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**International Transport Forum  
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## **QUALITY CHARTER**

**For International Road Haulage Operations under the ECMT Multilateral Quota System**

*The consolidated text of the Quality Charter is noted by the Ministers of European Members Countries under the Agenda Item 4 of the Closed Ministerial Session held on 28 May 2015 in Leipzig, Germany.*

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**English - Or. English**

## **QUALITY CHARTER**

### **for international road haulage operations under the ECMT Multilateral Quota system**

#### **Chapter I – Scope of application and definitions**

##### **1. Scope of application**

The present Charter applies to international road haulage operations under the ECMT multilateral quota. It supplements the provisions of the Guide for government officials and carriers on the use of the ECMT multilateral quota<sup>1</sup> which specifies the characteristics of the licences distributed under this system together with the conditions and scope of their use.

The provisions of the Charter may also be applied *mutatis mutandis* in bilateral and multilateral Agreements in international freight as well as passenger transport, shall the concerned parties decide so.

The present Charter does not affect the European Union Law, the provisions in the agreement on the European Economic Area or agreements between the European Union and non-EU countries that are members of the ECMT Multilateral Quota system, as well as the UN conventions and agreements which apply to international road freight transport.

##### **2. Definitions**

The definitions used in this Charter are identical to those set out in Chapter 1 of the Guide. In addition, for the purposes of the present Charter, the following definitions shall apply:

- 2.1. The “occupation of international road haulage operator” means the activity of any undertaking conducting international road haulage operations for hire or reward by means of either motor vehicles or combinations of vehicles,
- 2.2. “Transport manager” means a natural person employed by an undertaking or, if that undertaking is a natural person, that person or, where provided for, another natural person designated by that undertaking by means of a contract, who effectively and continuously manages the transport activities of that undertaking;
- 2.3. “Authorisation to pursue the occupation of international road haulage operator” means an administrative decision which authorises an undertaking which satisfies the conditions laid down in the current regulations to pursue the occupation of international road haulage operator;
- 2.4. “Competent authority” means a national, regional or local authority in a Member country which, for the purpose of authorising the pursuit of the occupation of international road haulage operator, verifies whether an undertaking satisfies the conditions laid down in the present Charter and which is empowered to grant, suspend or withdraw an authorisation to pursue the occupation of international road haulage operator;
- 2.5. “Member country of establishment” means the Member country in which an undertaking is legally established, regardless of whether its transport manager originates from another country.

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1 ECMT MULTILATERAL QUOTA: User Guide, 2014 [©ITF/IRU]

## **Chapter II – Provisions regarding transport undertakings using ECMT licences**

### **1. General**

1.1. Undertakings wishing to carry out international road haulage operations under the ECMT multilateral quota must be in possession of an authorisation issued by the competent authority in the country of establishment which recognises their ability to exercise an activity of international road haulage operator.

1.2. Road haulage undertakings wishing to carry out international road haulage operations under an ECMT Multilateral licence must provide proof that they:

- a) satisfy the condition of establishment in a Member country;
- b) are of good repute;
- c) have appropriate financial standing;
- d) have professional competence.

ECMT licence should be withdrawn by the issuing Authority if the conditions set above in this article are not anymore fulfilled, subject to the application of the clauses of Article 4.3. of Chapter IV of the Charter.

### **2. Conditions of establishment**

2.1. An undertaking which pursues the occupation of international road haulage operator and wishes to carry out international road haulage operations under an ECMT multilateral licence must be established on a stable and effective basis in a Member country.

2.2. To this end, this undertaking must:

- a) have at its disposal an establishment located in the said Member country with premises where it keeps its core business documents, in particular its accounting documents, personnel management documents, documents containing data relating to driving time and rest periods and any other document to which the competent authority must have access in accordance with their national legislation;
- b) have at its disposal one or more vehicles which are registered or otherwise put into circulation in conformity with the legislation in that Member country, whether those vehicles are wholly owned or, for example, held under a hire-purchase agreement or a hire or leasing contract;
- c) conduct effectively and continuously with the necessary administrative equipment its operations concerning the vehicles mentioned in point (b) and with the appropriate equipment and facilities at an operating centre situated in that Member country.

### **3. Good repute**

3.1. Any undertaking which exercises the profession of international road haulier and which wishes to use ECMT multilateral licences must provide proof of its good repute. To this end the requirements regarding good repute must be satisfied by the transport undertaking, by the natural person designated as the “transport manager” and any other responsible person or body as defined under the national legislation of the Member country. This or these responsible person(s) must have a genuine connection to the undertaking as an employee, director, owner, shareholder or administrator.

3.2. In determining whether an undertaking meets this requirement of good repute, an examination should be made of the conduct of that undertaking, of its transport manager(s) and of any other person held to be in a position of responsibility by the Member country. With regard to good repute, any reference to convictions, penalties or infringements shall include those imposed on not only the undertaking itself, but also its manager(s) and any other person held to be in a position of responsibility by the Member country. The condition of good repute is deemed to be fulfilled if the transport undertaking and its transport manager(s)/responsible person(s):

- a) Has (or have) not been declared unfit to pursue the occupation of road haulage operator;
- b) Has (or have) not been convicted of a serious criminal offence or incurred a penalty for serious infringements of national rules in force in the fields such as, for example, commercial law; insolvency law; pay and employment conditions in the profession; road traffic; professional liability; trafficking in human beings or drugs;
- c) Has (or have) not been convicted of a serious criminal offence or incurred a penalty for serious infringements of national rules in force relating in particular to: admission to the occupation, access to the market in international road haulage, the initial qualification and continuous training of drivers, animal transport;
- d) Has (or have) not been convicted of an offence or incurred a penalty for the most serious infringement of rules such as:
  - i) in the field of driving times and rest periods of drivers, exceeding the maximum 6-day or fortnightly driving time limits by margins of 25% or more; or, exceeding, during a daily working period, the maximum daily driving time limit by a margin of 50% or more without taking a break or without an uninterrupted rest period of at least 4.5 hours;
  - ii) in the field of the installation of recording or other equipment, not having an analogue or digital tachograph and/or speed limiter, or using a fraudulent device able to modify the records of the recording equipment and/or the speed limiter or falsifying record sheets or data downloaded from the tachograph and/or the driver card;
  - iii) in the field of the road worthiness of commercial vehicles used in international traffic, driving without a valid roadworthiness certificate if such a document is required by applicable regulations and/or driving with a very serious deficiency of, inter alia, the braking system, the steering linkages, the wheels/tyres, the suspension or chassis that would create such an immediate risk to road safety that it leads to a decision to immobilise the vehicle;
  - iv) in the field of safety in the carriage of dangerous goods by road, transporting dangerous goods that are prohibited for transport or transporting such goods in a prohibited or non-approved means of containment or without identifying them on the vehicle as dangerous goods, thus endangering lives or the environment to such extent that it leads to a decision to immobilise the vehicle;
  - v) in the field of driving permits (licences), transport without a valid driving permit (licence);
  - vi) in the field of the use of recording equipment, driving with a counterfeit driver's tachograph memory card, or with a card of which the driver is not the holder, or which has been obtained on the basis of false declarations and/or forged documents;

- vii) in the field of the maximum weights and dimensions of commercial vehicles used in international traffic, carrying goods exceeding the maximum permissible laden mass by 20% or more for vehicles the permissible laden weight of which exceeds 12 tonnes, and by 25% or more for vehicles the permissible laden weight of which does not exceed 12 tonnes.

If the transport undertaking or its transport manager(s)/responsible person(s) has or have been convicted of an offence, in one or more Member countries, or sanctioned for one of the most serious infringements mentioned above, the competent authority of the Member country of establishment shall initiate, in an appropriate and timely manner, an administrative procedure in due form to determine whether, in view of the specific circumstances, the loss of good repute would constitute a disproportionate measure in that instance. Any conclusion to that effect must be based on good grounds and duly substantiated. If the competent authority does not conclude that the loss of good repute would constitute a disproportionate measure, the conviction or sanction shall result in the loss of good repute.

- e) If the condition of good repute is not any more fulfilled, the requirement laid down in previous paragraphs shall not be deemed to have been satisfied until a rehabilitation measure of the undertaking and the responsible person(s) in question or any other measure having an equivalent effect has been taken pursuant to the relevant provisions of national law.

3.3. The responsible person(s) thus designated must reside in a Member country and shall be responsible for effective and ongoing management of the transport activities of the road transport undertaking, which includes vehicle maintenance management, verification of transport contracts and documents, basic accounting, the assignment of loads or services to drivers and vehicles, and the verification of safety procedures. When the designated responsible person loses his or her good repute, he or she must be declared by the competent authority as unfit to manage the transport activities of an enterprise.

#### **4. Professional competence**

4.1. "Professional competence" consists in possessing sufficient knowledge to engage properly and viably in the occupation of international road haulage operator.

4.2. Requirement of transport operators to have knowledge confirmed by an examination

- a) The person or persons responsible for effective and ongoing management of the transport activities of road haulage undertaking using ECMT multilateral licences and meeting the requirements of good repute must possess sufficient knowledge and achieve a level of practical competence necessary to engage properly and viably in the occupation of international road haulage operator.
- b) The knowledge required concerns the following subjects in particular: commercial and financial business administration; technical standards and operations; road safety; access to markets; elements of commercial law; elements of social and labour law; elements of civil law; elements of fiscal law. Annex 1 provides a list of the knowledge that must be considered as a minimum for the official recognition of professional competence. Any other list of required knowledge may be acceptable provided that it is recognised as being equivalent by the Group on Road Transport.

- c) Professional competence is demonstrated by passing a compulsory written examination, which may be supplemented by an oral examination. These examinations will verify whether applicant road transport operators have achieved the required level of knowledge in the subjects listed in the previous paragraph and in particular whether they have the capacity to use the instruments and techniques relating to those subjects and to fulfil the corresponding executive and co-ordination duties. Member countries may decide to exempt from the examinations persons who provide proof that they have continuously managed a road haulage undertaking in one or more Member countries for a period of 10 years by the date of entry into force of these provisions.

#### 4.3. Organisation of examinations and approval of authorised examination bodies

- a) The examinations referred to in the preceding Article should be organised according to procedures as defined in Annex 2, with Member countries having the option of requiring pre-examination training. Other examination procedures are acceptable provided that they are recognised as being equivalent by the Group on Road Transport.
- b) Only the authorities or bodies duly approved for this purpose by a Member country, according to criteria defined by it, may organise and certify these written and oral examinations. Member countries shall regularly verify that the conditions under which these authorities or bodies organise the examinations are consistent with the prescribed procedures. The approval may be withdrawn or suspended if the conditions of approval are no longer complied with.
- c) If pre-examination training is required, it must be provided by the authorities or by bodies duly approved by a Member country, according to criteria defined by it. Those bodies must be in a position to offer candidates quality training to prepare themselves for the examinations, as well as ongoing training so that transport operators who so wish can update their knowledge. By way of example, in order to be licensed these centres should provide the following information: a suitable qualification and training programme specifying the subjects taught and setting out the proposed implementing plan and teaching methods. This programme of instruction should cover the subjects required for the examination, specify the required qualifications and fields of activity of instructors, and provide information about the premises where the courses are given, the teaching materials and the conditions regarding participation in the courses (number of participants). Member countries shall regularly verify that the agencies in question are always compliant with the criteria against which they were approved. The approval may be withdrawn or suspended if the conditions of approval are no longer complied with.

#### 4.4. Issuance of a Certificate of Professional Competence

- a) Candidates who pass the examination will be issued a certificate by the authorities or the approved bodies as proof of professional competence. That certificate, bearing the seal of the authority or duly approved body issuing it may not be transferred. It must be established on the basis of, and closely correspond to, the model reproduced in Annex 3. Any other model recognised as being equivalent by the Group on Road Transport may be acceptable.
- b) The standards set out by the IRU Academy for the approval of examination and training centres, and also for the issuing of Certificates of Professional Competence, are recognised as a reference model. The certificates issued by such centres are considered as meeting the requirements of the ECMT Multilateral Quota provided that they are countersigned by the national authorities of ECMT Member countries that are competent in this area.

## 5. Financial standing

5.1. “Financial standing” consists in having the financial resources needed to ensure the proper start-up and management of the undertaking. An undertaking which engages in the occupation of road haulage operator and wishes to be able to use ECMT multilateral licences must at all times be capable of meeting its financial obligations in the course of the accounting year.

5.2. To this end, the undertaking must demonstrate, on the basis of annual accounts (balance sheet, profit and loss statement and any required annexes) certified by an auditor or a person duly accredited in accordance with national legislation, that, every year, it has at its disposal capital and reserves totalling at least EUR 9 000 (or the equivalent in national currency) when only one vehicle is used and EUR 5 000 (or the equivalent in national currency) for each additional vehicle used. Any other provision regarding capital and reserves may be acceptable provided that it is recognised as equivalent by the Group on Road Transport and that it is as stringent as the financial provisions mentioned above.

5.3. In addition to the information provided by the annual accounts, the assessment of financial standing may take into consideration other elements such as the funds available to the undertaking, including bank deposits and overdraft and borrowing capacity; its assets, including goods that the undertaking could pledge as security; and working capital.

5.4. The competent authority may agree or require that an undertaking demonstrate its financial standing by means of a certificate such as a bank guarantee (if appropriate as collateral or a surety) or an insurance, including a professional liability insurance from one or more banks or other financial institutions, including insurance companies, providing a joint guarantee for the undertaking in respect of the amounts specified in Article 5.2. of this Chapter.

5.5. The annual accounts and the guarantee mentioned in the preceding paragraphs are those of the economic entity established in the Member country in which an ECMT licence has been applied for and are not those of any other entity established in any other Member country.

## Chapter III – Provisions regarding the drivers of vehicles carrying out international road haulage operations under ECMT licences

### 1. Driving times and rest periods

1.1. The provisions of the European Agreement concerning the Work of Crews of Vehicles Engaged in International Road Transport (AETR) dated 1 July 1970, as subsequently amended, or those of equivalent regulations<sup>2</sup> apply to all international road haulage operations carried out under ECMT licences. 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.

1.2. In accordance with the provisions of the AETR, vehicles used for international road haulage operations under ECMT licences must be fitted with a control device which, in terms of its conditions of construction, installation and use, meets the requirements set out in the Annex to the AETR. This device must be used in all international road haulage operations carried out under an ECMT licence to record data regarding the driver’s activities under the conditions laid down by the AETR. The employer and drivers shall ensure that the control device both works and is used properly.

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2 Any reference to the AETR in the text of the Quality Charter systematically includes a reference to equivalent regulations, including those in force in regional economic integration organisations within their sphere of application.

## **2. Driver training**

2.1. The activity of driving for the international transport of goods under an ECMT licence is subject to a compulsory initial qualification and compulsory periodic training evidenced by delivery of a Certificate of Professional Competence (CPC), which every driver engaged in such transport must possess.

2.2. To this end, Member countries must institute:

- a) A system of initial qualification, with two possible options: course + test, or a test only, certified by delivery of a CPC. The contents of these courses and tests, theoretical and practical, should cover in particular the following areas: advanced training in rational driving based on safety regulations; application of regulations, health, road and environmental safety, service, logistics, etc. Annex 4 provides a detailed list of the subjects to be covered by such courses and tests. Any other content for these course and tests may be acceptable provided that it is recognised as equivalent by the Group on Road Transport.

The initial qualification shall not concern drivers who have been awarded a C, C+E, C1, C1+E licence or any other national permit (licence) allowing to drive a vehicle or combination of vehicles used under the ECMT quota system before 1<sup>st</sup> January 2016.

- b) A system of periodic training, involving compulsory course attendance, certified by delivery of a CPC. Annex 4 specifies the contents of this training, in which particular emphasis is placed on road safety and rationalising fuel consumption. Any other contents of such training may be acceptable provided that it is recognised as equivalent by the Group on Road Transport.

This periodic training shall concern all holders of a C, C+E, C1, C1+E licence or any other National permit (licence) allowing to drive a vehicle or combination of vehicles used under the ECMT quota system regardless of when it was issued. It shall be taken every five years from the date of the CPC issue and shall involve 35 hours of compulsory training, given in periods of at least seven hours. The first periodic training must be completed by 31 December 2019.

2.3. The training centres taking part in the initial qualification and periodic training must be approved by the Member countries' competent authorities.

2.4. In order to be approved, these centres should provide the following information: a suitable qualification and training programme specifying the subjects taught, whose contents should be in line with those specified in Annex 4, and setting out the proposed implementing plan and teaching; the instructors' qualifications and fields of activity; information about the premises where the courses are given, the teaching materials, the resources made available for the practical work, and the vehicle fleet used; the conditions regarding participation in the courses (number of participants).

2.5. The requirements laid down by the IRU Academy for the approval of training centres have been recognised as a benchmark. The Certificates of Professional Competence issued by IRU approved centres are considered as meeting requirements of the ECMT multilateral quota provided that they are countersigned by the national authorities of Member countries that are competent in this area.

2.6. To certify that a driver has a CPC, the competent authorities of Member countries shall either affix, beside the corresponding categories of licence, a distinguishing sign attesting to the possession of a CPC and indicating the date of expiry directly on the driver's driving permit (licence), or introduce a special driver qualification card which should be established in reference to, and in close



compliance with, the model reproduced in Annex 5. Any other model may be acceptable provided that it is recognised as equivalent by the Group on Road Transport. The driver qualification card or any equivalent document as specified above issued by Member Countries shall be mutually recognised. If a special driver qualification card is issued to attest to possession of a CPC, it must be carried in the vehicle and must be presented by the driver in response to any request by inspection officials.

### **3. Conditions of employment**

3.1. A driver shall be legally employed in accordance with a national legislation of a Member country in which an undertaking is legally established.

## **Chapter IV – Provisions regarding checks and penalties**

### **1. General: competent authorities and mutual assistance**

1.1. Measures concerning verification that the quota operating rules are properly applied, in particular with regard to the technical characteristics of vehicles, the use of licences and the penalties to be applied in this area, do not fall within the scope of the Quality Charter. They are governed by the provisions of the ECMT Multilateral Quota User Guide.

1.2. Member countries shall designate one or more authorities which are competent in the areas covered by the present Quality Charter.

1.2.1. With regard to provisions relating to undertakings, these authorities shall be empowered in particular to:

- examine applications for authorisation to pursue the occupation of international road haulage operator submitted by undertakings;
- grant authorisations to pursue the occupation of international road haulage operator and suspend or withdraw such authorisations;
- declare a natural person to be either fit or unfit to manage the transport activities of an undertaking in the capacity of transport manager;
- check that the undertaking meets and continues to meet all the requirements with regard to the conditions of establishment, good repute, professional competence and financial standing;
- approve training centres issuing a Certificate of Professional Competence and organise the associated examinations leading to the award of a Certificate of Professional Competence.

1.2.2. With regard to provisions relating to drivers, these authorities shall be empowered in particular to:

- put in place a system for carrying out checks at both the roadside and the premises of undertakings of implementation as defined by the AETR Agreement;
- co-ordinate these checks at the national level to ensure that a consistent strategy is pursued in the country concerned;
- ensure co-ordination with equivalent authorities in the other Member countries;
- approve training centres involved in the initial qualification and continuing training of drivers;
- issue Certificates of Professional Competence by applying a distinguishing mark on the driving licence or the driver's qualification card.

1.2.3. The competent authorities of Member countries shall work closely together and shall lend each other mutual assistance in applying and verifying compliance with the provisions of the present Charter in the case of transport operations carried out under an ECMT licence, as well as in the punishment of infringements committed during such operations.

1.2.4. In cases where the holder of an ECMT licence issued by another country has committed an offence, the Member country on whose territory the infringement was detected should inform the authorities in the country of establishment accordingly so that the latter can take the measures they consider to be appropriate regarding the potential penalties applicable, which can extend as far as withdrawal of the licence. This country should also, in compliance with the provisions regarding the protection of personal data, inform the authorities in the country of establishment of the penalties already imposed, particularly when the latter result in a ban on driving on the territory of the country in which the infringement was committed.

1.2.5. ECMT licences may be withdrawn by the issuing authorities in the event of serious or repeated infringement of the provisions of the Quality Charter. The ultimate penalty for a transport operator who has committed serious infringements shall consist in the withdrawal of the authorisation to pursue the occupation of international road haulage operator.

1.3. The Secretariat of the International Transport Forum (ITF) shall establish electronic list of:

- road haulage undertakings (containing at least names of the undertakings) holding ECMT licences provided such information complies with national legislation on data confidentiality;
- officials designated by Member countries as their contact point for issues relating to ECMT Multilateral Quota.

These lists may be consulted on the ITF Internet site dedicated to the ECMT multilateral quota.

With regard to checks and penalties, the ITF Secretariat shall have the means needed to:

- ask Member countries to submit reports to it on the way in which they have transposed the provisions of the Quality Charter into their national legislation and to place these documents online on ITF's Internet site dedicated to the ECMT multilateral quota;
- collect the information needed to establish the electronic list mentioned above;
- ensure that the mutual assistance regime functions properly and establish a guide of best practices in this field.

## **2. Checks**

### **2.1. Checks on requirements applicable to drivers**

#### **2.1.1. Driving and rest times**

2.1.1.1. Member countries shall organise a system of appropriate and regular checks on the correct and consistent implementation of AETR rules or equivalent regulations both at the roadside and at the premises of undertakings.

2.1.1.2. Member countries shall ensure that a coherent national enforcement strategy is applied on their territory. To this end, they shall designate a body to co-ordinate those checks and shall provide inspecting officers with the appropriate legal powers to enable them correctly to discharge their inspection obligations.

2.1.1.3. Each Member Country shall organise checks in such a way that at least 2% of days worked by drivers of vehicles falling within the scope of AETR rules are checked. This percentage may be gradually increased to a maximum of 4%. Not less than 30% of the total number of the working days checked shall be checked at the roadside and not less than 50% shall be checked at the premises of undertakings.

2.1.1.4. Roadside checks shall be organised in various places and at any time and shall cover a sufficiently extensive part of the road network to make it difficult to avoid checkpoints. Checks shall be carried out following a random rotation system, with an appropriate geographical balance. They shall be carried out without discrimination, i.e. without regard to: country of registration of vehicle; country of residence of drivers; country of establishment of undertakings; origin and destination of journey. Annex 6 lists the elements on which checks should focus. Any other provision regarding the content of these checks may be acceptable provided that it is recognised as equivalent by the Group on Road Transport.

2.1.1.5. Checks at premises shall be planned in the light of past experience in relation to the various types of transport and undertakings. They shall also be carried out if serious infringements of the AETR rules have been detected at the roadside. Annex 6 lists the elements on which checks should focus. Any other provision regarding the content of these checks may be acceptable provided that it is recognised as equivalent by the Group on Road Transport.

2.1.1.6. Member countries shall ensure that the enforcement units carrying out checks at the roadside and in undertakings have equipment capable of downloading data from the vehicle unit and driver card of the digital tachograph, reading data, and analysing data and/or transmitting findings to a central database for analysis, as well as equipment to check the tachograph sheets.

2.1.1.7. The body responsible for co-ordinating controls at the national level also has the task of ensuring co-ordination with equivalent bodies in the other Member countries concerned.

## 2.1.2. Professional qualifications

2.1.2.1. Member countries must provide trained inspecting officers responsible for checking the application of AETR rules with appropriate legal powers so that they can also perform, under the same conditions, roadside inspections to verify the professional qualification of drivers.

2.1.2.2. Drivers must be able to present on demand, at any time, a driving permit (licence) or a specific qualification card bearing the distinguishing sign confirming possession of a Certificate of Professional Competence.

## 2.2. Checks on requirements applicable to transport undertakings

The competent authorities shall monitor whether undertakings which they have authorised to pursue the occupation of road transport operator continue to fulfil the requirements with respect to good repute, professional competence, and financial standing. Member countries shall carry out checks at least every five years to verify that each undertaking fulfils those requirements.

### 3. Infringements

#### 3.1. Infringements of provisions regarding driving times and rest periods

3.1.1. The classification of infringements of rules on driving times, rest periods and tachograph use by level of risk represents a significant step towards a more efficient and harmonised system of checks and penalties. This classification is presented in the form of a table with the following headings:

Legal provision	Type of infringement	Level of seriousness		
		Very serious	Serious	Minor

3.1.2. Annex 7 provides a classification of infringements according to their seriousness and possible consequences for road safety, as well as on the authorities' capacity to verify compliance by the driver and road transport undertaking with the requirements laid down in that respect. The most serious infringements are those which create a risk of death or serious personal injury.

#### 3.2. Infringements of provisions regarding transport undertakings

With respect to good repute, the most serious infringements likely to incur a penalty concern the domains mentioned in Chapter II, Article 3.2.

### 4. Penalties

#### 4.1. General

4.1.1. Member countries shall lay down regulations regarding penalties for infringements of the present Quality Charter and shall take all measures necessary to ensure their enforcement. These penalties shall be effective, proportionate and deterrent. Member countries shall ensure that these penalties are applied without discrimination on the grounds of nationality or place of establishment of the transport undertaking. Other than consideration by competent authorities of repute or repeated infringements, no infringement of the current Quality Charter shall give rise to more than one punishment or procedure.

4.1.2. In the case of a very serious infringement (such as those described as such in the list of infringements reproduced in Annex 7) that is clearly of a nature to compromise road safety, the vehicle concerned may be immobilised until the cause of the infringement has been remedied. For undertakings, authorities of the country in which the undertaking is established may withdraw ECMT transport licences, and order temporary or permanent bans on the issuance of such licences to the operator concerned. The ultimate penalty for a road haulage operator that has committed serious or repeated infringements of the provisions of the Charter may be the temporary or permanent withdrawal of the authorisation to pursue the occupation of international road haulage operator.

#### 4.2. Penalties for infringements of provisions regarding drivers

##### 4.2.1. Penalties for infringements of rules regarding driving times and rest periods

Any Member country may impose a sanction on an undertaking and/or driver for an infringement of AETR rules detected on its territory.

##### 4.2.2. Penalties for infringements of rules on driver training

4.2.2.1. The competent authority shall be entitled to send authorised persons to attend the training courses of the approved centres, and shall be entitled to monitor such centres with regard to the resources used and the proper running of training courses and

tests. This approval may be withdrawn or suspended if the conditions of approval are no longer complied with.

- 4.2.2.2. The competent authorities shall not extend the validity of the distinguishing sign on the driving licence beyond the indicated expiry date or withdraw the specific card attesting to possession of a certificate of professional competence from the driver, when the holder no longer meets the conditions for the issuance of such certificate, and in particular, does not follow in a timely manner periodic training as defined in Article 2.2.b) of Chapter III of the Charter.

### **4.3. Penalties for infringements of provisions regarding transport undertakings**

4.3.1. Member countries shall ensure that the competent authorities withdraw the ECMT licence of road haulage undertaking if they establish that it no longer meets the requirements of Chapter II of the Charter. If appropriate, other penalties with regard to the provisions concerning undertakings could be also applied, in particular, suspension of the authorisation to pursue the occupation of international road haulage operator, withdrawal of that authorisation, and declaration of unfitness, in terms of good repute and professional competence, of the person appointed for the effective and ongoing management of the transport activities of road transport undertakings.

4.3.2. Where a competent authority establishes that an undertaking runs the risk of no longer fulfilling the requirements for pursuit of the occupation of road haulage operator, it shall notify the undertaking thereof. Where a competent authority establishes that one or more of those requirements is no longer satisfied, it may set one of the following time limits for the undertaking to rectify the situation:

- a time limit not exceeding 6 months, which may be extended by 3 months in the event of the death or physical incapacity of the transport manager, for the recruitment of a replacement transport manager where the transport manager no longer satisfies the requirement as to good repute or professional competence;
- a time limit not exceeding 6 months where the undertaking has to rectify the situation by demonstrating that it has an effective and stable establishment;
- a time limit not exceeding 6 months where the requirement of financial standing is not satisfied, in order to demonstrate that that requirement is again satisfied in a sustainable manner.

## **Chapter V – Implementation of the provisions of the Charter**

1. The Quality Charter enters into force on 1 January 2016. The provisions set out in Chapters I to IV shall apply to all international road freight haulage operations carried out under the ECMT licences from 1 January 2018.

2. Each Member country participating in the ECMT multilateral quota system shall send to the ITF Secretariat, by 1 March 2018, at the latest, an official statement and a report of agreed format detailing the way in which it has applied the Charter's provisions.

3. In this report, submitted in one of the official languages of the Organisation, the Member country must specify in particular the national provisions which are not identical to those recommended by the Charter and which it wishes to have recognised as equivalent by the Group on Road Transport. To be considered as equivalent, these national provisions need to be as stringent as the provisions of the Charter and have similar results.

4. Any request for recognition of compliance with the Quality Charter, including an evaluation of equivalence, or dispute between two or more Member countries regarding the interpretation or application of the Charter will be reviewed in accordance with the rules of procedure drawn up by the Group on Road Transport, as detailed in Appendix 1 of this Charter.

5. Thereafter, each Member country must inform the Secretariat of any changes occurring in the application of the provisions of the Charter. Reports submitted to the ITF Secretariat in this way will give rise to the review process as defined in article 4 of this chapter, and shall be placed online by the Secretariat on the protected ITF Internet site dedicated to the ECMT multilateral quota.

6. Solely the Group on Road Transport is empowered, in accordance with the rules of procedure laid down in this respect, to assess any requests related to Quality Charter implementation sent by Member countries and evaluate the compliance or equivalence of the provisions put in place by different Member countries with Charter requirements. In examining these requests the Group on Road Transport may use any means at its disposal, including creation of an appropriate structure to examine such requests.

When a decision is being taken, the Member countries allowed to participate in the decision-making are limited to those who are not under evaluation or who did not bring a complaint.

7. After this agreement has been in force for three years, or as the need occurs, the Group on Road Transport shall examine application of the Articles 1 to 6 of this Chapter or the Rules of procedure (Appendix 1) and may decide to correct any possible deficiencies in the procedures provided by these articles or those detailed in Appendix 1.

8. By completion of these three years and bearing in mind the aim of the present Charter to achieve high quality road transport in Europe and to create more harmonised conditions for more open international road transport markets, the Group on Road Transport shall also:

- evaluate the extent of the implementation of the Charter;
- evaluate the extent of possible incitation mechanisms for the development of ECMT Quota;
- evaluate possible legal constrains for enforcement and incitation;
- examine the opportunity and procedures for removal of reservations and restrictions based on the extent of implementation of the present Charter achieved by the Member countries.

9. The provisions of the Quality Charter may be amended at any time by the Group on Road Transport in order to take account in particular of changes in existing regulations at the international level in the areas covered by the Charter. These amendments shall enter into force at the date set by the Group on Road Transport.

10. The Quality Charter has the same value and duration as the ECMT Multilateral Quota User Guide.

## **ANNEX I: KNOWLEDGE REQUIRED TO DEMONSTRATE THE PROFESSIONAL COMPETENCE OF THE TRANSPORT UNDERTAKING**

### **(Chapter II, Article 4.2.b)**

The knowledge to be taken into consideration for the official recognition of professional competence by Member countries covers at least the subjects listed below. In relation to these subjects, applicant road haulage operators must have the levels of knowledge and practical aptitude necessary for the management of a transport undertaking. Any other list of subjects considered as the minimum knowledge for the official recognition of professional competence is acceptable provided that it is considered as equivalent by the Group on Road Transport in accordance with the rules of procedure drawn up by this Group.

The minimum level of knowledge, as indicated below, may not be below the level of knowledge acquired during the course of compulsory education, which is supplemented either by continuing training and supplementary technical training or by secondary school or other technical training.

#### **A. Civil law**

The applicant should, in particular, in relation to road haulage:

1. be familiar with the main types of contract used in road transport and with the rights and obligations arising therefrom;
2. be capable of negotiating a legally valid transport contract, notably with regard to conditions of carriage;
3. be able to consider a claim by his principal regarding compensation for loss of or damage to goods during transportation or for their late delivery, and to understand how such a claim affects his contractual liability;
4. be familiar with the rules and obligations arising from the CMR Convention on the Contract for the International Carriage of Goods by Road;

#### **B. Commercial law**

The applicant should, in particular, in relation to road haulage:

1. be familiar with the conditions and formalities laid down for pursuing the trade, the general obligations incumbent upon transport operators (registration, record keeping, etc.) and the consequences of bankruptcy;
2. have appropriate knowledge of the various forms of commercial companies and the rules governing their constitution and operation.

#### **C. Social law**

In relation to road haulage, the applicant should be familiar with the following:

1. the role and function of the various social institutions which are concerned with road transport (trade unions, works councils, shop stewards, labour inspectors, etc.);
2. employers' social security obligations;
3. the rules governing work contracts for the various categories of worker employed by road transport undertakings (form of the contracts, obligations of the parties, working conditions and working hours, paid leave, remuneration, breach of contract, etc.);
4. the rules applicable to driving time, rest periods and working time,
5. the rules applicable to the initial qualification and continuing training of drivers.

**D. Fiscal law**

In relation to road haulage, the applicant should be familiar with the rules governing:

1. value added tax (VAT) on transport services;
2. motor-vehicle tax;
3. the taxes on certain road haulage vehicles and tolls and infrastructure user charges;
4. income tax.

**E. Business and financial management of the undertaking**

In relation to road haulage, the applicant should:

1. be familiar with the laws and practices regarding the use of cheques, bills of exchange, promissory notes, credit cards and other means or methods of payment;
2. be familiar with the various forms of credit (bank credit, documentary credit, guarantee deposits, mortgages, leasing, renting, factoring, etc.) and the charges and obligations arising therefrom;
3. know what a balance sheet is, how it is set out and how to interpret it;
4. be able to read and interpret a profit and loss account;
5. be able to assess the undertaking's profitability and financial position, in particular on the basis of financial ratios;
6. be able to prepare a budget;
7. be familiar with the cost elements of the undertaking (fixed costs, variable costs, working capital, depreciation, etc.), and be able to calculate costs per vehicle, per kilometre, per journey or per tonne;
8. be able to draw up an organisation chart relating to the undertaking's personnel as a whole and to organise work plans, etc.;
9. be familiar with the principles of marketing, publicity and public relations, including transport services, sales promotion and the preparation of customer files, etc.;
10. be familiar with the different types of insurance relating to road transport (liability, accidental injury/life insurance, non-life and luggage insurance) and the guarantees and obligations arising therefrom;
11. be familiar with the applications of electronic data transmission in road transport;
12. be able to apply the rules governing the invoicing of road haulage services and know the meaning and implications of Incoterms;
13. be familiar with the different categories of transport auxiliaries, their role, their functions and, where appropriate, their status.

**F. Access to the market**

In relation to road haulage, the applicant should be familiar with the following:

1. the occupational regulations governing road transport for hire or reward, industrial vehicle rental and sub-contracting, and in particular the rules governing the official organisation of the occupation, admission to the occupation, authorisations for road transport operations, inspections and penalties;
2. the rules for setting up a road transport undertaking;
3. the various documents required for operating road transport services and the introduction of checking procedures to ensure that the approved documents relating to each transport operation, and in particular those relating to the vehicle, the driver, the goods and luggage are kept both in the vehicle and on the premises of the undertaking;



4. the rules on the organisation of the market in road haulage services, as well as the rules on freight handling and logistics;
5. border formalities, the role and scope of T documents and TIR carnets, and the obligations and responsibilities arising from their use;
6. the provisions set out in the User Guide for civil servants and transport operators using the ECMT multilateral quota, as well as the Quality Charter applicable to international road haulage operations carried out under the ECMT multilateral quota system.

#### **G. Technical standards and technical aspects of operation**

In relation to road haulage, the applicant should:

1. be familiar with the rules concerning the weights and dimensions of vehicles in the Member countries and the procedures to be followed in the case of abnormal loads which constitute an exception to these rules;
2. be able to choose vehicles and their components (chassis, engine, transmission system, braking system, etc.) in accordance with the needs of the undertaking;
3. be familiar with the formalities relating to the type approval, registration and technical inspection of these vehicles;
4. be familiar with the specific requirements in relation to the different types of vehicle which are likely to be used under the ECMT multilateral quota system;
5. understand what measures must be taken to reduce noise and to combat air pollution by motor vehicle exhaust emissions;
6. be able to draw up periodic maintenance plans for the vehicles and their equipment;
7. be familiar with the different types of cargo-handling and loading devices (tailboards, containers, pallets, etc.) and be able to introduce procedures and issue instructions for loading and unloading goods (load distribution, stacking, stowing, blocking and chocking, etc.);
8. be familiar with the various techniques of "piggy-back" and roll-on roll-off combined transport;
9. be able to implement procedures to comply with the rules on the carriage of dangerous goods and waste;
10. be able to implement procedures to comply with the rules on the carriage of perishable foodstuffs, notably those arising from the Agreement on the International Carriage of Perishable Foodstuffs and on the Special Equipment to be used for such Carriage (ATP);
11. be able to implement procedures to comply with the rules on the transport of live animals.

#### **H. Road safety**

In relation to road haulage, the applicant should:

1. know what qualifications are required for drivers (driving licence, medical certificates, certificates of fitness, etc.);
2. be able to take the necessary steps to ensure that drivers comply with the traffic rules, prohibitions and restrictions in force in different Member countries (speed limits, priorities, waiting and parking restrictions, use of lights, road signs, etc.);
3. be able to draw up instructions for drivers to check their compliance with the safety requirements concerning the condition of the vehicles, their equipment and cargo, and concerning preventive measures to be taken;
4. be able to lay down procedures to be followed in the event of an accident and to implement appropriate procedures to prevent the recurrence of accidents or serious traffic offences.
5. be able to implement procedures to properly secure goods and be familiar with the corresponding techniques

## **ANNEX 2: ORGANISATION OF THE EXAMINATION TO DETERMINE PROFESSIONAL COMPETENCE**

### **(Chapter II, Article 4.3.a)**

To ensure that the rules governing international road haulage operations are as harmonised as possible at the level of the entire European continent, the provisions concerning the examination procedures used to justify professional competence are as follows:

1. Member countries should organise a compulsory written examination which they may supplement by an optional oral examination to establish whether applicant road transport operators have achieved the required level of knowledge in the subjects recommended in Annex1 and in particular their capacity to use the instruments and techniques relating to those subjects and to fulfil the corresponding executive and coordination duties.

a) The compulsory written examination should involve two tests, namely:

- i) written questions consisting of either multiple choice questions (each with four possible answers), questions requiring direct answers or a combination of both systems;
- ii) written exercises/case studies.

The minimum duration of each test should be two hours.

b) Where an oral examination is organised, Member Countries may stipulate that participation is subject to the successful completion of the written examination.

2. Where Member countries also organise an oral examination, they should provide, in respect of each of the three tests, for a weighting of marks of a minimum of 25% and a maximum of 40% of the total number of marks to be given.

Where Member countries organise only a written examination, they should provide, in respect of each test, for a weighting of marks of a minimum of 40% and a maximum of 60% of the total number of marks to be given.

3. With regard to all the tests, applicants must obtain an average of at least 60 % of the total number of marks to be given, achieving in any given test not less than 50% of the total number of marks possible. In one test only, a Member country may reduce that mark from 50% to 40%.

Other examination procedures are acceptable provided that they are recognised as equivalent by the Group on Road Transport in accordance with the rules of procedure drawn up by this Group.

## ANNEX 3: MODEL CERTIFICATE OF PROFESSIONAL COMPETENCE

### (Chapter II, Article 4.4)

To ensure that the rules governing international road haulage operations are as harmonised as possible at the level of the entire European continent:

1) **The provisions regarding the model certificate of professional competence** are, as follows:

(Light beige paper, size A4)

(Text in the official language(s) or one of the official languages of the  
Member country issuing the certificate)

Distinguishing sign of the Member  
country concerned

Name of the authorised authority  
or body <sup>(1)</sup>

#### CERTIFICATE OF PROFESSIONAL COMPETENCE IN ROAD HAULAGE

No.....

We.....

hereby certify that <sup>(2)</sup> .....

born on ..... in .....

has successfully passed the tests for the examination (year: .....; session: .....)<sup>(3)</sup> necessary for the award of the certificate of professional competence in road haulage in accordance with the provisions of the Quality Charter applicable to international road haulage operations carried out under the ECMT multilateral quota.

This certificate constitutes the sufficient proof of professional competence referred to Article 4 of Chapter II of the Quality Charter.

Issued at....., on .....<sup>(4)</sup>

(1) Authority or body designated in advance for this purpose by each Member country participating in the ECMT multilateral quota system.

(2) Surname and forename; place and date of birth.

(3) Identification of the examination.

(4) Seal and signature of the authorised authority or body issuing the certificate.

## Security features of the certificate of professional competence

The certificate must have at least two of the following security features:

- a hologram;
- special fibres in the paper which become visible under UV light;
- at least one microprint line (printing visible only with a magnifying glass and not reproduced by photocopying machines);
- tactile characters, symbols or patterns;
- double numbering: serial number and issue number;
- a security design background with fine guilloche patterns and rainbow printing.

The ITF Secretariat to place the various national models of certificates online on the ITF's Internet site dedicated to the ECMT multilateral quota.

2) Certificates of professional competence issued in accordance with the standards specified by the IRU Academy are also considered as meeting the requirements of the Quality Charter provided that they are countersigned by the National competent authorities. The model currently issued by the IRU Academy is reproduced below:



3) Any other model is acceptable provided that it is recognised as equivalent by the Group on Road Transport in accordance with the rules of procedure drawn up by this Group.

## **ANNEX 4: MINIMUM QUALIFICATION AND TRAINING REQUIREMENTS FOR DRIVERS AND TRAINING CENTRES**

**(Chapter III, Articles 2.2. and 2.4.)**

To ensure that the rules governing international road haulage operations are as harmonised as possible at the level of the entire European continent, the minimum requirements for driver qualification and training as well as the approval of training centres are as follows. Any other content for this qualification or training may be acceptable provided that it is considered as equivalent by the Group on Road Transport in accordance with the rules of procedure drawn up by this Group.

### **Section 1: List of subjects**

The knowledge to be taken into account by Member countries when establishing the driver's initial qualification and periodic training should include at least the subjects in this list.

Trainee drivers must reach the level of knowledge and practical competence necessary to drive in all safety vehicles of the relevant licence category. The minimum level of knowledge may not be less than the level reached during compulsory education, supplemented by professional training.

#### *1. Advanced training in rational driving based on safety regulations*

1.1. Objective: to know the characteristics of the transmission system in order to make the best possible use of it:

→ curves relating to torque, power, and specific consumption of an engine, area of optimum use of revolution counter, gearbox-ratio cover diagrams.

1.2. Objective: to know the technical characteristics and operation of the safety controls in order to → control the vehicle, minimise wear and tear and prevent malfunctions:

specific features of hydraulic vacuum servo-brake circuit, limits to the use of brakes and retarder, combined use of brakes and retarder, making better use of speed and gear ratio, making use of vehicle inertia, using ways of slowing down and braking on downhill stretches, action in the event of failure.

1.3. Objective: ability to optimise fuel consumption:

→ optimisation of fuel consumption by applying know-how as regards points 1.1 and 1.2.

1.4. Objective: ability to load the vehicle with due regard for safety rules and proper vehicle use:

→ forces affecting vehicles in motion, use of gearbox ratios according to vehicle load and road profile, calculation of payload of vehicle or assembly, calculation of total volume, load distribution, consequences of overloading the axle, vehicle stability and centre of gravity, types of packaging and pallets;

→ main categories of goods needing securing, clamping and securing techniques, use of securing straps, checking of securing devices, use of handling equipment, placing and removal of tarpaulins.

#### *2. Application of regulations*

2.1. Objective: to know the social environment of road transport and the rules governing it:

→ maximum working periods specific to the transport industry; penalties for failure to use, improper use of and tampering with the tachograph; knowledge of the social environment of road transport: rights and duties of drivers as regards initial qualification and periodic training.

2.2. Objective: to know the regulations governing the carriage of goods:

→ transport operating licences, obligations under standard contracts for the carriage of goods, drafting of documents which form the transport contract, international transport permits, obligations under the Convention on the Contract for the International Carriage of Goods by Road, drafting of the international consignment note, crossing borders, freight forwarders, special documents accompanying goods.

### *3. Health, road and environmental safety, service, logistics*

3.1. Objective: to make drivers aware of the risks of the road and of accidents at work:

→ types of accidents at work in the transport sector, road accident statistics, involvement of lorries, human, material and financial consequences.

3.2. Objective: ability to prevent criminality and trafficking in illegal immigrants:

→ general information, implications for drivers, preventive measures, check list, legislation on transport operator liability.

3.3. Objective: ability to prevent physical risks:

→ ergonomic principles; movements and postures which pose a risk, physical fitness, handling exercises, personal protection.

3.4. Objective: awareness of the importance of physical and mental ability:

→ principles of healthy, balanced eating, effects of alcohol, drugs or any other substance likely to affect behaviour, symptoms, causes, effects of fatigue and stress, fundamental role of the basic work/rest cycle.

3.5. Objective: ability to assess emergency situations:

→ behaviour in an emergency situation: assessment of the situation, avoiding complications of an accident, summoning assistance, assisting casualties and giving first aid, reaction in the event of fire, evacuation of occupants of a lorry, reaction in the event of aggression; basic principles for the drafting of an accident report.

3.6. Objective: ability to adopt behaviour to help enhance the image of the company:

→ behaviour of the driver and company image: importance for the company of the standard of service provided by the driver, the roles of the driver, people with whom the driver will be dealing, vehicle maintenance, work organisation, commercial and financial effects of a dispute.

3.7. Objective: to know the economic environment of road haulage and the organisation of the market:

→ road transport in relation to other modes of transport (competition, shippers), different road transport activities (transport for hire or reward, own account, auxiliary transport activities), organisation of the main types of transport company and auxiliary transport activities, different transport specialisations (road tanker, controlled temperature, etc.), changes in the industry (diversification of services provided, rail-road, subcontracting, etc.).

## **Section 2: Compulsory initial qualification provided for in Chapter III, Article 2.2.**

### *2.1. Option combining both course attendance and a test*

Initial qualification should include the teaching of all subjects in the list under section 1. The duration of this initial qualification should be two hundred and eighty hours (one hundred and forty in the case of accelerated initial qualification).

Each trainee driver should drive for at least twenty hours individually (ten hours in the case of accelerated initial qualification) in a vehicle of the category concerned which meets at least the requirements for test vehicles.

When driving individually, the trainee driver must be accompanied by an instructor, employed by an approved training centre. Each driver may drive for a maximum of eight hours of the twenty hours of individual driving (maximum of four hours of the ten hours of individual driving in the case of accelerated initial qualification) on special terrain or on a top-of-the-range simulator so as to assess

training in rational driving based on safety regulations, in particular with regard to vehicle handling in different road conditions and the way they change with different atmospheric conditions and the time of day or night.

At the end of that training, Member countries' competent authorities or the entity designated by them should give the driver a written or oral test. The test should include at least one question on each of the objectives in the list of subjects under section 1.

## *2.2. Option involving a test*

Member Countries' competent authorities or the entity designated by them shall organise the aforementioned theoretical and practical tests to check whether the trainee driver has the level of knowledge required in section 1 for the subjects and objectives listed there.

a) The theoretical test should consist of at least two parts:

- i) questions including multiple-choice questions, questions requiring a direct answer, or a combination of both;
- ii) case studies.

The minimum duration of the theoretical test should be four hours.

b) The practical test should consist of two parts:

- i) a driving test aimed at assessing training in rational driving based on safety regulations. The test should take place, whenever possible, on roads outside built-up areas, on fast roads and on motorways (or similar), and on all kinds of urban highways presenting the different types of difficulties that a driver is liable to encounter. It would be desirable for this test to take place in different traffic density conditions. The driving time on the road should be used optimally in order to assess the candidate in all traffic areas likely to be encountered. The minimum duration of this test should be 90 minutes;
- ii) a practical test covering at least points 1.4, 3.2, 3.3 and 3.5. The minimum duration of this test should be 30 minutes.

The vehicle used for the practical test must meet at least the requirements for test vehicles.

The practical test may be supplemented by a third test taking place on special terrain or on a top-of-the-range simulator so as to assess training in rational driving based on safety regulations, in particular with regard to vehicle handling in different road conditions and the way they change with different atmospheric conditions and the time of day or night.

The duration of this optional test is not fixed. Should the driver undergo such a test, its duration may be deducted from the 90 minutes of the driving test referred to under (i), but the time deducted may not exceed 30 minutes.

**Section 3: Compulsory periodic training provided for in Chapter III, Article 2.2.**

Compulsory periodic training courses should be organised by an approved training centre. Their duration should be of 35 hours every five years, given in periods of at least seven hours. Such periodic training may be provided, in part, on top-of-the-range simulators.

**Section 4: Approval of training centres provided for in Chapter III, Articles 2.3 and 2.4.**

The training centres taking part in the initial qualification and periodic training must be approved by the Member countries' competent authorities. Approval may be given only in response to a written application. The application must be accompanied by documents including:

- a suitable qualification and training programme specifying the subjects taught and setting out the proposed implementing plan and teaching methods;
- the instructors' qualifications and fields of activity;
- information about the premises where the courses are given, the teaching materials, the resources made available for the practical work, and the vehicle fleet used;
- the conditions regarding participation in the courses (number of participants).

The competent authority must give approval in writing subject to the following conditions:

- the training must be given in accordance with the documents accompanying the application;
- the competent authority must be entitled to send authorised persons to assist in the training courses of the approved centres, and must be entitled to monitor such centres, with regard to the resources used and the proper running of the training courses and tests;
- the approval may be withdrawn or suspended if the conditions of approval are no longer complied with.

The approved centre must guarantee that the instructors have a sound knowledge of the most recent regulations and training requirements. As part of a specific selection procedure, the instructors must provide certification showing a knowledge of both the subject material and teaching methods. As regards the practical part of the training, instructors must provide certification of experience as professional drivers or similar driving experience, such as that of driving instructors for heavy vehicles.

The programme of instruction must be in accordance with the approval and must cover the subjects in the list in section 1.



## **ANNEX 5: DRIVER QUALIFICATION CARD CHARACTERISTICS AND MODEL**

### **(Chapter III, Article 2.6.)**

To certify possession of a Certificate of Professional Competence (CPC), the competent authorities of Member countries, or the body duly authorised by these authorities, may either affix a distinctive sign directly on the driving permit (licence) or establish a special driver qualification card. The model of this card could be chosen from:

- the model in force in the European Union;
- a special ECMT model, whose characteristics would closely match those of the EU model (see point A below);
- the CPC issued by the IRU Academy (see point B below).

#### **A. Model of an ECMT driver qualification card**

To ensure that the rules governing international road haulage operations are as harmonised as possible at the level of the entire European continent, the provisions regarding the driver qualification card likely to be used under the ECMT multilateral quota system are as follows. Any other model may be acceptable provided that it is recognised as equivalent by the Group on Road Transport in accordance with the rules of procedure drawn up by this Group.

#### **1. Card characteristics**

**1.1. The physical characteristics of the card** must comply with ISO standards 7810 and 7816-1.

The methods for verifying the physical characteristics of the card to ensure that they are consistent with international standards must comply with ISO standard 10373.

#### **1.2. The card has two sides**

*Side 1 contains:*

- a) the heading "driver qualification card" printed in large type in the official language or languages of the Member country issuing the card;
- b) the name of the Member country issuing the card (optional);
- c) the distinguishing sign of the Member country issuing the card, printed in negative in a blue rectangle;
- d) information specific to the card, numbered as follows:
  1. surname of the holder;
  2. first name of the holder;
  3. date and place of birth of the holder;
  4. (a) date of issue;
  - (b) date of expiry;
  - (c) the name of the issuing authority (may be printed on side 2);
  - (d) a different number from the driving licence number for administrative purposes (optional);
  5. (a) driving licence number;
  - (b) serial number;
  6. photograph of the holder;
  7. signature of the holder;
  8. normal place of residence, or postal address of the holder (optional);
- e) the reference colour:
  - blue

*Side 2 contains:*

- a) 9. the (sub)categories of vehicles for which the driver satisfies the initial qualification and periodic training requirements;
- 10. a space reserved for the possible entry by the Member country issuing the card of essential administrative details or details relating to road safety (optional).
- b) an explanation of the numbered entries appearing on sides 1 and 2 of the card (at least headings 1, 2, 3, 4(a), 4(b), 4(c), 5(a) and 5(b)).

### **1.3. Security, including data protection**

The aim of the various constituent parts of the card is to rule out any forgery or tampering and to detect any attempts to do so.

The Member country must ensure that the level of security of the card is at least comparable to the level of security of the driving licence.

### **1.4. Particular arrangements**

Member countries may add colours or markings, such as a bar code, national symbols and security features, without prejudice to the other provisions of this Annex.

In connection with the mutual recognition of cards, the bar code may not contain any information other than that already legibly appearing on the driver qualification card or which is essential for the card-issuing process.

The ITF Secretariat to place the various national models of qualification cards online on the ITF's Internet site dedicated to the ECMT multilateral quota.

## 2. Model card

The model card should very closely match the one illustrated in Annex II of Directive 2003/59/CE and reproduced below:

*Side 1*

DRIVER QUALIFICATION CARD		(MEMBER STATE)
	1.	
	2.	
6. PHOTO	3.	
	4a.	4b.
	4c.	(4d.)
	5a.	5b.
	7.	
	(8.)	
9.		

*Side 2*

11.	9.	10.
	C1	
	C	
	D1	
	D	
	C1E	
	CE	
	D1E	
	DE	

1. Surname  
2. First name  
3. Date and place of birth  
4a. Date of issue  
4b. Administrative expiry date  
4c. Issued by  
5a. Licence No  
5b. Serial No  
10. Community code

### B. CPC issued by the IRU Academy

The models currently issued by the IRU Academy are reproduced below. These certificates should be accepted by the competent authorities of Member countries as documents certifying that the driver is qualified in accordance with the provisions of the Quality Charter provided that they are countersigned by the National competent authorities:

**IRU Academy**  
**CPC CERTIFICATE**



 Awarded with distinction on 12 October 2012 with Certificate ID DTCCOCPD73741234 to  
**Damir TVRDICA**  
Born in Split, Croatia, on 29 February 1976, certifying qualification in the

**Certificate of Professional Competence (CPC)  
for Driver**

**- Initial Qualification for Truck Drivers Cat. C, C+E, C1, C1+E -**

Possession of this qualification is confirmed by the IRU Academy on its web site under Graduate Viewing Code: 5671234/J1 or /P1.  
**This certificate must be extended through periodic training by (Code 95) 11 October 2017.**

This course is delivered by the IRU Academy Accredited Training Institute DTC on the basis of EU Directive 2003/59/EC on subjects referred in section 1 of Annex A and the strict criteria fixed by the IRU Academy, endorsed by its high level Advisory Committee, regarding instructor qualification, training and examination to provide and ensure the highest professional skills and quality in road transport.

[www.iru.org/academy](http://www.iru.org/academy)

<b>Mr Umberto DE PRETTO</b> Secretary General International Road Transport Union (IRU) Switzerland	<b>Mr Vladimir MUSTER</b> State Secretary Ministry of Transport and Communications Croatia	<b>Mr Petar PEVAC</b> General Manager DTC Croatia
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**IRU Academy**  
**CPC CERTIFICATE**



 Awarded with distinction on 12 October 2012 with Certificate ID DTCCOCPD73741234 to  
**Damir TVRDICA**  
Born in Split, Croatia, on 29 February 1976, certifying qualification in the

**Certificate of Professional Competence (CPC)  
for Driver**

**- Periodic Qualification for Truck Drivers Cat. C, C+E, C1, C1+E -**

Possession of this qualification is confirmed by the IRU Academy on its web site under Graduate Viewing Code: 5671234/J1 or /P1.  
**This certificate is valid until (Code 95) 11 October 2017.**

This course is delivered by the IRU Academy Accredited Training Institute DTC on the basis of EU Directive 2003/59/EC, on subjects referred in section 1 of Annex A and the strict criteria fixed by the IRU Academy, endorsed by its high level Advisory Committee, regarding instructor qualification, training and examination to provide and ensure the highest professional skills and quality in road transport.

[www.iru.org/academy](http://www.iru.org/academy)

<b>Mr Umberto DE PRETTO</b> Secretary General International Road Transport Union (IRU) Switzerland	<b>Mr Vladimir MUSTER</b> State Secretary Ministry of Transport and Communications Croatia	<b>Mr Petar PEVAC</b> General Manager DTC Croatia
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## **ANNEX 6: CHECKS ON COMPLIANCE WITH PROVISIONS REGARDING THE DRIVING TIMES AND REST PERIODS OF DRIVERS**

### **POINTS SUBJECT TO CHECKING**

**(Chapter IV, Articles 2.1.1.4 and 2.1.1.5.)**

To ensure that the rules governing international road haulage operations are as harmonised as possible at the level of the entire European continent, the points to be checked in respect of driving times and rest periods are as follows. Any other list of points subject to checking may be acceptable provided that it is recognised as equivalent by the Group on Road Transport in accordance with the rules of procedure drawn up by this Group.

#### **A. Roadside checks**

The following points shall, in general, be covered by roadside checks:

- (1) daily and weekly driving times, breaks and daily and weekly rest periods; also the preceding days' record sheets which have to be carried on board the vehicle and/or the data stored for the same period on the driver card and/or in the memory of the recording equipment and/or on print-outs;
- (2) any cases where the vehicle's authorised speed is exceeded, to be defined as being any periods of more than one minute during which the vehicle's speed exceeds 90 km/h for category N3 vehicles;
- (3) where appropriate, momentary speeds attained by the vehicle as recorded by the recording equipment in no more than the previous 24 hours' use of the vehicle;
- (4) the correct functioning of the recording equipment (determination of possible misuse of the equipment and/or the driver card and/or record sheets).

#### **B. Checks at the premises of undertakings**

The following points shall be checked at the premises of undertakings, in addition to those set out in Part A:

- (1) weekly rest periods and driving times between these rest periods;
- (2) observance of the two-weekly limitation of driving times;
- (3) record sheets, vehicle unit and driver card data and print-outs.

Member countries may, if appropriate, check on the joint liability of other instigators or accessories in the transport chain, such as shippers, freight forwarders or contractors, if an infringement is detected, including verification that contracts for the provision of transport services.

## ANNEX 7: LIST OF INFRINGEMENTS OF AETR RULES AND THEIR LEVEL OF SERIOUSNESS

(Chapter IV, Article 3.1.1.)

To ensure that the rules governing international road haulage operations are as harmonised as possible at the level of the entire European continent, the classification of infringements of AETR rules and their level of seriousness is as follows.

No	Type of infringement	Level of seriousness[1]		
		VSI	SI	MI
<b>A</b>	<b>Crew</b>			
A1	Not respecting minimum ages for drivers		X	
<b>B</b>	<b>Driving periods</b>			
B1	Exceeding daily driving time of 9 h if possible extension to 10 h has not been authorised	9 h<...<10 h		X
B2		10 h<...<11 h		X
B3		11 h<...	X	
B4	Exceeding extended daily driving time of 10 h if extension has been authorised	10 h<...<11 h		X
B5		11 h<...<12 h		X
B6		12 h<...	X	
B7	Exceeding weekly driving time	56 h<...<60 h		X
B8		60 h<...<70 h		X
B9		70 h<...	X	
B10	Exceeding accumulated driving time in 2 consecutive weeks	90 h<...<100 h		X
B11		100 h<...<112 h 30		X
B12		112 h 30<...	X	
<b>C</b>	<b>Breaks</b>			
C1	Exceeding uninterrupted driving time	4 h 30<...<5 h		X
C2		5 h<...<6 h		X
C3		6 h<...	X	
<b>D</b>	<b>Rest periods</b>			
D1	Insufficient daily rest period of less than 11 h if reduced daily rest period has not been authorised	10 h<...<11 h		X
D2		8 h 30<...<10 h		X
D3		...<8 h 30	X	
D4	Insufficient reduced daily rest period of less than 9 h if reduced daily rest period has been authorised	8 h<...<9 h		X
D5		7 h<...<8 h		X
D6		...<7 h	X	
D7	Insufficient splitting of daily rest period into less than 3 h + 9 h	3 h+(8 h<...<9 h)		X
D8		3 h+(7 h<...<8 h)		X
D9		3 h+(...<7 h)	X	
D10	Insufficient daily rest period of less than 9 h for multi-manning	8 h<...<9 h		X
D11		7 h<...<8 h		X
D12		...<7 h	X	

D13	Insufficient reduced weekly resting period of less than 24 h	22 h<...<24 h			X
D14		20 h<...<22 h		X	
D15		...<20 h	X		
D16	Insufficient weekly resting period of less than 45 h if reduced weekly resting period has not been authorised	42 h<...<45 h			X
D17		36 h<...<42 h		X	
D18		...<36 h	X		
<b>E</b>	<b>Types of payment</b>				
E1	Link between wage and distance travelled or amount of goods carried		X		
<b>F</b>	<b>Installation of recording equipment</b>				
F1	No type-approved recording equipment installed and used		X		
<b>G</b>	<b>Use of recording equipment, driver card or record sheet</b>				
G1	Recording equipment not correctly functioning (for example: recording equipment not properly inspected, calibrated or sealed)		X		
G2	Recording equipment used incorrectly (not using a valid driver card, deliberate interference, etc.)		X		
G3	Not carrying a sufficient number of record sheets			X	
G4	Model of record sheet not approved			X	
G5	Not carrying enough paper for print-outs				X
G6	Undertaking not keeping record sheets, print-outs and downloaded data		X		
G7	Driver holding more than one valid driver card		X		
G8	Use of a driver card which is not the driver's own valid card		X		
G9	Use of a defective or expired driver card		X		
G10	Recorded and stored data not available for at least 365 days		X		
G11	Use of dirty or damaged sheets or driver cards and data not legible				X
G12	Use of dirty or damaged sheets or driver cards and data not legible		X		
G13	Failure to apply for replacement of damaged, malfunctioning, lost or stolen driver card within 7 calendar days			X	
G14	Incorrect use of record sheets/driver cards		X		
G15	Unauthorised withdrawal of sheets or driver card which has an impact on the record of relevant data		X		
G16	Unauthorised withdrawal of sheets or driver card without any impact on data recorded				X
G17	Record sheet or driver card used to cover a period longer than that for which it is intended but without loss of data				X
G18	Record sheet or driver card used to cover a period longer than that for which it is intended with loss of data		X		
G19	Not using manual input when required to do so		X		
G20	Not using correct sheet or driver card not in the correct slot (multi-manning)		X		
G21	Time recorded on the sheet does not agree with official time of country of registration of the vehicle			X	
G22	Incorrect use of switch mechanism		X		

<b>H</b>	<b>Fill in information</b>			
H1	Surname missing on record sheet	X		
H2	First name missing on record sheet	X		
H3	Date of start or end of use of the sheet missing		X	
H4	Place of start or end of use of the sheet missing			X
H5	Registration number missing on record sheet			X
H6	Odometer reading (start) missing on record sheet		X	
H7	Odometer reading (end) missing on record sheet			X
H8	Time of change of vehicle missing on record sheet			X
H9	Symbol of country not entered on record sheet			X
<b>I</b>	<b>Producing information</b>			
I1	Refusal to be checked	X		
I2	Unable to produce records of current day	X		
I3	Unable to produce records of previous 28 days	X		
I4	Unable to produce records of the driver card if the driver holds one	X		
I5	Unable to produce manual records and print-outs made during the current week and the previous 28 days	X		
I6	Unable to produce driver card	X		
I7	Unable to produce print outs made during the current week and the previous 28 days	X		
<b>J</b>	<b>Fraud</b>			
J1	Falsify, suppress, destroy data recorded on record sheets, stored in the recording equipment or on the driver card or print-outs from the recording equipment	X		
J2	Manipulation of recording equipment, record sheet or driver card which may result in data and/print-outs information being falsified	X		
J3	Manipulation device that could be used to falsify data and/print-outs information present on vehicle (switch/wire ...)	X		
<b>K</b>	<b>Breakdown</b>			
K1	Not repaired by an approved fitter or workshop	X		
K2	Not repaired en route		X	
<b>L</b>	<b>Manual input on print-outs</b>			
L1	Driver not marking all information for the periods of time which are no longer recorded while recording equipment is unserviceable or malfunctioning	X		
L2	Driver card number and/or name and/or driving licence number missing on temporary sheet	X		
L3	Signature missing on temporary sheet		X	
L4	Loss or theft of driver card not formally declared to the competent authorities of the Member country where the theft occurred	X		

- [1] **VSI = Very Serious Infringement**  
**SI = Serious Infringement**  
**MI = Minor Infringement**



**APPENDIX 1. RULES OF PROCEDURE FOR THE GROUP ON ROAD  
TRANSPORT FOR ASSESSMENT OF THE QUALITY CHARTER  
COMPLIANCE BY MEMBER COUNTRIES**

**A. Recognition of a Member country's compliance and/or equivalence with the provisions of the Quality Charter**

There is a requirement for compliance with the provisions of the Quality Charter in respect of Multilateral Quota operations, but equivalence may be recognised where national provisions are as stringent as the provisions of the Charter and have similar results.

**Definitions:**

**Compliance:** when a Member Country conforms to provisions of the Quality Charter in respect of Multilateral Quota operations.

**Equivalence:** when it is assessed that the national provisions are as stringent as the provisions of the Quality Charter and have similar results in respect of Multilateral Quota operations.

All Member countries apply for Quality Charter compliance recognition. No Country is entitled to automatic recognition of Quality Charter compliance status.

A common checklist agreed by the Group on Road Transport is used to ensure uniform application process by Member Countries.

**The application process shall be as follows:**

- a) A Member country submits an application to the ITF Secretariat for recognition of Quality Charter compliance/equivalence with a national statement of compliance/equivalence, accompanied by a filled-out checklist and any supporting documents the Country wishes to provide.

The national statement may be a declaration or letter from a Minister, or appropriate competent Authority.

- b) The ITF Secretariat reviews the application to ensure that all issues are covered. If required, the Secretariat may seek clarification or additional information from the applicant Country.
- c) The ITF Secretariat prepares a draft Technical Note and provides this to the applicant for validation and/or comments.
- d) The Secretariat submits the Technical Note, including the applicant's comments, if any, to the Sub-Group on Quality Charter implementation, for consideration. The Sub-Group considers all submitted Technical Notes and supporting documents. If required, it may seek clarification or additional information from the applicant country.
- e) The Sub-Group submits a proposal to the next meeting of the Group on Road Transport detailing the Countries recommended for recognition of Quality Charter compliance/equivalence. This should include the filled-out checklist by the applicant(s), the Technical note (including the applicant's comments, if required) and all related documents. These documents shall be placed on the protected ITF internet suite dedicated to the ECMT Multilateral quota.

The Sub-Group shall also inform the Group on Road Transport of any applications under evaluation, or pending applications.

- f) The Sub-Group is composed by members of the Group on Road Transport, on a voluntary basis. It comprises at least five members and reports to the Group on Road Transport.
- g) The Group on Road Transport decides by unanimity on recognition of Quality Charter compliance/equivalence for all Countries proposed by the Sub-Group. The Country under evaluation shall not take part in the decision-making in respect to its own recognition of compliance or equivalence.
- h) In the event of a negative vote, the Member country(ies) voting against recognition of an individual Country's compliance/equivalence with the Quality Charter shall provide the applicant Country, informing also the Group on Road Transport and the ITF Secretariat, with the reason(s) for rejection so that the applicant may address identified issues and reapply.
- i) At any stage of the process, the applicant Country is invited to correct or clarify those areas of deficiency identified by the Sub-Group or the Group on Road Transport, and reapply, specifying in particular the ways in which the questioned provisions are being amended. In the latter case, solely the amended provisions shall be subject to the evaluation for compliance or equivalence.

### **Validity of recognition**

Once a Member country has been recognised as a Quality Charter compliant, the Country will not need to re-apply unless the recognition decision is repealed, or the Quality Charter provisions are substantially amended and are subject to abridged re-application process related to these particular provisions, by all Member Countries.

### **Member Countries' obligations**

Member countries must notify the ITF Secretariat if they institute legal or procedural changes that may affect the operation of the Quality Charter. In such cases the Secretariat shall review the compliance/equivalence of such changes with the provisions of the Charter and submit a Technical Note to the Sub-Group for consideration.

### **B. Ruling on an alleged failure by a Member Country to comply with the provisions of the Charter**

A Member country which considers that another Member country is in breach of the Charter provisions may submit a complaint to this latter Country, or consequently, if the case is not resolved, to the Group on Road Transport and the ITF Secretariat, accompanied by a dossier established for that purpose.

The process dealing with an allegation of non-compliance of a Country with the Quality Charter provisions shall be as follows:

- State A which considers that State B is in breach of the Charter may submit a complaint to the Group on Road Transport and the ITF Secretariat, accompanied by a dossier established for that purpose in one of the official languages of the Organisation.
- The Group on Road Transport may decide to refer the case to an appropriate structure, such as Sub-Group, for evaluation according to the procedures above. This structure should examine the State B for compliance in the areas of alleged failure, and submit a report with its recommendation to the Group on Road Transport.

- The Group on Road Transport shall decide on follow-up action to this complaint, which as the case may be, can go as far as the loss of the Quality Charter compliance status by the Country.
- For these proceedings, the Group on Road Transport shall decide by unanimity. The Members allowed to participate in the decision-making are limited to those who are not parties to this dispute.

Member country that have lost Quality Charter compliance recognition, may reapply, subject to the full application procedures.

### **C. Final Provisions**

The provisions of these Rules of Procedure may be amended, as required, without affecting a text of the Quality Charter, by decision of the Group on Road Transport.