

WRITTEN QUESTION E-3923/08
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to the Commission

Subject: Attestation of activities under Regulation (EC) No 561/2006

German road hauliers and bus operators have reported huge problems with the form referred to above. All cross-border transport firms are affected by this. Sick leave, annual leave and driving an exempted vehicle are the only options on the form. For days on which no vehicles are driven - no analogue tachograph disc or data stored on driver cards in conjunction with EC digital residing equipment - and drivers are carrying out other activities such as garage or office work, for example, or are simply taking their statutory rest periods, lawful certification is not possible using the EU attestation under Regulation (EC) No 561/2006¹, established in Decision 2007/230/EC², in conjunction with the relevant EU Guideline Note 5 concerning Regulation (EC) No 561/2006. In order to fill in the necessary attestation for drivers in such instances, firms and drivers are obliged to make false claims, e.g. to pretend that a weekly rest period is annual leave or that other office work means driving a vehicle exempted by the regulation. It is very difficult to explain this to operators and drivers. Nor is it clear what the procedure is when drivers are en route on days for which there is no proof of working hours (when a lorry is in Brussels for 45 hours, for example, with the driver taking his or her weekly rest period accordingly and then continuing to Paris). In this instance, the EU attestation cannot be filled in beforehand.

Is the Commission aware of this problem? How, in the Commission's view, should European transport firms deal with it? Are there solutions to some extent? When is the form likely to be revised?

Furthermore, filling out the form is a major task: it must be filled in by typing, operators' and drivers' original signatures are required, and operators must enter the precise times for any period of inactivity. In some cases, that has to be done on a Sunday, e.g. if, before a firm shuts on a Friday, it is not possible to say when a vehicle will be back on site.

Is the Commission aware of these problems? Is the effort required proportionate? How can it be reduced?

¹ OJ L 102, 11.4.2006, p. 1.

² OJ L 99, 14.4.2007, p. 14.