

INFORMATIVE LETTER MARCH 09'

1.- CERTIFICATE OF ACTIVITY

Since the regulation CEE 561/2006 it's compulsory to have on the vehicle the certificate of activity in conformity with the established model, that explains the activity of the driver while being on holidays, ill or driving other vehicles not mentioned on this regulation.

This certificate is only obligatory on these cases, but we have stated that if the driver has not being driving during a longer period than the week rest and does not demonstrate so, even not being on the cases showed before, he gets fined for not showing the discs, in Spain and abroad.

The Ministerio de Fomento (Ministry of Public Works), when asked about the way to proceed in these cases in order to avoid being fined, answers:

"The certificate of activities gathered in the annexe of the Decision of the Commission of April 12, 2007 published in the Official Diary of the European Union of April 14, will be use exclusively in case that the driver has been in a sick leave or on holiday, or that has led another vehicle excluded from the area of application of the Regulation (CE) n ° 561/200.

In the cases not contemplated among those referred in the certificate of activities, in order to avoid compromised situations on the road, we recommend you to provide the driver with a certificate of the company in which the special circumstances of the case are explained and which prevent the above mentioned driver to have discs or records of previous days, recommending also to translate into English the document, if they do international trips, in order to facilitate the control "

So, they recommend the utilization of a certificate of free format, where there is exposed the motive for which the driver did not drive during a certain period.

2.-HOW TO GET NOTIFICATIONS OF FINES BY INTERNET AND BY MOBILE

The DGT offers the possibility of receiving the notifications of the sanctions by e-mail, subscribing to the system of Telematic Sure Notifications that offers the Department of Public Administrations. If when subscribing this service you indicate, in addition, your mobile number, a SMS will be sent, informing you that the telematic notification to your e-mail has been sent.

To subscribe this service you must have an electronic DNI or a recognized digital certificate.

With the new system of voluntary and free subscription for both, the natural persons and the juridical ones, the citizens and the companies will be able to accede to the requirement of identification of the driver and to the notification of denunciation, though these services will be extended, in fulfilment of the requirements of the Law 11/2007 of electronic access of the citizens to the public services. In the future reform of the Sanctioning Procedure of Traffic, which nowadays is proceeded in the Congress, there will be allowed the presentation of allegations and resources by the telematic record of the DGT or the access to the sanctioning process from Internet.

The interested in registering to this new service offered by the DGT will have to do it through the web of the Department of Public Administrations (Sure Telematic Notification). As soon as the interested party has subscribed to the telematic notifications, he/she will stop getting the notifications for the traditional route and will begin to receive them in his/her e-mail. Likewise, in the form there is included the possibility of introducing the mobile phone number, so that he/she will also receive a message informing him about the arrival of a notification in his/her e-mail.

3.-INFORMATION THAT THE C.M.R MUST CONTAIN.

Application field

The contract of international transport of goods by road comes regulated in the CMR Agreement , signed in Geneva On May 19 of 1.956 and ratified by Spain in 1.974.

This Agreement is applied to every contract of public transport of goods by road in that the place of load of the goods and the place foreseen for the delivery are placed in two different countries, and one at least of these countries has signed this Agreement.

CHARACTERISTICS OF THE CONTRACT AND FORMALIZATION.

The contract regulated by this Agreement is consensual (the verbally celebrated is valid) though necessarily it has to receive documents in a waybill, which, nevertheless, is not an indispensable requirement for the existence and validity of the contract.

In the waybill they will have to appear some indications such as:

- Place and date of his draft.
- Name and domicile of the sender.
- Name and domicile of the transporter.
- Place and date of load and place foreseen of delivery.
- Name and domicile of the addressee.
- Number of packages and identification of the same ones.
- Quantity transported.
- Price and expenses of the transport.

In order to avoid sanctions, it is advisable that the CMR state both the tractor head and the semitrailer plate number, as well as every change that could possibly occur with both.