Ministero delle Infrastrutture e dei Trasporti
DIPARTIMENTO PER I TRASPORTI, LA NAVIGAZIONE ED I SISTEMI INFORMATIVI E STATISTICI
DIREZIONE GENERALE PER IL TRASPORTO STRADALE E PER L'INTERMODALITA'
DIVISIONE 4
(Accesso alla professione ed al mercato del trasporto di Merci – Autotrasporto di merci in ambito dell'Unione Europea)
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MINFTRA
Dipartimento per i trasporti, la navigazione, gli AA GG e il personale
REGISTRO UFFICIALE
Prot.n. 631/RU **USCITA**

Roma 14 GEN. 2016

CIRCOLARE n. 2 /2016

All.: 1

Direzioni Generali Territoriali
LORO SEDI

Ministero dell'Interno
Dipartimento della pubblica sicurezza
Direzione centrale per la polizia stradale, ferroviaria, delle comunicazioni e per i reparti speciali della Polizia di Stato – Servizio polizia stradale
ROMA

Ministero dell'Interno
Dipartimento per la pubblica sicurezza
Ufficio di coordinamento e pianificazione delle Forze di polizia – Servizio I
ROMA

Comando generale dell'Arma dei Carabinieri
II Reparto – Ufficio operazioni
ROMA

Comando generale della Guardia di finanza
II Reparto – Ufficio operazioni
ROMA

Agenzia delle Dogane Area centrale
verifiche e controlli tributi doganali e accise -
ROMA

Comando generale del Corpo delle Capitanerie di porto
ROMA

p.c.: Alla Divisioni 5
SEDE

OGGETTO: Regolamento (CE) 561/2006, art. 14, p. 1. Decisione della Commissione che autorizza il Regno Unito a concedere deroghe all'applicazione dell'articolo 6 del Regolamento (CE) n 561/2006.

Si fa seguito alla circolare n. 1/2016 per rendere noto che la Commissione europea ha informato che in data 11 gennaio 2016 ha adottato una decisione che autorizza il Regno Unito a concedere delle deroghe limitate nel tempo e la portata ad alcune regole sui tempi di guida stabiliti dal regolamento (CE) n. 561/2006 per i conducenti addetti ai trasporti di merci con autoveicoli che superano 7,5 tonnellate di massa che avrebbero dovuto utilizzare il Forth Road Bridge, ai fini delle operazioni di trasporto attraverso e oltre Fife e Lothians e che, a causa della chiusura di questo ponte, sono tenuti a utilizzare il percorso di deviazione delle strade A985, M876, M9 e M90 come identificate dal governo scozzese.

La Decisione è stata adottata sulla base della valutazione della richiesta debitamente motivata presentata dalle autorità del Regno Unito ai sensi dell'articolo 14.1 del regolamento e l'autorizzazione con essa concessa si applica dal 7 gennaio al 14 febbraio 2016.

In allegato, si trasmette la suddetta Decisione in lingua inglese (all. 1, documento C(2016) 124 final), che è l'unico testo autentico e alla cui lettura, quindi, si rimanda per conoscere esattamente il contenuto della Decisione.

Si rappresenta quanto sopra per opportuna informazione e nell'evenienza che se ne debba tenere conto, come di consueto, nell'ambito delle attività di controllo.

IL DIRETTORE GENERALE
(Dott. Enrico Finocchi)

EUROPEAN
COMMISSION

Brussels, 11.1.2016
C(2016) 124 final

COMMISSION DECISION

of 11.1.2016

authorising the United Kingdom to grant exceptions from the application of Article 6 of Regulation (EC) No 561/2006 of the European Parliament and of the Council on the harmonisation of certain social legislation relating to road transport

Only the English text is authentic

COMMISSION DECISION

of 11.1.2016

authorising the United Kingdom to grant exceptions from the application of Article 6 of Regulation (EC) No 561/2006 of the European Parliament and of the Council on the harmonisation of certain social legislation relating to road transport

Only the English text is authentic

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to 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[1], and in particular Article 14(1) thereof,

Whereas:

(1) Given the urgent closure of the Forth Road Bridge for safety reasons following the identification of serious defects in the steelwork, the authorities of the United Kingdom notified to the Commission on 7 December 2015 that they were granting a temporary exception, regarding transport operations carried out in exceptional circumstances, in accordance with Article 14(2) of Regulation (EC) No 561/2006, for a maximum period from 8 December 2015 until 6 January 2016.

(2) After having evaluated the importance and the duration of the closure of the Forth Road Bridge in Scotland, which is classified by the Government of the United Kingdom as Critical National Infrastructure, the authorities of the United Kingdom requested by letter of 5 January 2016 an authorisation from the Commission under Article 14(1) of Regulation (EC) No 561/2006 to grant exceptions from the requirements on daily driving time, weekly driving time and total accumulated driving time during any two consecutive weeks, as specified in Article 6 of that Regulation. That request concerns drivers engaged in the carriage of goods by vehicles exceeding 7,5 tonnes who would have used the Forth Road Bridge for the purpose of transport operations through and beyond Fife and the Lothians and who, due to the closure of this bridge, are obliged to use the diversion route of the A985, M876, M9 and M90 as identified by the Scottish Government. The request is made for the time period starting 7 January until 15 February 2016, which corresponds to the time period needed to finalise the repair works on the Forth Road Bridge.

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[1] OJ L 102, 11.4.2006, p. 1.

(3) The Forth Road Bridge forms a key link in Scotland's transport network, providing a strategic connection between the south east and north east of Scotland. Despite the rolling programme of inspection and maintenance, fatigue failures occured to highly stressed welded steel components used for the bridge construction, whicharegenerally considered to be difficult to predict. The immediate full closure of the Forth Road Bridge was therefore necessary for safety reasons. Even after the completion of provisional repairs, the exclusion of heavy goods vehicles exceeding 7,5 tonnes was deemed necessary for risk mitigation. These measures have a negative effect on road freight movements, as they require drivers to use a diversion route. This makes it more difficult for drivers to comply with the relevant provisions of Regulation (EC) No 561/2006 because of the extended journey time as well as other factors such as the limited availability of parking facilities. Therefore, in order to address this situation, the requested authorisation should be granted.

(4) The impact of the unexpected failure of the strategic infrastructure on journey times for the road freight sector gives rise to exceptional circumstances within the meaning of Article 14 of Regulation (EC) No 561/2006. Therefore the request for authorisation fulfills the conditions set out in that Article.

(5) As explained by the authorities of the United Kingdom the exceptions would apply exclusively to the drivers engaged in the carriage of goods by vehicles exceeding 7,5 tonnes who are forced to use the above-mentioned diversion route. The request made by the authorities of the United Kingdom is limited in scope as it concerns only rules set out in Article 6 on daily driving time, weekly driving time and the total accumulated driving time during any two consecutive weeks. For control purposes, the drivers subject to the exceptions are required to note on the back of their tachograph charts or printouts the reason for exceeding the time limits set out in the Regulation. Finally as mentioned above, the request is also limited in time. Therefore the objectives set out in Article 1 of Regulation (EC) No 561/2006 are not prejudiced as the application of the exceptions would not bring any competitive advantage to the undertakings, undermine the working conditions of the drivers or have a negative influence on road safety. The exceptions specified below should apply without prejudice to the provisions of Directive 2002/15/EC of the European Parliament and of the Council[2] on working time for persons performing mobile road transport activities.

(6) According to the authorities of the United Kingdom the repair of the Forth Road Bridge should be concluded by mid-February 2016. Therefore, the time period from 7 January until 15 February 2016 during which the exceptions would be granted appears appropriate.

HAS ADOPTED THIS DECISION:

Article 1

(1) The United Kingdom is authorised to grant exceptions from the application of Article 6(1) second subparagraph, (2) and (3) of Regulation (EC) No 561/2006, in accordance with Article 14(1) of that Regulation, in respect of drivers engaged in the carriage of goods by vehicles exceeding 7,5 tonnes who would have used the Forth Road Bridge

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[2] OJ L 80, 23.3.2002, p. 35

for the purpose of transport operations through and beyond Fife and the Lothians and who, due to the closure of this bridge, are obliged to use the diversion route of the A985, M876, M9 and M90 as identified by the Scottish Government.

These exceptions concern:

- in respect of Article 6(1) second subparagraph: the daily driving time;

- in respect of Article 6(2): the weekly driving time;

- in respect of Article 6(3): the total accumulated driving time during any two consecutive weeks.

This authorisation shall apply from 7 January until 15 February 2016.

(2) When granting the exceptions referred to in paragraph 1, the United Kingdom shall ensure the following:

(a) the daily driving time as referred to in Article 6(1) second subparagraph of Regulation (EC) No 561/2006 does not exceed eleven hours;

(b) the weekly driving time as referred to in Article 6(2) of Regulation (EC) No 561/2006 does not exceed sixty hours;

(c) the total accumulated driving time during any two consecutive weeks as referred to in Article 6(3) of Regulation (EC) No 561/2006 does not exceed one hundred ten hours.

(3) The exceptions specified above shall apply without prejudice to the provisions of Directive 2002/15/EC of the European Parliament and of the Council on working time for persons performing mobile road transport activities.

Article 2

This Decision is addressed to the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 11.1.2016

For the Commission
Violeta BULC
Member of the Commission

CERTIFIED COPY
For the Secretary-General,

Jordi AYET PUIGARNAU
Director of the Registry
EUROPEAN COMMISSION