



LEASEUROPE

The Director General

Mr. Remi Mayet
Deputy Head of Unit, Land Transport Policy
DG TREN
European Commission

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Brussels, 27 June 2007

RE: INTERNAL TRIPS OF TRUCK RENTAL COMPANIES AND USE OF THE TACHOGRAPH

Dear Mr Mayet,

I am writing to you on behalf of Leaseurope, the European trade body representing the interests of, *inter alia*, the truck rental companies at EU level.

I would like to bring to your attention an issue that is crucial for European truck rental companies and that is related to the use of the digital tachograph.

Since Regulation (EC) 561/2006¹ only aims at capturing the professional activities of carriage of goods and passengers by road, internal trips (such as maintenance, repair, washing, fuelling, movement between locations, delivery, pick-up, etc.) of truck rental companies fall outside the scope of the Regulation and therefore the use of the digital tachograph is not compulsory in such circumstances.

For similar reasons, the use of the analogue tachograph is not compulsory either in such circumstances.

Yet, *some* national administrations or enforcement authorities take a different position and impose truck rental companies to use the tachograph for their internal trips. This puts an extremely heavy and unjustified administrative burden on truck rental companies.

We think that this position is simply not in line with the applicable European regulations and that Member States, national administrations and enforcement authorities are not legally justified to require truck rental companies to use the tachograph for their internal trips.

¹ Regulation (EC) No 561/2006 of the European Parliament and of the Council of 15 March 2006 on the harmonisation of certain social legislation relating to road transport and amending Council Regulations (EEC) No 3821/85 and (EC) No 2135/98 and repealing Council Regulation (EEC) No 3820/85.

We are supportive of the objective of the recently set up Legal Working Group on Harmonized Application of the Social Rules in Road Transport to 'ensure a harmonized understanding of social rules in road transport and promote a common approach to their implementation'.

We note with pleasure that the issue of internal trips has been put on the agenda for the 29th of June 2007 meeting of the Working Group. While we welcome this upcoming discussion, we feel that the way the agenda item is presented is somewhat biased.

Mentioning (under item 5)

'Could vehicles being driven for repair, washing or maintenance purposes by company personnel who may not be full time driver in possession of a digital tachograph or by a driver himself be also exempt from the Regulation in compliance with article 3(g)? Could this be regarded as "other work"?'

implies that all internal trips necessarily fall under the scope of Regulation 561/2006. We see no legal basis for such an assumption. As mentioned above, internal trips of truck rental companies simply fall outside the scope of the Regulation and therefore need not be exempted.

We hereby call on the European Commission and the members of the Legal Working Group to consider the specific case of internal trips (e.g. maintenance, repair, washing, fuelling, movement between locations, delivery, pick-up) of truck rental companies: indeed truck rental companies' jockeys and/or mechanics who are on an internal trip are not 'drivers engaged in the carriage of goods and passengers'.

Regulation 561/2006 is about the harmonisation of certain *social* legislation relating to road transport and was never intended to apply to internal trips of truck rental companies.

That some national authorities find it easier to apply the Regulation to all trucks above a certain weight irrespective of the activity of the driver is quite obvious. Yet, this cannot justify the Regulation being misinterpreted and the truck rental companies being imposed such a heavy administrative burden when it comes to their internal trips.

We thank you very much in advance for the European Commission's response to this letter and stay at your entire disposal to discuss it with you.

Yours sincerely,



Tanguy van de Werve

cc: National authorities