

## POSITION PAPER

### Delegated Act on Safe and Secure Truck Parking Areas

CLECAT, the European association representing the interests of freight forwarders and logistics service providers, highly appreciates the European Commission's work on Safe and Secure Truck Parking Areas (SSTPAs) and welcomes the adoption of the draft Delegated Regulation on SSTPAs. Our members have a keen interest in advancing the standards for safe and secure truck parking areas in Europe. Freight forwarders have no financial interest in the setup and/or operation of the parking areas themselves.

We fully support the EU SSTPA Standard and believe that it is needed to address the urgent demand for truck parking areas in the EU, by offering sufficient parking possibilities for drivers, which are of high quality and provide the desired amount of security. In that regard, we believe that a harmonised EU Standard will be key to successfully address the existing shortcomings.

Whilst welcoming the draft Delegated Regulation, which has been the result of intense collaboration between the European Commission's DG MOVE and the Expert Group on SSTPAs, of which CLECAT is a member, we have identified some areas which would require changes to appropriately address the problems posed by cargo theft in the EU. The below sets out the concerns and recommendations of CLECAT with regards to the draft Delegated Regulation on Safe and Secure Truck Parking Areas.

#### Ensuring an adequate CCTV retention period

CCTV is an essential element of the security features for a SSTPA at all levels. An effectively working CCTV system and an appropriate retention period for the CCTV footage are of paramount importance. CLECAT therefore disagrees with the proposed CCTV retention period set out in the Annex of the draft Delegated Regulation, which has been shortened to a maximum of 30 days for all levels.

Considering the importance of CCTV footage to resolve incidents involving cargo theft, we advocate for a 90-day retention period for all security levels. A number of important elements need to be considered when calculating this, including:

- the potential en-route time for a road-transport operation in and beyond the EU
- the timeframe provided in the transport contract regarding the claim period for losses
- the average response time of authorities and insurance companies following a theft report

Considering that road transport operations are not limited to the EU, but can stretch far beyond its borders, a maximum en-route time of 24 days should be calculated (e.g. Northern Finland to Vladivostok, Russia). This is essential, as the theft may only become apparent upon delivery of the goods, even if the driver thoroughly checks his vehicle for signs of intrusion before leaving a SSTPA (e.g. checking of curtains and seal). As regards the claim-periods, the Contract for the International Carriage of Goods by Road ([CMR](#)) is used for cross-border transports within the EU, but also for transports to North Africa or the Middle East, and thus its rules should be taken into account as

guidance. Article 30 CMR, relating to claims and actions, limits the framework for claims which were not apparent at delivery to a maximum of 7 days, Sundays and public holidays excluded, from the date of checking (Article 30(2) CMR). Finally, once a theft has been detected and an official claim been lodged, the administrative work relating to the claim and the average response time of the authorities and insurance companies, which can span over multiple weeks or months, needs to be considered.

CLECAT believes that, taking into consideration the above factors, a retention period of 90 days is adequate and in conformance with the rules regarding the treatment of personal data stemming from the General Data Protection Regulation ([GDPR](#)). More specifically, a retention period of 90 days would be essential to fulfil an appropriate and legitimate interest, namely ensuring that perpetrators can successfully be prosecuted for the crimes which they have committed. This does not relate solely to the (financial) interest of the affected companies, but also to that of the drivers and society.

Shortening the CCTV retention period to 30 days would in most cases impede the resolution of the crime, as the CCTV footage of the required date would have been deleted by the SSTPA operator by the time the police would become active, rendering an investigation (nearly) impossible. We strongly believe that the performance of thorough investigations must be facilitated to support legitimate trade and prosecute offenders. A short retention period would benefit the perpetrator, which is unacceptable, as legislation should not protect the offender, but the victim.

### **Ensuring the retention of the record of Vehicles leaving SSTPAs**

The entry/exit procedures for the PLATINUM level refer to license plate recognition technology and the verification of whether the license plate matches the entry and exit verification system identifier. To that end, the Annex states that records of entering vehicles should be kept. CLECAT believes that, whilst it may be implied in the text, the Annex should expressly state that this retention should also apply for the records of vehicles leaving the SSTPA, to ensure legal clarity. This is particularly important as some criminals drive on truck parking areas, steal goods, and change their number plates ahead of leaving the parking area. Without keeping the records of exiting vehicles for a double-check, such a modus operandi cannot be detected.

The retention period of 90 days and the justification for its length, as elaborated above for the CCTV retention period, would equally be applicable to the keeping of such records.

### **Ensuring the direct reference to ‘trucks’ in the Annex of the DA**

CLECAT has noted that the Annex of the draft Delegated Regulation omits to mention expressly the word ‘truck’ or ‘Heavy Duty Vehicle (HDV)’ when referring to Safe and Secure Parking Areas (as opposed to Safe and Secure Truck Parking Areas). We believe that this exclusion throughout the Annex is problematic.

Whilst it is clear from the Delegated Regulation itself that it concerns truck parking areas, as set out in Article 1 (“safe and secure parking areas for road transport drivers”), we believe that this should be expressly noted also throughout the Annex in view of ensuring legal clarity and keeping the consistency with the previous work on the SSTPA study. It should be clear that the Standard and parking areas may by no means be used by passenger cars, as this would jeopardise the security aspect of the parking area and make it vulnerable to theft.