERS
(Chapter 111 of the Charter)

A) Driving times and rest periods (chapter 111. 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 operations 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:

Ireland complies with Regulation EC Number 561/2006 on driving times, breaks and rest periods; Regulation (EU) No 165/2014 repealing Regulation (EEC) No 3821/85 on the fitment and use of tachograph to record compliance with Regulation EC Number 561/2006 and with Directive 2002/15/EC on the working time of mobile road transport workers, which was transposed into domestic legislation by Statutory Instrument 36/2012.

Ireland is also fully compliant with the requirements specified in Directive 2006/22/EC concerning enforcement.

The Road Safety Authority is the statutory body with responsibility for enforcement of driving times, breaks and rest periods and in conjunction with our national police force An Garda Síochána also enforce the licensing provisions of the Road Transport Acts.

The Road Safety Authority has published guidance material for all operators in relation to obligations regarding use of tachographs as well as limitations on driving times and minimum resting periods. Where there is non-compliance, both the driver and operator are liable to be prosecuted under national rules.

Further information providing guidance for all operators and drivers can be found on the Road Safety Authority website at <http://www.rsa.ie>.

B) Driver training (Chapter III, 2)**Implemented**

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| <p>Article 2.1:</p> | <p><input checked="" type="checkbox"/>Fully</p> <p>In compliance with EU Directive 2003/59/EC Driver CPC was introduced in Ireland for professional truck drivers with effect from the 10th of September 2009.</p> <p>The EU Directive is supported by domestic legislation;- S.I. No. 359/2008 - European Communities (Vehicle Drivers Certificate of Professional Competence) (No. 2) Regulations 2008</p> |
| <p>Article 2.2.a) –Initial Qualification, incl:</p> <p>- List of knowledge (cf. annex 4)</p> <p>-Course + test, or , a test only</p> <p>-exemptions</p> | <p><input checked="" type="checkbox"/>Fully</p> <p>Ireland is in compliance with the provisions of Article 3 of Directive2003/59/EC which defines conditions for the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers.</p> <p>The EU Directive is supported by domestic legislation: S.I. No. 359/2008 - European Communities (Vehicle Drivers Certificate of Professional Competence) (No. 2) Regulations 2008</p> <p>Ireland is in compliance with this provision through Section 1 of Annex 1 Directive 2003/59/EC.</p> <p>Course + test - Ireland is in compliance with this provision through Article 3 of Directive 2003/59/EC Drivers are required to complete a four stage testing process consisting of two theory tests, driving test and an additional practical test in order to obtain their initial Driver CPC qualification</p> <p>Ireland complies with the provision regarding exemptions as set out in article 2 of Directive 2003/59/EC</p> |
| <p>Article 2.2b) – Periodic Training, incl</p> <p>-List of knowledge (cf. annex 4)</p> <p>-Number of hours (35)</p> | <p><input checked="" type="checkbox"/>Fully</p> <p>Ireland complies with this provision through Directive 2003/59/EC on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers.</p> <p>The EU Directive is supported by domestic legislation: S.I. No. 359/2008 - European Communities (Vehicle Drivers Certificate of Professional Competence) (No. 2) Regulations 2008</p> <p>All professional drivers are required to complete 35 hours of periodic refresher training in each 5 year period in order to maintain their qualification.</p> <p>Ireland complies with this provision through Directive 2003/59/EC Articles 4, 6, and 7.</p> <p>– 35 hours</p> |

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| <p>- Periodicity (every 5 Years)</p> <p>-first periodic training to be completed by [31 Dec 2019]</p> | <p>– 35 hours per 5 year training cycle for HGV on a one day (7 hours) per year basis.</p> <p>First periodic training cycle ran from 10th Sept 2009 – 9th Sept 2014. Acquired rights Drivers are now in their second training cycle 2014-2019.</p> <p>Further information providing guidance can be found at: http://www.rsa.ie/en/RSA/Professional-Drivers</p> |
| <p>Articles 2.3; 2.4 – Approval of training centres</p> | <p><input checked="" type="checkbox"/>Fully</p> <p>Ireland complies with this provision through Section 5.1 of Directive 2003/59/EC.</p> <p>The EU Directive is supported by domestic legislation: S.I. No. 359/2008 - European Communities (Vehicle Drivers Certificate of Professional Competence) (No. 2) Regulations 2008</p> <p>The Road Safety Authority on behalf of the Minister for Transport, Tourism and Sport assess and formally approves applications for training centre approval based on requirements as set out in Directive 2003/59/EC.</p> <p>Further information providing guidance can be found at:</p> <ul style="list-style-type: none"> – http://www.rsa.ie/en/RSA/Professional-Drivers/Driver-Hours/Annual-training – http://www.rsa.ie/Documents/Road%20Safety/CPC/training_centre_app_for_m.pdf – http://www.rsa.ie/Documents/Road%20Safety/CPC/guidelines_app_form.pdf – http://www.rsa.ie/Documents/Road%20Safety/CPC/CPC_Training_Centre_Guidelines.pdf |
| <p>Articles 2.6 CPC proof, incl</p> <p>-Sign affixed on Driver Licence (permit)</p> <p>- Driver qualification card (cf, annex 5)</p> <p>- IRU Academy CPC</p> | <p><input checked="" type="checkbox"/>Fully</p> <p>Ireland complies with this provision through annex II of Directive 2003/59/EC.</p> <p>The EU Directive is supported by domestic legislation;- S.I. No. 359/2008 - European Communities (Vehicle Drivers Certificate of Professional Competence) (No. 2) Regulations 2008</p> <p>Ireland issues a Driver CPC card.</p> <p>On completion of Driver CPC initial qualification and periodic training the driver applies for and is issued with a Driver CPC card [<i>Sample attached</i>]. http://www.rsa.ie/en/RSA/Professional-Drivers/Driver-Hours/My-CPC</p> <p>Not applicable in Ireland.</p> |

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

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| Provisions of the Charter: | Corresponding National Provision: <i>Not applicable</i> – Ireland complies with the provisions of the Charter. |
| Any other comments: | |

C) Conditions of employment (Chapter III, 3)

Implemented

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| Article 3.1 | <p><input checked="" type="checkbox"/> Fully</p> <p>Ireland complies with EU legislation regarding conditions of employment and employment rights.</p> <p>Irish legislation includes:</p> <p>Industrial Relations (Amendment) Act 2015 provides for a system of registered employment agreements and sectoral employment orders.</p> <p>Workplace Relations Act 2015 reorganises and reforms employment rights structures by establishing the Workplace Relations Commission that has replaced the Labour Relations Commission, Rights Commissioner Service, Equality Tribunal, and National Employment Rights Authority.</p> <p>Employment Permits (Amendment) Act 2014 amends and extends the Employment Permits Acts 2003 and 2006 through the provision of 9 different types of employment permit and changes to the criteria for issuing employment permits.</p> <p>Industrial Relations (Amendment) Act 2012 This Act reforms the wage setting mechanisms for making Employment Regulation Orders and Registered Employment Agreements.</p> <p>Protection of Employees (Temporary Agency Work) Act 2012 provides that since 16 May 2012 all temporary agency workers must have equal treatment as if they had been directly recruited by the hirer in respect of the duration of working time, rest periods, night work, annual leave and public holidays and pay. The right to equal pay is backdated to 5 December 2011.</p> <p>Protection of Employment (Exceptional Collective Redundancies and Related Matters) Act 2007 establishes a redundancy panel to consider certain proposed collective redundancies. The Act also removes the upper age limit for entitlement to redundancy payments.</p> <p>Employment Permits Act 2006 updates the Employment Permits Act 2003, introducing the Green Card permit and revising the legislation on work permits and spousal permits.</p> |
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[Employees \(Provision of Information and Consultation\) Act 2006](#) sets establishes minimum requirements for employees' right to information and consultation about the development of their employment's structure and activities. Since 23 March 2008 it applies to employers with at least 50 employees.

[Safety, Health and Welfare at Work Act 2005](#) replaced the provisions of the Safety, Health and Welfare Act 1989 when it came into operation on 1st September 2005. It consolidates and updates the existing [health and safety](#) law. Changes include the provision for higher fines for breaches of safety legislation.

[Equality Act 2004](#) makes significant amendments to the [Employment Equality Act 1998](#) which prohibits discrimination in a range of employment-related areas.

The prohibited grounds of discrimination are gender, marital status, family status, age, race, religious belief, disability, sexual orientation and membership of the Traveller community. The Act also prohibits sexual and other harassment. The Equality Act also amends the [Equal Status Act, 2000](#) to extend the definition of sexual harassment and shift the burden of proof from the complainant to the respondent.

[S.I. No. 131/2003 - European Communities \(Protection of Employees on Transfer of Undertakings\) Regulations 2003](#) applies to any transfer of an undertaking, business or part of a business from one employer to another employer as a result of a legal transfer (including the assignment or forfeiture of a lease) or merger. Employee's rights and entitlements are protected during this transfer.

[Protection of Employees \(Fixed-Term Work\) Act 2003](#) protects fixed-term employees by ensuring that they cannot be treated less favourably than comparable permanent workers and that employers' cannot continually renew on fixed term contracts. Under the Act employees can only work on **two** or more fixed term contracts for a continuous period of four years. After this the employee is considered to have a contract of indefinite duration (e.g. a permanent contract).

[S.I. No. 473/2001 - Organisation of Working Time \(Records\) \(Prescribed Form and Exemptions\) Regulations, 2001](#) the requirement by employers to keep a record of the number of hours worked by employees on a daily and weekly basis, to keep records of leave granted to employees in each week as annual leave or as public holidays and details of the payments in respect of this leave. Employers must also keep weekly records of starting and finishing times of employees.

[Protection of Employees \(Part-Time Work\) Act, 2001](#) replaces the Worker Protection (Regular Part-Time Employees) Act, 1991. It provides for the removal of discrimination against part-time workers where such exists. It aims to improve the quality of part-time work, to facilitate the development of part-time work on a voluntary basis and to contribute to the flexible organisation of working time in a manner that takes account of the needs of

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| | <p>employers and workers. It guarantees that part-time workers may not be treated less favourably than full-time workers.</p> <p>Industrial Relations (Amendment) Act, 2001 provides new dispute settling powers to the Labour Court in cases where collective bargaining arrangements are not in place.</p> <p>National Minimum Wage Act, 2000 introduces a national minimum wage.</p> <p>Organisation of Working Time Act, 1997 regulates a variety of employment conditions including maximum working hours, night work, annual and public holiday leave.</p> <p>Protection of Young Persons (Employment) Act, 1996 replaced previous legislation dating from 1977 and regulates the employment and working conditions of children and young persons.</p> <p>Terms of Employment (Information) Act, 1994 updated previous legislation relating to the provision by employers to employees of information on such matters as job description, rate of pay and hours of work.</p> <p>Unfair Dismissals (Amendment) Act, 1993 updates unfair dismissals law and amends previous legislation dating from 1977.</p> <p>Data Protection Act, 1988 main Irish law dealing with data protection. The 1988 Act was amended by the Data Protection (Amendment) Act 2003.</p> <p>e-Privacy Regulations 2011 (SI 336 of 2011) deals with data protection for phone, e-mail, SMS and Internet use.</p> <p>Payment of Wages Act, 1991 provides for certain entitlements of employees in relation to the payment of wages.</p> <p>Industrial Relations Act, 1990 to make further and better provision for promoting harmonious relations between workers and their employers, and to amend the law relating to Trade Unions and for these purposes to amend the Industrial Relations Acts 1946.</p> <p>Protection of Employment Act, 1977 provides for certain protections for employees in a collective redundancy situation.</p> <p>Minimum Notice and Terms of Employment Act, 1973 provides for the provision of minimum notice periods or payment in lieu of notice when employment is terminated.</p> <p>Industrial Relations Act, 1946 to make further and better provision for promoting harmonious relations between workers and their employers.</p> |
| Any other comments | - |

SECTION 3. PROVISIONS REGARDING CHECKS AND PENALTIES
(Chapter 1V of the Charter)

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

Implemented

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| <p>1.2.1: re. provisions on Undertakings, incl:</p> <p>-authorisations</p> <p>-training/ Examinations</p> <p>-CPC</p> | <p><input checked="" type="checkbox"/> Fully</p> <p>The Road Transport Operator Licensing Unit, Department Transport, Tourism and Sport on behalf of the Minister of Transport Tourism and Sport has responsibility for the administration of the Irish operator licensing system, which includes the powers to issue authorisations (licences) to haulage operators under the Road Traffic and Transport Act 2006. Staff of the Licensing Unit examine, approve and process applications for licences on behalf of the Minister of Transport, Tourism and Sport.</p> <p>The Chartered Institute of Logistics and Transport (CILT) examine applications of prospective training providers, including training facilities under the criteria set down by the Minister, and put forward their recommendation to the Department of Transport, Tourism and Sport who make the final decision regarding the authorisation of the training provider and facility.</p> <p>CILT is the body approved by the Minister of Transport, Tourism and Sport to offer exams and issue certificates of professional competence in Road Transport Management.</p> <p>Approved examination body for the CPC exams in Ireland is <i>The Chartered Institute of Logistics and Transport</i>.</p> <p>Further information providing guidance can be found at;</p> <p>Transport Management Certificate of Professional Competence- Criteria and Guidelines for Prospective Training Providers: http://www.dttas.ie/sites/default/files/publications/corporate/english/revised-criteria-nov-2015-transport-management-cpc/revised-criteria-transport-management-cpc-nov-2015.pdf</p> <p>Chartered Institute of Logistics and Transport - http://www.cilt.ie</p> |
| <p>1.2.2: re. provisions on Drivers, incl:</p> <p>-training/Examinations</p> <p>-CPC</p> | <p><input checked="" type="checkbox"/> Fully</p> <p>Transport Officers from the Road Safety Authority carry out roadside checks on drivers and at the premises of undertakings to ensure compliance with driving time, breaks and rest periods. Checks are also co-ordinated at a national level to ensure that a consistent strategy is pursued</p> <p>The Road Safety Authority on behalf of the Minister of Transport Tourism and Sport assess and formally approve Driver CPC Training centres.</p> <p>The Road Safety Authority issue Drivers CPC cards.</p> |

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| Articles 1.2.3 – 1.2.4 | <input checked="" type="checkbox"/> Fully <p>Ireland in line with other ECMT member countries has a national contact person for ECMT matters and will liaise with all other ECMT Member Countries if there are any enforcement issues, and will exchange information on offences committed by ECMT licence holders from another Member country and provide full information on any penalties imposed.</p> |
| Article 1.2.5 | <input checked="" type="checkbox"/> Fully <p>Ireland will support any processes which might lead to the removal of ECMT licences from any operator who has committed serious infringements.</p> |
| Article 1.3. | <input checked="" type="checkbox"/> Fully <p>Ireland will make available to other ECMT member countries details of undertakings holding ECMT licences, provided such information complies with national legislation on data protection.</p> <p>In Ireland issues related to ECMT licences should be directed to the national contact point (see details below):</p> <p>Ms. Colette CALLANAN Assistant Principal Road Transport Operator Licensing Unit Department of Transport, Tourism and Sport Clonfert House, Bride St, Loughrea, Co Galway, Ireland. H62 ET93. Tel: + 353 91 87 29 18 E-mail: ColetteCallanan@dtas.ie</p> |

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

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| Provisions of the Charter: [article] | - |
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B) Checks (Chapter IV, 2)**Implemented**

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| <p>Article 2.1. – checks re. Drivers, incl:</p> <p>-2.1.1. Driving times And rest periods (cf. Undertakings, incl</p> | <p><input checked="" type="checkbox"/>Fully</p> <p>Ireland fully complies with enforcement against infringements of the AETR rules. The Road Safety Authority implement a system of enforcement checks on driving times, breaks and rest periods at the roadside and at the premises of undertaking.</p> <p>The Road Safety Authority and the National Police force (<i>An Garda Síochána</i>) conduct regular roadside checks throughout the State to verify correct and consistent implementation of the required rules relating to control devices and driving and resting times. A detailed enforcement strategy which includes roadside checks across the country is agreed annually and constantly monitored. All Road Safety Authority personnel engaging on enforcement are equipped with the requisite tools and powers to undertake detailed checks at the roadside and at the premises of undertakings. The Road Safety Authority co-ordinates all of the checks.</p> <p>The Road Safety Authority co-ordinates controls with other agencies at national level as well as other Member States – mainly the UK and Northern Ireland Authorities.</p> |
| <p>Article 2.2. – Checks re. Undertakings, incl:</p> | <p><input checked="" type="checkbox"/>Fully</p> <p>The Department of Transport, Tourism and Sport monitor and carry out checks on undertakings on a regular basis and at least every 5 years to ensure that they meet the requirements of establishment, good repute, professional competence and financial standing.</p> |

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

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| <p>Provisions of the Charter:</p> | <p>Corresponding National Provision: <i>Not applicable</i> – Ireland complies with the provisions of the Charter.</p> |
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| <p>Any other comments:</p> | |
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C) Classification of Infringements (Chapter IV, 3)**Implemented**

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| Article 3.1. re. driving Times and rest periods (cf. also. Annex 7) | <input checked="" type="checkbox"/> Fully Ireland complies with enforcement against infringements of the AETR rules through Road Safety Authority enforcement officers and the National police force, An Garda Síochána |
| Article 3.2. re. Undertakings, incl | <input checked="" type="checkbox"/> Fully All aspects of the good repute of undertakings are considered by the Department of Transport, Tourism and Sport and appropriate action which are deemed effective, proportionate and a deterrent is taken against most serious infringements. |

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

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|----------------------------|---|
| Provisions of the Charter: | Corresponding National Provision: <i>Not applicable</i> – Ireland complies with the provisions of the Charter. |
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| Any other comments: | |
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D) Penalties (Chapter IV, 4)**Implemented**

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| Article 4.1. | <input checked="" type="checkbox"/> Fully Ireland complies with existing EU Regulations regarding penalties for undertakings and drivers. |
| Article 4.2. on drivers Incl, infringement re: -4.2.1. AETR rules | Penalties for infringements of driving times and rest periods, tachograph infringement and infringements of the Road Transport Working Time Directive are specified by National Regulations - SI 62 of 2008 and SI 36 of 2012. S.I. No. 62/2008 - European Communities (Road Transport) (Working Conditions and Road Safety) Regulations 2008, as amended by S.I. No. 431/2010 - European Communities (Road Transport) (Working Conditions and Road Safety) (Amendment) Regulations 2010. and by S.I. No. 126/2015 - European Union (Road Transport) (Working Conditions and Road Safety) (Amendment) Regulations 2015. |

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| -4.2.2. driving training | <p>S.I. No. 36/2012 - European Communities (Road Transport) (Organisation of Working Time of Persons Performing Mobile Road Transport Activities) Regulations 2012.</p> <p>The maximum fine that can be applied summarily is €5,000 for each offence and/or a term of imprisonment for 6 months.</p> <p>Some provisions can be prosecuted on indictment – maximum fine is €100,000 per offence and a term of imprisonment for up to 2 years.</p> <p>Legislation:</p> <p>S.I. No. 477/2006 - Road Safety Authority Act 2006 (Conferral of Functions) Order 2006</p> <p>S.I. No. 62/2008 - European Communities (Road Transport) (Working Conditions and Road Safety) Regulations 2008</p> <p>S.I. No. 431/2010 - European Communities (Road Transport) (Working Conditions and Road Safety) (Amendment) Regulations 2010.</p> <p>S.I. No. 36/2012 - European Communities (Road Transport) (Organisation of Working Time of Persons Performing Mobile Road Transport Activities) Regulations 2012.</p> <p>S.I. No. 126/2015 - European Union (Road Transport) (Working Conditions and Road Safety) (Amendment) Regulations 2015.</p> <p>There are penalties in place for driving without a Driver CPC. Statutory Instrument 359 of 2008.</p> <p>S.I. No. 359/2008 - European Communities (Vehicle Drivers Certificate of Professional Competence) (No. 2) Regulations 2008</p> <p>The Road Safety Authority has an administrative system in place to deal with training centres that no longer meet the required standards.</p> <p>A Driver CPC Card will not be renewed where the holder no longer meets the conditions for the issuance of the Driver CPC Card.</p> |
| <p>Article 4.3. on under-Takings</p> <p>-4.3.1</p> <p>-4.3.2.</p> | <p>Where the undertaking no longer meets the requirements of Chapter II administrative procedures will be put in place which may ultimately lead to the withdrawal of the ECMT licence.</p> <p>If the Department of Transport, Tourism & Sport establish that an undertaking no longer meets the requirements for the pursuit of the occupation of Road Haulage Operator, it will notify the undertaking and set time limits to rectify the situation.</p> |

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

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| Provisions of the Charter: [article] | - |
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ANNEX 1. National Model of the Certificate of Professional Competence



The Chartered Institute of
Logistics & Transport
Ireland

EUROPEAN COMMUNITY

**CERTIFICATE OF PROFESSIONAL COMPETENCE
IN ROAD HAULAGE TRANSPORT**

No. CCH

We, The Chartered Institute of Logistics & Transport in Ireland,
hereby certify that

Born on _____ in _____

has successfully passed the tests for the examination on _____ necessary for the award
of the certificate of professional competence in road haulage transport in accordance with 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

This certificate constitutes the sufficient proof of professional competence referred to in Article 21 of
Regulation (EC) No 1071/2009

Issued at **Dublin, IRELAND** on _____


The Chartered Institute of Logistics & Transport
in Ireland

ANNEX 2. National Model of the Driver Qualification Card

