**CONTROL OF PERMITS CARRIED OUT BY COMPANIES ACCORDING TO THE ROAD TRANSPORT ACT (ZPCP-2)**

**A detailed description**

**December 2020**

**CONTENTS**

1.0 OBLIGATION CONCERNING THE DOCUMENTS KEPT IN VEHICLES CARRYING GOODS....3

2.0 OBLIGATION OF COMPANIES REGARDING THE CONTROL OF PERMITS ...………………... 3

3.0 TRANSPORT OPERATIONS CARRIED OUT WITHOUT PERMITS ………................................ 8

4.0 USEFUL LINKS …………………….……........................................................................................ 8

## 1.0 OBLIGATION CONCERNING THE DOCUMENTS KEPT IN VEHICLES CARRYING GOODS

A driver engaged by a national transport operator or a Union transport operator must keep the following documents in the vehicle during a transport operation:

* a valid copy of the licence, Community licence or Community authorisation of the transport operator who the driver is performing the transport operation for;
* a valid driving licence with the Community code affixed certifying the driver’s initial qualification or a valid driver qualification card;
* a written rental or lease contract or any other contract on the basis of which the driver has the right to use the vehicle (e.g. a leasing contract etc.) in case the driver is not the owner of the vehicle;
* an attestation according to the Regulation 1072/2009/EC issued by a competent authority of the Member State in which the transport operator is established certifying that the driver named therein is employed in accordance with the laws and other regulations on conditions of employment and vocational training laid down in that Member State if the vehicle is operated by a driver who is not a national of one of the Union Member States;
* the permits and the licences required by the Union regulations, international agreements or laws in force in the Republic of Slovenia for the transport operation concerned, when performing international transport operations.

When performing road transport operations, **a driver engaged by a foreign transport operator** must keep in the vehicle the permits and the licences required for the transport operation concerned by the Union regulations, international agreements or laws in force in the Republic of Slovenia.

**2.0 OBLIGATION OF COMPANIES REGARDING THE CONTROL OF PERMITS**

It is laid down in Paragraphs 11 and 12 of Article 102 of  [the Road Transport Act](http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO4236) (ZPCP-2) (Official Gazette of the Republic of Slovenia, No 131/2006, 5/2007 - popr., 123/2008, 28/2010, 49/2011, 40/2012 - ZUJF, 57/2012, 39/2013, 92/2015) that legal persons, individual sole traders or individuals independently performing business activities in which goods subject to international road transport or cabotage are loaded or unloaded must verify prior to the loading or unloading of goods whether the issued bilateral permit required for foreign transport operators has not been used yet and whether the ECMT permit is being used correctly. The verified permit must be marked on the backside as used according to Paragraph 11 of Article 102 with the indication whether the loading or unloading of goods has been performed, the date, the signature and a stamp and must be photocopied as such. The ECMT permits are simply just photocopied after verification. The recorded copies of ECMT permits must be kept for two years after the end of the year in which the verification and recording were carried out.

A foreign transport operator is a legal or a natural person carrying out transport operations in international road transport holding a permit or any other authorisation issued by the competent authority in the country of his/her establishment for the performance of passenger or goods transport operations if so required in that country and if such a foreign transport operator is established in a country which is not a Union Member State.

**How does a company verify whether a bilateral permit has not been used yet and whether an ECMT permit is being used correctly?**

The person responsible for the verification of permits in a company must establish prior to the loading or unloading of goods what type of transport operation a foreign transport operator is performing. This is established on the basis of the data on the country of loading, the country of unloading and the country where the foreign transport operator mentioned in the CMR road consignment note is established. Transport operations can be bilateral, or they can be performed for third countries or from third countries.

**A bilateral transport of goods** means a transport operation between the Republic of Slovenia and another country where the transport operator is established or vice versa.

Examples:

* a foreign transport operator established in Bosnia and Herzegovina (hereinafter referred to as BiH) loads the goods in BiH and unloads them in Slovenia;
* a foreign transport operator established in BiH loads the goods in Slovenia and unloads them in BiH;
* a foreign transport operator established in Ukraine loads the goods in Slovenia and unloads them in Ukraine.

**Transport of goods for third countries** means a transport operation performed by a foreign transport operator who loads the goods intended for transport in the Republic of Slovenia and unloads them in a foreign country in which the transport operator concerned is not established. It also means a transport operation performed by a foreign transport operator who loads the goods in a foreign country in which the transport operator concerned is not established and unloads them in the Republic of Slovenia.

Examples:

* a foreign transport operator established in BiH loads the goods in France and unloads them in Slovenia;
* a foreign transport operator established in BiH loads the goods in Slovenia and unloads them in Macedonia;
* a foreign transport operator established in Ukraine loads the goods in Slovenia and unloads them in Germany.

**Transport operations for which a foreign transport operator must hold a permit**

The Republic of Slovenia has concluded bilateral agreements on the transport of goods in road traffic with the majority of third countries whose transport operators perform international road transport of goods in the territory of the Republic of Slovenia. It is laid down in these agreements what transport operations can be carried out on the basis of permits and what transport operations can be performed without them. The Republic of Slovenia is also one of the signatories of the ECMT agreement.

**The obligation to hold a permit for a transport operation always depends on the country of the registration number of the tractor** **– the transport operator is considered to be established in the country of the registration number of the tractor.**

The summary of individual agreements is available on the website of the Ministry of Infrastructure:

<https://www.gov.si/assets/ministrstva/MzI/SCPL/Rezim-prevozov-za-tretje-drzave.xlsx>

The Republic of Slovenia has exchanged permits for the following types of transport operations:

* B – bilateral transport operations
* T – transit
* TD – transport operations for / from third countries
* UN – universal transport (bilateral transport, transit and transport operations for / from third countries)

Moreover, certain types of permits have the following labels indicating that they can be used for vehicles complying with ecological standards:

* EKO – for a "green" vehicle
* EKO2 - for a “greener and safe” vehicle
* EKO3 - for “a safe EURO III” vehicle
* EKO4 - for “a safe EURO IV” vehicle
* EKO III - for “a safe EURO III“ vehicle
* EKO V - for “a safe EURO V” vehicle

A foreign transport operator can use an ECMT permit for all types of transport operations (bilateral, for third countries and from third countries). A foreign transport operator must use an ECMT permit according to the rules of the ITF Organisation.

**DOCUMENTS WHICH MUST BE KEPT IN THE TRACTOR WHEN A TRANSPORT OPERATION IS CARRIED OUT ON THE BASIS OF AN ECMT PERMIT:**

* **A logbook** in the language of the country of registration issued and numbered by the competent authorities in which there is:
* A duly completed **EMCT permit,** annual or short-term (valid for up to 30 days) bearing a specific stamp for the type of the vehicle concerned (a “safer EURO IV”, a safer EURO V” or a “safer EURO VI”) and where appropriate, indicating its non-validity in certain territories (A, GR, H, I, RUS). A short-term permit is valid only up to 30 days.
* **A certificate of compliance with technical standards for noise and exhaust emissions and safety regulations for a “safer EURO IV”, a “safer EURO V”, a “safer EEV” or a “safer EURO VI” motor vehicle (Annex 4 to the Instructions)**  completed in one of the four languages (the national language of the country of registration of the vehicle or French, English or German). It must be accompanied by translations into at least two of these languages (incomplete certificates). They must be numbered in such a way so as to form an uninterrupted numbering sequence of the set owned by a Member State. The national authority can either continue the numbering of the certificates directly or ask the producers to do that, but in any case, it is the national authority that is responsible for ensuring that certificate numbers can be “tracked out” and certificates thus identified.
* *Certificates of compliance with noise and exhaust emission requirements and certificates of compliance with safety requirements (Annexes 6A, 7A, 6B and 7B to the 2006 Instructions) for “safer EURO III” or “SAFER EURO IV” freight vehicles issued before 31 December 2008 remain valid.*
* *Certificates of compliance with noise and exhaust emissions requirements and certificates of compliance with safety requirements for a “safer EURO V” freight vehicle [ITF/TMB/TR(2008)4] issued before 31 December 2008 remain valid.*
* *Certificates of compliance with noise and exhaust emissions requirements and certificates of compliance with safety requirements for a “safer EURO III”, a “safer EURO IV” or a “safer EURO V” motor vehicle (Annex 4 to the Instructions of 2009) issued before 31 December 2013 remain valid.*
* *As defined in the Instructions, vehicles first registered before the amendment of the directive or regulation must comply with the requirements laid down in the version of the directive or regulation in force at that time.*
* *From 1 January 2014 onwards, certificates set out in Annex 4 to these Instructions must be used.*
* **A certificate of compliance with safety regulations for trailers or semi-trailers** (Annex 5 to the Instructions) completed in one of the four languages (the national language of the country of the vehicle registration or French, English or German) which must be accompanied by translations into at least two of these languages (incomplete certificates). They must be numbered in such a way so as to form an uninterrupted numbering sequence of the set owned by a Member State. The national authority can either continue the numbering of the certificates directly or ask the producers to do that, but in any case, it is the national authority that is responsible for ensuring that certificate numbers can be “tracked out” and certificates thus identified.
* *As laid down in the Instructions, certificates issued before 31 December 2013 remain valid. Vehicles first registered before the amendment of the directive or regulation, must comply with the requirements laid down in the version of the directive or regulation in force at the time of the first registration of the vehicle.*
* *From 1 January 2014, certificates set out in Annex 5 to these Instructions must be used.*

**WARNING:**

1 **“Safer EEV”** freight vehicles are not considered a separate category under the multilateral ECMT contingent. “A safer EEV” motor vehicle performing a transport operation under cover of a multilateral ECMT permit must be equipped with an ECMT permit for a “safer EURO V” category.

2 **“A safer EURO III”** category of freight vehicles will be preserved under the multilateral contingent for a transitional period of two years only until 31 December 2015.

* **A certificate of roadworthiness test for vehicles used on roads** (*Annex 6 to the Instructions*) completed in one of the four languages (the national language of the country of registration or French, English or German) accompanied by translations into at least two of these languages (incomplete certificates). They are numbered by the competent authority in the country of registration.
* *The date of the first registration of the vehicle is not given in any ECMT permit nor it is always mentioned in the registration document of the vehicle, therefore this certificate (of roadworthiness test)**must be kept in all vehicles – regardless of their age – in order to ensure a single, effective and simple control system.*
* *A certificate of roadworthiness test for vehicles used on the road completed in 2013 remain valid for a period of 12 months and until the end of the month in which they must be extended. New forms must be used from 1 January 2014 onwords (Annex 6 to the Instructions).*
* *If the above mentioned certificates of roadworthiness test are issued before 31 December 2013, it shall be certified during roadworthiness tests that a vehicle was equipped according to the requirements laid down in the versions of the directives in force at the time of the first registration of the vehicle.*

**When a person in a company** who is responsible to check permits establishes that a foreign transport operator needs a permit for a transport operation, this person requires the transport operator to present a completed permit or ECMT permit.

**When a permit is presented, the following must be checked:**

* its validity (permits are valid from 1 January of the current year to 31 January of the following year);
* whether the permit is made out in the name of the transport operator;
* whether it fits the established type of transport operation (B, TD, UN);
* If the permit is labelled with EKO (and the number), the tractor must have a certificate of compliance with environmental standards (permanent validity).
* whether it is filled out correctly (see Article 103 of the Road Transport Act - [ZPCP-2](http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO4236));
* whether it has already been used (a permit is valid for arrival and departure drives during the time of its validity).

**When an ECMT permit is presented, the following must be checked:**

* its validity (permits are valid from 1 January of the current year to 31 January of the following year);
* whether the permit is made out in the name of the transport operator;
* the logbook is checked (the logbook must have the same number as the ECMT permit, the transport operation which it has been used for must be recorded in the logbook);
* whether the ECMT permit is kept in the vehicle from the time of loading to the time of unloading;
* whether the transit operation in question is the fourth in a row or more after the transport operation which a foreign transport operator has carried out to the country of his establishment (in which case the EMCT permit is no longer valid for the transport operation concerned and a new permit must be obtained);
* the certificate of compliance with noise and exhaust emission requirements and the certificate of compliance with safety requirements for a “safer EURO IV”, “a safer EURO V”, “a safe EEV” or a “safer EURO VI” (permanent validity);
* a certificate of compliance with safety requirements for a trailer or a semi-trailer (permanent validity):
* a certificate of roadworthiness test for a tractor and a trailer used on roads (valid for 1 year – see the dates of validity on the certificate).

**A driver engaged by a foreign transport operator must always present original documents for control. In case copies of originals are presented, the driver is considered not to possess the requested document.**

If it is established during the verification of the permit that a foreign operator correctly uses a permit, the person responsible in the company for the verification of permits marks the permit on the backside and enters place, date, signature and stamp in the column for loading or unloading of goods. Both sides of the permit are copied and kept for 2 years after the year in which the verification has been carried out.



Picture 1 – a sample of fields in a permit to be completed in a company

If a foreign transport operator presents an ECMT permit, a person responsible in a company for verification of permits copies the permit after verifying it and keeps it for 2 years after the year in which the verification has been performed.

It is necessary to copy the permit and the last two or three pages of the logbook showing the last drive to the country in which the transport operator is established.

If a person responsible in a company for verification of permits needs help, he / she can contact the Obrežje Customs Department 24 hours a day all days in the week.

Contact details:

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| Financial Administration of the Republic of SloveniaFinancial Office Novo mesto**Customs Division, Obrežje Customs Department**26 Obrežje8261 Jesenice na DolenjskemT: 07 297 8111F: 07 297 8105, E: nm.blagovnaOB.fu(at)gov.si |  |

In case a foreign transport operator does not present a relevant permit or ECMT permit despite being asked for it, a company can inform the Division for Operative Communication within the Financial Administration of the Republic of Slovenia (FARS) operating 24 hours a day all days in the week.

Contact details:

Financial Administration of the Republic of Slovenia
General Financial Office

Supervision Department
Division for System Support

55 Šmartinska

1000 Ljubljana

T: 02 530 3580
E: okc.fu(at)gov.si

A company should act according to the instructions given by an official of the FARS.

**3.0 TRANSPORT OPERATIONS WITHOUT PERMITS**

**A permit for a foreign transport operator is not necessary in the following cases (Article 105 of the Road Transport Act -** [**ZPCP-2**](http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO4236)**):**

* for own-purpose transport operations taking into account the reciprocity;
* for the transport of goods from and to a public airport in the event of an aeroplane accident or emergency landing or if airline services have been cancelled;
* for the transport of a damaged motor vehicle and its trailer;
* for the transport of mortal remains;
* for the transport of goods during removals in special vehicles;
* for the transport of postal consignments;
* for the transport of display items intended for fairs and exhibitions;
* for the transport of accessories and other equipment for theatre, musical and other cultural events, circus, performances or film, radio or TV recordings;
* for the transport of dead animals unless when intended for industrial processing;
* for the transport of bees and fish spawn;
* for the transport of medical and other material necessary in case of natural disasters or for the transport of goods intended for humanitarian purposes;
* for empty vehicles intended to replace vehicles that have broken down and to take over the transport of goods from broken-down vehicles;
* for vehicles providing technical assistance to broken-down vehicles (service and repair vehicles);
* for the transport of goods intended for advertising or school;
* **for vehicles with a maximum capacity of 3 500 kilos or a maximum laden weight of 6 000 kg;**
* for vehicles performing combined transport of goods according to the international contracts and regulations governing combined transport.

In order to perform the transport operations referred to in the preceding paragraph, the driver must keep in the vehicle a document showing that one of the above mentioned transport operations is being carried out. We recommend the companies to keep the documents in case of subsequent verifications.

4.0 USEFUL LINKS

* [Ministry of Infrastructure](http://www.mzi.gov.si/)
* [European Commission - Mobility and transport](http://ec.europa.eu/transport/index_en.htm)