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REPORT FROM THE COMMISSION

**on the implementation in 1999-2000 of Regulation (EEC) 3820/85 on the
harmonisation of certain social legislation relating to road transport**

**(21st report from the Commission on the implementation of the social legislation
relating to road transport)**

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Contents

| | |
|--|----|
| EXECUTIVE SUMMARY | 3 |
| 1. Introduction..... | 5 |
| 2. National initiatives..... | 5 |
| 2.1. Regulatory measures..... | 5 |
| 2.2. Administrative measures | 5 |
| 3. Penalties..... | 6 |
| 3.1. Scales | 6 |
| 3.2. Changes..... | 7 |
| 4. Relations and co-operation between Member States..... | 7 |
| 4.1. Concerted checks | 7 |
| 5. Summary tables | 8 |
| 5.1. Checks: summary..... | 8 |
| 5.2. Offences: summary | 9 |
| 6. CONCLUSIONS AND COMMENTS | 10 |
| 6.1 Conclusions and comments by the Member States | 10 |
| 6.2 Conclusions and comments by the Commission | 11 |
| ANNEX A..... | 17 |
| ANNEX B..... | 18 |
| 1. Reference period..... | 18 |
| 2. Calculation of minimum checks to be carried out..... | 18 |
| 3. Checks..... | 19 |
| 3.1 Number of checks at the roadside..... | 19 |
| 3.2 Number of drivers checked at the premises of undertaking | 20 |
| 3.3 Number of working days checked at the roadside..... | 21 |
| 3.4 Number of working days checked at premises of undertaking..... | 22 |
| 4. Offences..... | 23 |
| 4.1 Article 6 of Regulation (EEC) No 3820/85: driving period | 23 |
| 4.2 Article 7 of Regulation (EEC) No 3820/85: breaks..... | 25 |
| 4.3 Article 8 of Regulation (EEC) No 3820/85: rest periods | 27 |
| 4.4 Article 14 of Regulation (EEC) No 3820/85: Service timetable and Duty roster | 29 |

EXECUTIVE SUMMARY

This report sets out trends and statistics covering the Member States' inspection and enforcement activities during the period 1999-2000 in relation to the provisions of Regulation (EEC) No 3820/85 on driving time, rest periods and breaks. The present report is based on the statistics provided by the Member States and includes their views on the implementation of the Regulation.

Almost all Member States submitted data to the Commission for the current period. United Kingdom and Austria only sent their reports after a written reminder from the Commission. Greece initially did not submit data despite the prospect of infringement proceedings and has since submitted data which did not lend itself to an effective comparison. In general, there was some progress in providing data in the standard format and in giving more detailed information, nevertheless some Member States still give total figures and their returns are not uniform. This has delayed the compilation of the report and has also limited an early and effective comparison of the statistics.

The information received reveals that the overall number of enforcement checks has decreased within the EU. Those Member States that did increase the number of working days checked were Belgium, Finland, Ireland, Italy, Luxembourg, Portugal and United Kingdom. The other Member States show a reduction in the number of working days checked. Both checks carried out at the premises of undertakings and at the roadside have decreased during the years 1999-2000.

Enforcement operations continued to be mostly above the minimum number required. Only Portugal did not meet the checking rate of 1 %. The checks reported to have been carried out in Portugal have increased but since 1995 they have been below the required minimum level of checks and the Commission has consequently started infringement proceedings. In general, most of the Member States easily surpassed the basic standard of 1 % with Spain and France meeting the rate of over 2 % and Germany again reaching the highest Union level of checks with 3.45 %.

The decrease in the level of enforcement has generally led to a decrease in the number of offences detected compared to the previous report. Nevertheless, the number of offences recorded has risen in the following Member States: Belgium, Denmark, Finland, France, Ireland, Italy, Portugal, Spain, Sweden and the United Kingdom. Infringements against driving time continue to account for the highest number of total offences registered, surpassing those concerning rest periods and breaks even though the numbers of detected offences for all three offences decreased. Furthermore, during the present period, an increase in the number of offences concerning the service timetable and duty roster was recorded.

Member States have reported some initiatives during the period of this report and also subsequently. Denmark revised its penalties upwards in the year 2001. Concerted checks have been undertaken by Finland, Sweden, Denmark and Norway during the reference period. The Commission notes that co-operation is still an exceptional event as most of the Member States appear to be collaborating with each other only occasionally.

The working time directive Directive 2002/15/EC¹ was adopted in 2002 and will provide a complementary element to the Regulation. A common interpretation and enforcement throughout the Union will become important in the future. The introduction of the digital tachograph in the near future will ensure a basis for more comprehensive enforcement action.

The Commission proposal to amend Regulation (EEC) 3820/85 completed its first reading in Parliament on 14 January 2003 and the Commission presented an amended proposal taking on board the majority of the Parliaments amendments on 11 August 2003. The amended proposal therefore returns to the calendar week basis for calculating the maximum driving times and minimum rest periods. It reintroduces some flexibilities demanded by the industry, such as split breaks, split daily rests and reductions in weekly rest with compensation, but retains those elements which will enhance enforcement of the rules.

In its White Paper on Transport², the Commission indicated that EC legislation on road transport, particularly on working conditions, are above all extremely poorly enforced. To that end it adopted a proposal on 21 October 2003³ which strengthens and elaborates the basic standard checking procedures set out in Council Directive 88/599/EEC⁴ as part of a package of proposed enforcement measures. The proposal takes on board specific amendments demanded by the Parliament during the first reading of the proposal to amend Regulation (EEC) 3820/85. Thus it proposes an increase from 1% to 3% in the minimum percentage in days worked to be checked, with at least 50% being at the premises and 25% at the roadside.

To encourage better co-ordination between enforcement authorities both within and between Member States, a lead enforcement body should be designated within each Member State to develop and implement a national enforcement strategy in cooperation with other competent authorities. Enforcement staff are to be sufficiently trained and equipped and provision made in road infrastructure both current and planned for sufficient lay-bys or service stations for resting and checking. To facilitate co-operation between enforcement agencies, a standing committee is recommended to encourage best practice and a harmonised approach to enforcement issues. Moreover, an electronic intelligence exchange system is to be put in place to help target offenders detected outside their Member State of establishment.

¹ OJ L 80, 23.3.2002, p. 35-39.

² White Paper, European Transport Policy for 2010: time to decide, (COM(2001)370), p. 26

³ COM(2003) 628 final of 21 October 2003

⁴ OJ L 325, 29.11.1988, p. 55.

1. INTRODUCTION

This report, which covers the period 1999-2000, is the fifth in the series of Commission reports, which cover Council Regulation (EEC) No 3820/85⁵. It is based on the information supplied by Member States using the standard form introduced according to the Commission Decision of the 22 February 1993⁶.

All Member States have used the standard form for submitting data to the Commission. Their returns are complete but still not all uniform and some of the data provided was fragmentary or incomplete. There were delays in returns from Austria and United Kingdom. Data was only submitted from the United Kingdom after a written reminder from the Commission. Austria sent the report for the year 2000 and only supplied their report for the year 1999 after a written reminder. Data from Greece was not submitted in due time despite reminders and the threat of infringement proceedings by the Commission, which has subsequently pursued the matter.

However, the use of the standard form makes it easier for the Commission to analyse and to compare the statistics with those of the last period. This report also sets out any initiatives communicated by the Member States and includes the latest developments at Community level.

2. NATIONAL INITIATIVES

2.1. Regulatory measures

In the United Kingdom a new enforcement measure was agreed in December 2000 enabling the enforcement authorities to prohibit drivers of UK registered vehicles who have exceeded their permitted driving time from continuing their journey until they have taken the required break or rest period under EEC Regulation 3820/85. An equivalent measure is already in place for drivers of foreign registered vehicles.

2.2. Administrative measures

In France the Committees for Administrative Sanctions proposed that the Chief Commissioners should rule on penalties on local undertakings for serious or repeated infringements on the rules in force, such as the temporary or permanent revocation of the certified copy of Community licence or of the transport authorisation. Thus, 408 copies of Community licence and 207 transport authorisations have been permanently revoked and 1109 copies of Community licences and 272 transport authorisations have been temporarily revoked. From 30 August 1999 it is also possible to immobilise one or more vehicles.

The French government has reinforced the enforcement authorities: the number of officers has increased in 2000 from 405 to 440. The number of vehicles used for inspection work increased from 102 to 137.

⁵ OJ L 370, 31.12.1985, p. 1.

⁶ OJ L 72, 25.3.1993, p. 33.

Under the Dutch enforcement policy it is possible to initiate preventive measures and contracts with undertakings to increase the level of enforcement. In 2000 the Netherlands started a systematic inquiry concerning compliance with the working time legislation. From the driving licence database a number of licence holders in a cross-section of different companies are selected every third month. The majority forwarded their tachograph sheets to demonstrate compliance, others needed to be visited.

In the UK, operators who persistently coerce drivers to break the drivers' hours' rules and/or do not carry out adequate checks to ensure compliance risk having their operator's licence suspended, curtailed or revoked.

In addition to routine checks for driver's hours, the UK has continued to target enforcement activity at particular locations and suspected drivers and operators. This is intelligence-led and is based on the results of roadside checks, information received, complaints or "silent checks", where a vehicle's use and location is recorded without the driver's knowledge and followed by a thorough check of drivers' chart to see whether all information has been recorded. All this is aimed at detecting systematic abuse of drivers' hour's rules. The results of this targeted approach are reflected in the increase in the numbers of offences recorded.

There have been eight Euro Control Route checks in total, four in winter and four in summer, which have specifically addressed passenger vehicle operations.

3. PENALTIES

3.1. Scales

Austria, Denmark, Finland, Germany, Ireland, Sweden and UK provided information on the scale of penalties imposed for violations to the Regulation (EEC) No 3820/85. A wide range of fines among Member States is still apparent (see Annex A).

In Austria fines vary between € 36 and € 2,180.

In Denmark a fine of € 54 is imposed on the driver and € 134 on the company for every offence against the provisions of the Council Regulations (EEC) No 3820/85 and No 3821/85. The amount of the fine also depends on the nature and gravity of the violation.

Finland imposes penalties on the driver and employer depending on the offence in question. Offences are punished by "day-fines", the sum of which depends on the type of infringement and reflects the severity of the offence. The range for infringements of the Regulation (EEC) No 3820/85 is 4 – 12 "day fines" per single offence. For example, failure to use the tachograph at all results in an 8-day fine, failure to comply with the Regulation on the use of tachographs results in a 6-day fine, etc. The size of the "day-fine" varies, based on the person's income and the number of dependants they have.

Germany made reference to their report for the previous period where detailed information on penalties and on-the-spot fines were provided. The infringements are punished according to the type of offences and persons involved. Fines for infringements of the provisions on driving times, rest periods and break range from € 15 to € 31 for the driving personnel and by € 61 (minimum) for the employer. Fines for drivers who do not respect the provision on recording of work period's range from € 15 to € 153 and for employer's range from € 153 to € 1,534. Breaches of provisions on the service time table and duty roster are punished with a fine ranging from € 51 to € 128 for the driver and of € 511 (minimum) for the employer.

In Ireland the maximum fine is € 1,270 and/or 6 months imprisonment.

Sweden imposes a general fine of € 132.

The fines that have been imposed during 1999-2000 in United Kingdom, for both drivers and those who cause or permit drivers' hours and tachograph offences ranged from € 200 to € 5,000. In addition to a fine, the offences of falsifying a chart and altering or forging a seal on a tachograph carry a penalty of up to two years imprisonment.

3.2. Changes

No Member States reported any changes on the level of the penalties for the period 1999-2000. However Denmark reported that the level of penalties for drivers was revised in the year 2001. From 1 September 2001 the level of fines for drivers rose from 54 € to 67 €.

4. RELATIONS AND CO-OPERATION BETWEEN MEMBER STATES

Although this heading is not included explicitly in the standard form, some Member States made comments on concerted checks.

4.1. Concerted checks

Council Directive 88/599/EEC of 23 November 1988 calls for exchange of information and mutual assistance on the part of the Member States as regards the implementation of enforcement measures.

Denmark reported that two co-ordinated checks were conducted with Sweden in the reporting period. Eleven offences were recorded, of which seven constituted infringements to Regulation (EEC) No 3820/85 and four violations of Regulation (EEC) No 3821/85.

Sweden reported that concerted checks were conducted with Finland, Norway and Denmark.

5. SUMMARY TABLES

5.1. Checks: summary

Number of days actually checked as a proportion of the minimum number of working days to be checked

| Member State | - a - Minimum number of working days to be checked | - b - Number of working days checked (national) | - c - Number of working days checked (non nationals) | - d - Total number of working days checked | - e - Number of working days checked as a proportion of the minimum number of days to be checked (d/a) |
|----------------|---|--|---|---|---|
| Austria | 539,376 | 578,166 | 189,566 | 767,732 | 1,42 |
| Belgium | 704,000 | 977,858 | 346,648 | 1,324,506 | 1,88 |
| Denmark | 198,000 | 279,833 | 27,212 | 307,045 | 1,55 |
| Finland | 238,480 | 317,615 | 51,252 | 368,867 | 1,55 |
| France | 2,500,000 | 5,966,751 | 1,161,989 | 7,128,740 | 2,85 |
| Germany | 3,534,982 | 7,666,174 | 4,542,228 | 12,208,402 | 3,45 |
| Greece(1) | | | | | |
| Ireland | 496,733 | 955,873 | 2,653 | 958,526 | 1,93 |
| Italy | 2,481,543 | 4,684,732 | 244,542 | 4,929,274 | 1,99 |
| Luxembourg | 71,359 | 43,112 | 29,104 | 72,216 | 1,01 |
| Netherlands | 522,969 | 477,436 | 60,204 | 537,640 | 1,03 |
| Portugal | 580,500 | 331,003 | 51,637 | 382,640 | 0,66 |
| Spain | 1,680,000 | 3,817,653 | 354,654 | 4,172,307 | 2,48 |
| Sweden | 400,000 | 506,084 | 79,929 | 586,013 | 1,46 |
| United Kingdom | 2,030,994 | 3,543,002 | 151,313 | 3,694,315 | 1,82 |

Note:

- (1) Greek figures are not included as they did not lend themselves to an effective comparison.

5.2. Offences: summary

Number of offences recorded: Articles 6, 7, 8 and 14 of Regulation (EEC) 3820/85

Overview by Member States

| Member State | PASSENGERS | | | | GOODS | | | | Total |
|------------------------|------------|-------|-----------------|---------------------|-----------|--------|-----------------|---------------------|---------|
| | Nationals | EEC | Third countries | Total non-nationals | Nationals | EEC | Third countries | Total non-nationals | |
| Austria | 1,858 | 643 | 670 | 1,313 | 20,906 | 8,914 | 4,229 | 13,143 | 37,220 |
| Belgium ⁽¹⁾ | 193 | 177 | 71 | 248 | 4,283 | 6,133 | 526 | 6,659 | 11,383 |
| Denmark | 373 | 2 | 0 | 2 | 5,236 | 29 | | 29 | 5,640 |
| Finland | 518 | | | | 17,318 | 2 | 67 | 69 | 17,905 |
| France ⁽²⁾ | | | | | | | | | 180,968 |
| Germany | 22,658 | 2,252 | 1,835 | 4,087 | 610,627 | 73,283 | 46,168 | 119,451 | 756,823 |
| Greece ⁽³⁾ | | | | | | | | | |
| Ireland ⁽⁴⁾ | 258 | | | 16 | 6,988 | | | 175 | 7,437 |
| Italy | 4,609 | 156 | 9 | 165 | 73,179 | 2,465 | 406 | 2,871 | 80,824 |
| Luxembourg | 8 | 2 | 0 | 2 | 163 | 405 | 9 | 414 | 587 |
| Netherlands | 1,943 | 17 | 3 | 20 | 6,139 | 1,083 | 989 | 2,072 | 10,174 |
| Portugal | 1,325 | 253 | 56 | 309 | 8,226 | 712 | 94 | 806 | 10,666 |
| Spain | 4,913 | 148 | 21 | 169 | 37,007 | 3,711 | 51 | 3,762 | 45,851 |
| Sweden | 958 | 133 | 14 | 147 | 4,713 | 702 | 97 | 799 | 6,617 |
| United Kingdom | 964 | 14 | 17 | 31 | 12,064 | 1982 | 134 | 2,116 | 15,175 |

Note:

- (1) The following figures on offences recorded have not been incorporated into the Table above, nor in Tables 4.1-4.4, as they were not suitably disaggregated:
 Gendarmerie: 11,790
 Ministry of Employment and Labour 4,127
 Total: 15,917
- (2) France does not distinguish between nationals and non-nationals, but between residents and non-residents. It does not include figures about passenger and goods offences, but it provides data on offences checked at the premises of undertakings (83,285) and those checked at the roadside (97,683).
- (3) Data is missing from Greece.
- (4) No disaggregated data concerning EEC and third countries were provided from Ireland.

Number of offences recorded: Articles 6, 7, 8 and 14 of Regulation (EEC) 3820/85

Overview by category of offences (includes passengers and goods, nationals, EEC and third countries)

| Article | Type of offence | Number of offences |
|---------|-----------------------------------|--------------------|
| 6 | Driving periods | 414,448 |
| 7 | Breaks | 346,973 |
| 8 | Rest periods | 382,433 * |
| 14 | Service timetable and duty roster | 23,962 ** |
| Total | | 1,173,122 |

* These figures also include offences for exceeding six daily driving period (Article 6) which the UK recorded under Article 8

** Belgium supplied data which refers to 5,603 offences registered according to Regulation (EEC) N° 3821/85. Therefore these figures have not been included in this table

6. CONCLUSIONS AND COMMENTS

6.1 Conclusions and comments by the Member States

In 1999 **Belgium** gave priority to training enforcement officers and the computerisation of the enforcement service. A portable PC is now available for road and company checks and therefore the enforcers can use standardised forms to process specific data and draft changes. In the framework of the “Euro Controle Route” special attention was given to the checking of passenger transport (summer- and winter shuttle services to transit destinations).

Moreover, Belgium tried in 2000 to achieve closer co-operation between the different enforcement authorities both nationally and internationally (Euro Control Route). High priority was also given to enforcement in the passenger transport sector, which explains the increase in the number of checks.

Finland reported that during the years 1999-2000 the amount of inspections clearly exceeded the minimum level set by Directive 88/599/EEC. The collection of statistics has been made more efficient and the inspection statistics provided by the occupational health and safety inspectors can be accessed direct from a computer terminal.

Germany pointed out that it has clearly surpassed the 1 % minimum standard for checks during the years 1999-2000. Germany explained that the remarkably high number of non-nationals vehicles and drivers checked is due to the fact that it has by far the highest volume of transit traffic in the EU. The total amount of checks decreased in the years 1999-2000 compared to 1997-1998. It is noticeable that the trend indicated in the last report has continued for the years 1999-2000, namely the number of checks on national vehicles went down by 22 % and vehicles from other Member States went down by 34.8 %, while the checks on non-EU vehicles remains almost the same. The number of vehicles checked remains unchanged from the last report.

Germany also pointed out that there has again been a decrease by 22.2 % in the number of working days checked on the premises of the passenger transport undertakings. Checks on goods- and own-account operations were respectively reduced by 9.2 % and 0.6 %.

In Germany the number of offences detected regarding the Regulation No 3820/85 has decreased compared with those recorded in 1997-1998 (down by between 4 % and 20 %

depending on the nature of the offence). The exception to this trend was passenger services from non-EU countries and goods transported by German drivers. To sum up, there were no significant changes in compliance with the driving and rest periods, and the large number of offences detected still considerably impairs road safety.

Finally, Germany called for a European solution to the problem of the burden of proof against employers/shippers in order to provide the employed drivers with better protection. They also recommended a re-working of the standard data form in order to include more details in future reports, such as offences against Council Regulation (EEC) No 3821/85 and information exchange collaboration among Member States.

Netherlands concluded that in the reporting period RVI (National Transport Inspectorate) continued to develop preventive instruments in order to promote the enforcement of the Council Regulation (EEC) No 3820/85. The starting point is to reach an agreement with the transport undertakings on how they make provisions within their companies for compliance. Failure to act in accordance with this agreement results in a criminal offence. Within this framework, each undertaking is inspected at least once within an agreed period. If during such checks serious infringements are observed, penal action is taken immediately. If in the course of checks at the roadside, infringements are recorded for which an official report has to be drawn up, immediate criminal proceedings are instigated. Data based on such infringements will be used to carry out targeted checks within undertakings.

Sweden pointed out the need to harmonise the range of penalties within the EU and suggested that where there is an infringement, criminal proceedings should be instigated in the driver's country. It also requested a list of contact persons in every Member State.

United Kingdom has for the first time included roadside checks figures from the Police (In the UK the Police carry out roadside checks and the Vehicle Inspectorate carry out checks both at the roadside and on the company premises). This has led to a modest increase in the overall percentage of the number of working days checked compared to the previous report.

United Kingdom proposes that Table 4 of the standard form could benefit from some amending to avoid confusion, caused by double counting. They point out that exceeding 6 daily driving periods is the same as a weekly rest offence. The United Kingdom has avoided double counting in Table 4 by including offences recorded for exceeding 6 daily driving periods in the weekly rest offence total and including the "breaks too short" in the "Driving for more than 4 ½ hours without a break section.

In addition, a significant gap in the return is the lack of any requirement to provide any information about tachograph charts, incorrect completion (centre field/wrong mode switch etc), defective and fraudulent use of tachographs. There is a clear relationship between these offences and infringements of the rules themselves because the motive for tachograph offences is to mask driver's hour's offences. In the United Kingdom, there were 16,214 goods vehicles and 1,361 passenger vehicle tachograph-related offences during 1999-2000.

6.2 Conclusions and comments by the Commission

Council Regulation (EEC) No 3820/85 continues to provide a common Community standard for setting maximum driving times and rest periods for road transport operators. Its implementation within the Member States plays a vital role in enhancing road safety, transport efficiency and fair competition within the Union. However the Commission is aware that Member States have differing perceptions about how to enforce this legislation. Checks are

carried out with different intensity and frequency in each Member State and often by differing authorities acting under separate national rules. Furthermore, infringements are penalised with differing degrees of severity. Some of the information provided by the Member States is often not coherent and it can therefore be quite difficult to make accurate comparisons.

The Commission recognises the need for enhanced co-operation between Member States to ensure the harmonised enforcement of Council Regulation (EEC) No 3820/85 and will continue to monitor the situation in the Member States. To this end it has included in the proposal concerning Regulation (EEC) 3820/85, that a standing committee be created comprising representatives from Member States enforcement agencies. The committee would provide a forum to promote greater mutual understanding, co-operation and a measure of peer accountability. The introduction of the digital tachograph in the year 2004 will also provide a means of improvement regarding enforcement in this field as well as an opportunity to adopt a more harmonised approach.

6.2.1 Reduction of a lack of information and incomplete data but the problem still persist

All Member States providing information for the present report period, apart from Greece, used the standard form and most of the Member States managed to provide more detailed data.

Austria only provided one report for the year 2000, the report for the year 1999 only being sent to the Commission following a reminder. UK was also reminded by letter to forward their report. This lack of timely reporting to the Commission hinders a comprehensive comparison and delays the finalising of the report. Greece did not provide any statistics despite several reminders and an infringement procedure. The lack of a timely report from Greece and the non-standard figures that finally were received, also hinders a comprehensive comparison between the Member States.

France still distinguishes between residents and non-residents instead of nationals and non-nationals, which makes a comparison with the other Member States' statistics difficult.

6.2.2 The minimum standard of checks has been reached by almost all Member States

Compared with the period of the last report (1997-1998, COM (2001) 767 final) seven Member States have recorded an increase in the number of checks, namely Austria, Belgium, France, Italy, Luxembourg, Portugal and the United Kingdom. A decrease in checks was noted for Denmark, Finland, Ireland, Germany, Netherlands, Spain and Sweden.

Although checks in Germany decreased compared with the previous period, enforcement operations continued to be well above the minimum required. Germany continues to have the highest Union percentage with 3,45.

Portugal noted an increase in the number of checks but still does not meet the basic standard of 1 % of the total days worked. The Commission has therefore opened infringement proceedings against Portugal to address this issue.

Luxembourg and the Netherlands have reduced their activity and for this period they only made the minimum required number of checks with respectively 1.01 % and 1.03 %. In general, however, most of the Member States easily surpassed the basic standard of 1 %. France and Spain continue to be over 2 %.

6.2.3 The number of offences against service timetable and duty roster increased, while all the others decreased

Compared to the last report for the period 1997-1998 there has been a substantial change in terms of offences; there has been a fall in the number of offences against Article 6 (driving periods), Article 7 (breaks) and Article 8 (rest periods) and an increase in number of offences detected concerning Article 14. Driving time infringements remain a significant proportion of total offences registered even though it fell from 39.5 % (1997-1998) to 35.3 % (1999-2000). For this period also, the number of driving time offences still surpasses those concerning rest periods and continues to account for the highest number of infringements. Offences recorded against breaks decreased in total numbers compared to the last period. Nevertheless the percentage of such offences increased from 27.8 % to 29.6 % of the total. Offences relating to rest periods decreased in total numbers compared to the last period but increased in percentage terms from 32.1 % to 32.6 %. The increase in the percentage of the Articles 7 and 8 offences mirrors the decrease in those concerning Article 6. The increase in the number of offences detected concerning Article 14 regarding the service timetable and duty roster from 0.6 % in 1997-1998 to 2 % in 1999-2000, may reflect the increased attention paid to passenger transport operations.

Most Member States have provided sufficient data regarding the infringements for the relevant period. Data submitted by the United Kingdom continued to reflect confusion as figures relating to some offences for driving periods were considered as rest periods or breaks offences.

6.2.4 In several Member States the number of offences recorded has increased

In several Member States the total number of offences detected for the present period has increased, as in Belgium, Denmark, Finland, France, Ireland, Italy Portugal, Spain, Sweden and United Kingdom.

The increase in the number of infringements detected in these Member States may reflect many different factors: a real increase in the number of offences committed, a more targeted effort on the part of the enforcement authorities, or a better collection of statistics.

An examination of the figures submitted by these Member States reveals the following: in Belgium, Finland, France, Ireland, Italy, Portugal and United Kingdom the total number of working days checked also rose. For three countries (Denmark, Spain and Sweden) although fewer checks were carried out, a further increase in offences has been recorded. Therefore, the rise in the number of offences detected here appears to reflect primarily an overall increase in offence rates. Data from Austria, Germany and the Netherlands reveals a decrease in the number of both checks and offences committed. By contrast in Luxembourg an increase in the total number of working days checked led to a decrease in offences recorded.

In general, even though several Member States report an increase, there appears to be an overall decrease in offences detected in the EU. In the period 1997-1998 a total of 1,344,388 offences were recorded and for the period 1999-2000 a total of 1,173,122. An intensification or reduction in the number of checks does not automatically lead to a corresponding rise or fall in the number of offences detected. While this may in some instances reflect the deterrent effect of more frequent enforcement activities, it is evident that in a large proportion of Member States increased enforcement activity is contributing to highlight a growing problem. The need for more effective and uniform enforcement throughout the Union is an issue that the

Commission has recently addressed in its legislative proposal on minimum conditions for the implementation of Community social acquis.⁷

6.2.5 Success rate in detecting offences vary widely

The ratio of the total number of infringements detected to the total number of working days checked reveals a wide disparity in the success of Member States in targeting potential offenders. During 1999-2000 Belgium, Luxembourg, Ireland and Germany were the most successful with 8.6, 8.1, 7.8 and 6.1 offences detected per working days checked in the relevant period. In some Member States the detection levels vary between over 2 offences (Austria, Finland, France, Portugal and United Kingdom) and over 1 offence registered on average during the period for the report (Denmark, Italy, Netherlands, Spain, Sweden). None of the Member States were below 1, which is an improvement on the previous report.

This disparity in ratios may indicate the potential benefits to be gained by an exchange of experience and best practice between Member States and adoption of the most effective and nationally appropriate practice throughout the Union.

6.2.6 Interpretation of Council Regulations (EEC) No 3820/85 and 3821/85 through rulings made by the Court of Justice of the European Communities. The period covered is 2001-2002

There have been no rulings regarding Council Regulations (EEC) No 3820/85 and 3821/85 made by the Court of Justice of the European Communities during the period 1 January 2001 to 31 December 2002. Those made during the period covered by this report have already been highlighted in the previous report.

6.2.7 Implementation of the Digital tachograph

The Commission adopted Regulation (EC) No 1360/2002 on 13 June 2002 adapting for the seventh time to technical progress Council Regulation (EEC) No 3821/85 on recording equipment in road transport. The Commission Regulation contains the technical specifications, in its annex 1B, of the digital tachograph introduced by Council Regulation (EC) No 2135/98. Under the current provisions, the digital tachograph will become compulsory for all new vehicles in all Member States after 5 August 2004. However as type-approved digital tachographs were not available to the vehicle manufacturers at the target date of 5 August 2003, the Commission is currently looking into the question of the introduction date for digital tachographs, so as to allow the vehicle manufacturers sufficient time to integrate them into their vehicles and to get the vehicles type approved accordingly.

The main objective in introducing the digital tachograph is to improve enforcement. It will prove an important stimulus to foster a level playing field by promoting a harmonised implementation of the Regulation and a common approach to enforcement practise. The digital tachograph will oblige enforcement agencies to considerably update their ways of enforcing the rules and prosecuting offenders. In this respect a project, supported by the Commission, has been set up to work on a harmonised introduction of the digital tachograph. The project allows Member States to work out common plans for implementation, possibilities to exchange information and to develop harmonised and more effective solutions. The resulting enhancement in enforcement of the driver's hours rules will provide a significant contribution

⁷ COM(2003) 628 final of 21 October 2003

to road safety, driver's working conditions and fair competition. The project is due to deliver its final report at the end of 2004.

6.2.8 *Revision of Council Regulation (EEC) No 3820/85*

On 12 October 2001 the Commission published a proposal for a new Regulation (COM(2001) 573 final). The primary aim of the proposal is to simplify, clarify and update the Regulation. The proposal strengthens provisions on employer liability, introduces extraterritoriality for roadside inspectors, and impoundment of the vehicle as a common sanction for serious infringements. An advisory committee is established comprising representatives of national enforcement agencies to promote continued involvement and commitment to the enforcement of the Regulation.

The proposal had its first reading on 14 January 2003 in the European Parliament and the Commission adopted an amended proposal on 11 August 2003 taking on board the majority of the Parliament's amendments. Due to competing priorities the Danish, Greek and Italian presidencies have not followed the Spanish Presidency and taken the proposal forward in Council discussions.

6.2.9 *The Commission also intends to improve enforcement, effectiveness and uniformity of checks and sanctions by strengthening Directive 88/599/EEC*

In the White paper on European transport policy for 2010: time to decide (COM(2001) 370), the Commission stated the following: "EU regulations on road transport, particularly on working conditions, are not only insufficient; they are also, and above all, extremely poorly enforced. This laxity in enforcing the regulations creates problems." Further it is said that: "Consequently, the effectiveness of Community and national legislation depends on correct, impartial application throughout the Community." To improve the situation the Commission intends to promote efficient, uniform interpretation, implementation and monitoring of Community road transport legislation. Uniform interpretation is addressed by the Commission proposal on Regulation 3820/85.

On 21 October 2003 the Commission adopted a proposal to revise Directive 88/599/EEC⁸. Its three aims are to raise the quantity and quality of checks, encourage greater co-operation between enforcement authorities; and address the issue of harmonisation of sanctions.

In terms of increased quantity of checks minimum percentage of checks is raised from 1% to 3% of total days worked by professional drivers; within this overall percentage figure, the minimum percentage devoted to roadside checks is raised from 15% to 25% and that for checks at the premises from 25% to 50%.

In terms of increased quality, the proposal envisages: one lead co-ordinating enforcement body within each Member State, which develops, publishes and implements an enforcement strategy; enforcement staff sufficiently equipped with a basic list of interoperable equipment and trained in cooperation with other Member State forces; a road infrastructure with sufficient lay-bys or service stations to carry out checks. Both random and targeted checks are to be carried out using a common risk rating system

⁸ COM(2003) 628 final of 21 October 2003

Co-operation between Member States enforcement authorities is assured through increased concerted actions, better exchange of information through an electronic network, and a standing committee of enforcement authorities to clarify the implementation of the Directive, encourage a coherent approach and facilitate dialogue between industry and the agencies.

In terms of sanctions, the proposal ensures that Member States include and use within their range of sanctions, temporary immobilisation, withdrawal, suspension or restriction of operator licence or driving licence, all to be used effectively, proportionately and dissuasively. The proposal also advocates inclusion of proportionate financial sanctions for the whole transport chain should offences lead to financial gain. Finally it contains a list of offences to be commonly recognised as serious and which should therefore attract an appropriate penalty.

6.2.10 The introduction of working time for the road transport sector European Parliament and Council Directive 2002/15/EC

Directive 2002/15/EC of the European Parliament and of the Council on the organisation of the working time of persons performing mobile road transport activities was adopted on 11 March 2002. The Member States are currently preparing the implementation of this Directive and the general Working Time Directive 93/104/EC as amended by 2000/34/EC, for the road sector. Meanwhile, two Member States, Finland and Spain have lodged a case before the European Court of Justice to annul part or all of the sector-specific Directive respectively.

The Commission believes that the Directive when implemented in all the Member States, will contribute to an improvement in the social conditions of those persons performing mobile road transport and also to an improvement in road safety.

6.2.11 Final comments

Effective application of the rules on driving times and rest periods is in everyone's interest. The Commission continues to encourage all the Member States to increase the quantity and quality of checks and strengthen enforcement in all the Member States, as well as to undertake co-operative initiatives promoting exchanges of information and personnel and undertake joint exercises. These actions will contribute to an enhancement of enforcement activities and will lead to a better common understanding of the implementation of the Regulation.

The Commission will continue to monitor the developments in this field in all the Member States to ensure a harmonised implementation of the social legislation, to encourage good practice and to strengthen levels and effectiveness of enforcement in all the Member States.

ANNEX A

| Member State | Type of penalty | |
|-----------------|---|--|
| | Minor offences | Serious offences |
| Austria (1) | € 36 | € 2,180 |
| Belgium (2) | € 62 | € 248 |
| Denmark | Fine of at least € 54 for the driver ⁽³⁾ and € 135 for the company, the amount depending on the nature and gravity of the offence. | |
| Finland | The violations are punished using the “day-fine” criterion. The sum of one day-fine depends on the defendant’s income and the number of their dependants. The number of day-fines imposed respects the severity of the offence and varies between 4 and 12. | |
| France (4) | € 1517 maximum | The Law 95-96 of 1 February 1995 created new offences and raised the penalties for others. Severe infringements may attract a fine up to € 30,489 and one year of imprisonment. |
| | Serious or repeated infringements can lead to the temporary or permanent revocation of the Community licence or of the transport authorisation. The immobilisation of the vehicle is also an administrative sanction. | |
| Germany | The infringements are punished according to the type of offences and persons involved. Fines for infringements of the provisions on driving times, rest periods and breaks range from € 15 to € 31 for the driving personnel and by a fine of € 61 (minimum) for the employer. Fines for drivers who do not respect the provision on recording of driving times range from € 15 to € 153 and for employer’s range from € 153 to € 1,534. Breaches of provisions on the service time table and duty roster are punished with a fine ranging from € 51 to € 128 for the driver and by a fine of € 511 (minimum) for the employer. | |
| Greece (1) | | |
| Ireland | | € 1,270 and/or six months imprisonment |
| Italy (2) | € 16 minimum | € 4,447 |
| Luxembourg (1) | | |
| Netherlands (4) | There are set fines for each breach of a provision of the Regulation ranging from € 45 to € 1,365. | |
| Portugal (1) | | |
| Spain (2) | € 30 – 284 | € 284 – 1,388 (First Category) € 1,388 – 2,414 (Second Category) |
| Sweden | General fine of € 132. | |
| United Kingdom | The fines imposed for drivers and those who cause or permit drivers’ hours and tachograph offences range from € 200 to € 5,000. In addition to a fine, the offences of falsifying a chart and altering or forging a seal on a tachograph carry a penalty of up to two years imprisonment. | |

Note:

- (1) Member State did not supply these data.
- (2) Data for Belgium, Italy and Spain are based on figures supplied by national experts from these countries in 1995 and data from the previous report.
- (3) From 1 September 2001 the level for drivers was raised to € 67.
- (4) Figures for France and the Netherlands are those registered in the previous report as these countries did not communicate any change in their legislation.

ANNEX B

Statistical data

1. Reference period

From 1 January 1999 to 31 December 2000.

2. Calculation of minimum checks to be carried out

(Article 2 of Directive 88/599/EEC)

| Member State | Number of days worked per driver during the reference period - a - | Total number of vehicles subject to Regulation (EEC) No 3820/85 (annual average) - b - | Total number of days worked a × b - c - | Minimum checks (1% of c) -d- |
|------------------------|---|---|---|-------------------------------------|
| Austria | 480 | 112,370 | 53,937,600 | 539,376 |
| Belgium | 440 | 160,000 | 70,400,000 | 704,000 |
| Denmark | 440 | 45,000 | 19,800,000 | 198,000 |
| Finland | 440 | 54,200 | 23,848,000 | 238,480 |
| France | 480 | 521,875 | 250,500,000 | 2,500,000 |
| Germany | 480 | 736,455 | 353,498,160 | 3,534,982 |
| Greece ⁽¹⁾ | | | | |
| Ireland ⁽²⁾ | 460 | 107,985 | 49,673,330 | 496,733 |
| Italy | 390 | 636,293 | 248,154,270 | 2,481,543 |
| Luxembourg | 450 | 15,858 | 7,135,875 | 71,359 |
| Netherlands | 433 | 120,778 | 52,296,874 | 522,969 |
| Portugal | 430 | 135,000 | 58,050,000 | 580,500 |
| Spain | 480 | 350,000 | 168,000,000 | 1,680,000 |
| Sweden | 400 | 200,000 | 40,000,000 | 400,000 |
| United Kingdom | 465 | 436,773 | 203,099,445 | 2,030,994 |

Note:

- (1) Greek figures were not included as they did not lend themselves to an effective comparison.
- (2) Figures relate to total number of goods vehicles over 1,524 KGs. and large public service vehicles registered in the State. A number of these would be exempted from Council Regulation 3820/85. However, there is no breakdown of the figures available.

3. Checks

3.1 Number of checks at the roadside

| Member State | Type of transport | EEC | | Third countries | Total non-nationals |
|-----------------------|-----------------------------|-----------|---------------------|-----------------|---------------------|
| | | Nationals | Other Member States | | |
| Austria | carriage of passengers | 2,905 | 1,167 | 1,806 | 2,973 |
| | carriage of goods | 74,104 | 82,842 | 35,150 | 117,992 |
| | total number ⁽¹⁾ | 41,644 | 10,567 | 8,242 | 18,809 |
| Belgium | carriage of passengers | 5,024 | 3,414 | 153 | 3,567 |
| | carriage of goods | 84,953 | 72,219 | 4,837 | 77,056 |
| Denmark | total number ⁽¹⁾ | 73,258 | 8,187 | 809 | 8996 |
| Finland | carriage of passengers | 2,383 | 354 | 311 | 665 |
| | carriage of goods | 57,669 | 13,160 | 3,372 | 16,532 |
| | total number ⁽¹⁾ | 14 | | | |
| France ⁽²⁾ | carriage of passengers | 61,644 | | | 24,167 |
| | carriage of goods | 1,147,233 | | | 307,514 |
| Germany | carriage of passengers | 123,558 | 33,452 | 30,122 | 63,574 |
| | carriage of goods | 2,827,135 | 1,336,033 | 1,478,151 | 2,814,184 |
| Greece ⁽³⁾ | carriage of passengers | | | | |
| | carriage of goods | | | | |
| Ireland | carriage of passengers | 7,005 | 847 | 87 | 934 |
| | carriage of goods | 33,456 | 3,806 | 100 | 3,906 |
| | total number ⁽¹⁾ | 783 | 269 | 106 | 375 |
| Italy | carriage of passengers | 78,373 | 8,042 | 1,451 | 9,493 |
| | carriage of goods | 840,846 | 66,080 | 9,786 | 75,866 |
| | total number ⁽¹⁾ | | | | |
| Luxembourg | carriage of passengers | 57 | 831 | 10 | 841 |
| | carriage of goods | 3,365 | 6,064 | 361 | 6,425 |
| | total number ⁽¹⁾ | 8 | 10 | | 10 |
| Netherlands | carriage of passengers | 2,391 | 560 | 78 | 638 |
| | carriage of goods | 60,212 | 23,687 | 5,777 | 29,464 |
| Portugal | carriage of passengers | 25,248 | 5,557 | 764 | 6,321 |
| | carriage of goods | 230,537 | 33,091 | 5,611 | 38,702 |
| | total number ⁽¹⁾ | 18,845 | 2,578 | 471 | 3,049 |
| Spain | carriage of passengers | 218,333 | 40,352 | 6,064 | 46,416 |
| | carriage of goods | 1,004,540 | 165,188 | 13,204 | 178,392 |
| Sweden | carriage of passengers | 6,399 | 538 | 93 | 631 |
| | carriage of goods | 90,455 | 19,345 | 5,521 | 24,866 |
| | total number ⁽¹⁾ | 487 | 93 | 6 | 99 |
| United Kingdom | carriage of passengers | 34,523 | 1,951 | 401 | 2,352 |
| | carriage of goods | 406,807 | 32,699 | 2,588 | 35,287 |

Note:

- (1) This total represents statistics for vehicles for which no differentiation between goods and passengers was provided.
- (2) France distinguishes between residents and non-residents instead of nationals and non-nationals.
- (3) Greek figures were not included as they did not lend themselves to an effective comparison.

3.2 Number of drivers checked at the premises of undertaking

| Member State | Carriage of passengers | Carriage of goods | Carriage on own account | Carriage for hire or reward |
|----------------------------|------------------------|-------------------|-------------------------|------------------------------|
| Austria | 1,389 | 12,317 | 2,403 | 10,286 |
| Belgium | 1,437 | 16,749 | | |
| Denmark ⁽¹⁾ | | | | |
| Finland | 764 | 3,988 | 491 | 4,261 |
| France | 15,633 | 112,104 | 5,247 | 122,490 |
| Germany | 11,190 | 97,146 | 15,814 | |
| Greece ⁽²⁾ | | | | |
| Ireland | 500 | 9,381 | 2,883 | 6,867 + (131) ⁽³⁾ |
| Italy | 2,447 | 13,507 | 2,071 | 13,533 |
| Luxembourg | 267 | 1,069 | 96 | 1,240 |
| Netherlands ⁽⁴⁾ | 3,520 | 14,347 | 3,970 | 10,377 |
| Portugal | 5 | 264 | 8 | 261 |
| Spain | 12,483 | 47,123 | 9,283 | 50,323 |
| Sweden | 1,841 | 5,266 | 19 | 2,156 |
| United Kingdom | 3,952 | 18,618 | 2,577 | 16,625 |

Note:

- (1) Denmark did not supply these data.
- (2) Greek figures were not included as they did not lend themselves to an effective comparison.
- (3) Own account and hire or reward – undistinguished.
- (4) Data for the carriage of goods represent the sum of data concerning the carriage on own account and for hire or reward.

3.3 Number of working days checked at the roadside

| Member State | Type of transport | EEC | | Third countries | Total non-nationals |
|-----------------------|-----------------------------|-----------|---------------------|-----------------|---------------------|
| | | Nationals | Other Member States | | |
| Austria | carriage of passengers | 7,020 | 3,589 | 5,084 | 8,673 |
| | carriage of goods | 179,203 | 48,187 | 96,444 | 144,631 |
| | total number ⁽¹⁾ | 221,942 | 91,973 | 73,711 | 165,684 |
| Belgium | carriage of passengers | 21,605 | 14,676 | 652 | 15,328 |
| | carriage of goods | 365,289 | 310,535 | 20,785 | 331,320 |
| Denmark | total number ⁽¹⁾ | 222,090 | 24,771 | 2,441 | 27,212 |
| Finland | carriage of passengers | 7,145 | 1,057 | 908 | 1,965 |
| | carriage of goods | 180,807 | 39,487 | 9,800 | 49,287 |
| | total number ⁽¹⁾ | 41 | | | |
| France ⁽²⁾ | carriage of passengers | 193,817 | | | 70,305 |
| | carriage of goods | 3,815,477 | | | 1,091,684 |
| Germany | Carriage of passengers | 272,705 | 64,151 | 49,715 | 113,866 |
| | carriage of goods | 5,885,889 | 2,241,321 | 2,187,041 | 4,428,362 |
| Greece ⁽³⁾ | | | | | |
| Ireland | Carriage of passengers | 2,128 | 289 | 3 | 292 |
| | carriage of goods | 35,507 | 2,233 | 128 | 2,361 |
| Italy | Carriage of passengers | 258,263 | 28,791 | 3,648 | 32,439 |
| | carriage of goods | 2,746,669 | 145,453 | 35,348 | 180,801 |
| | total number ⁽¹⁾ | 450,942 | 29,489 | 1,813 | 31,302 |
| Luxembourg | Carriage of passengers | 228 | 3,324 | 40 | 3,364 |
| | carriage of goods | 13,460 | 24,256 | 1,444 | 25,700 |
| | total number ⁽¹⁾ | 32 | 40 | | 40 |
| Netherlands | Carriage of passengers | 4,782 | 1,120 | 156 | 1,276 |
| | carriage of goods | 120,424 | 47,374 | 11,554 | 58,928 |
| Portugal | Carriage of passengers | 16,751 | 7,273 | 3,893 | 11,166 |
| | carriage of goods | 139,672 | 23,210 | 7,360 | 30,570 |
| | total number ⁽¹⁾ | 168,285 | 7,144 | 2,757 | 9,901 |
| Spain | Carriage of passengers | 381,116 | 65,794 | 12,046 | 77,840 |
| | carriage of goods | 1,650,306 | 247,394 | 29,420 | 276,814 |
| Sweden | Carriage of passengers | 18,359 | 1,994 | 333 | 2,327 |
| | carriage of goods | 278,068 | 58,133 | 19,333 | 77,466 |
| | total number ⁽¹⁾ | 1,386 | 125 | 11 | 136 |
| United Kingdom | Carriage of passengers | 115,213 | 10,499 | 2,258 | 12,757 |
| | carriage of goods | 1,381,332 | 125,164 | 13,392 | 138,556 |

Note:

- (1) This total represents statistics for vehicles for which no differentiation (in full or in part) between the goods and passengers were supplied.
- (2) France distinguishes between residents and non-residents instead of nationals and non-nationals.
- (3) Greek figures were not included as they did not lend themselves to an effective comparison.

3.4 Number of working days checked at premises of undertaking

| Member State | Carriage of passengers | Carriage of goods | Carriage on own account | Carriage for hire or reward |
|----------------------------|------------------------|-------------------|-------------------------|-------------------------------|
| Austria | 15,874 | 154,127 | 27,088 | 138,278 |
| Belgium | 35,404 | 555,560 | | |
| Denmark | 5,053 | 52,690 | 9,981 | 42,709 |
| Finland | 18,589 | 111,033 | 11,169 | 118,453 |
| France | 262,734 | 1,694,723 | 59,788 | 2,390,278 |
| Germany | 186,129 | 1,321,451 | 232,516 | |
| Greece ⁽¹⁾ | | | | |
| Ireland | 37,197 | 881,041 | 270,992 | 647,221 + (25) ⁽²⁾ |
| Italy | 218,569 | 1,010,289 | 168,039 | 1,222,553 |
| Luxembourg | 5,874 | 23,518 | 2,112 | 27,280 |
| Netherlands ⁽³⁾ | 140,800 | 211,430 | 47,082 | 164,348 |
| Portugal | 135 | 6,160 | 650 | 5,545 |
| Spain | 368,974 | 1,417,257 | 281,126 | 1,505,105 |
| Sweden | 40,094 | 168,177 | 816 | 52,305 |
| United Kingdom | 275,970 | 1,770,487 | 296,817 | 1,462,870 |

Note:

- (1) Greek figures were not included as they did not lend themselves to an effective comparison.
- (2) Own account and hire or reward – undistinguished.
- (3) Data for the carriage of goods represent the sum of data concerning the carriage of goods on own account and for hire or reward.

4. Offences

Number of offences recorded

4.1 Article 6 of Regulation (EEC) No 3820/85: driving period

| Member State | Type of offence | PASSENGERS | | | | GOODS | | | | PASSENGERS AND GOODS | |
|------------------------|---|---------------------|-----------------|-----------------|---------------------|---------------------------|----------------------|----------------------|----------------------|---------------------------|----------------------|
| | | Nationals | EEC | Third countries | Total non-nationals | nationals | EEC | Third countries | Total Non-nationals | nationals | Non-nationals |
| Austria ⁽¹⁾ | - daily driving period - six days maximum - fortnight | } 532 | } 166 | } 98 | } 264 | } 6,722 | } 3,866 | } 1,217 | } 5,083 | } 7,254 | } 5,347 |
| Belgium | - daily driving period - six days maximum - fortnight | 19 | 19 | 7 | 26 | 1,172 | 2,116 | 133 | 2,249 | 1,191 | 2,275 |
| Denmark ⁽²⁾ | - daily driving period - six days maximum - fortnight | } 15 | | | | } 214 | } 6 | | } 6 | } 229 | } 6 |
| Finland | - daily driving period - six days maximum - fortnight | 91 2 - | - - - | - - - | - - - | 3,620 10 5 | - - - | 11 1 - | 11 1 - | 3,711 12 5 | 11 1 - |
| France ⁽³⁾ | - daily driving period - six days maximum - fortnight | | | | | | | | | 55,716 1,007 | 10,981 43 |
| Germany | - daily driving period - six days maximum - fortnight | 7,459 442 140 | 820 39 18 | 593 20 22 | 1,413 59 40 | 225,052 2,882 2,766 | 28,626 433 146 | 15,896 101 190 | 44,522 534 336 | 232,511 3,324 2,906 | 45,935 593 376 |
| Greece ⁽⁴⁾ | | | | | | | | | | | |
| Ireland ⁽⁵⁾ | - daily driving period - six days maximum - fortnight | 41 20 28 | | | 2 1 3 | 2,546 126 147 | | | 22 20 28 | 2,587 146 175 | 24 21 31 |

| Member State | Type of offence | PASSENGERS | | | | GOOD | | | | PASSENGERS AND GOODS | |
|---------------------------|--|--------------------|--------------|-----------------|---------------------|------------------------|------------------|-----------------|---------------------|------------------------|-------------------|
| | | nationals | EEC | Third countries | Total non-nationals | nationals | EEC | Third countries | Total Non-Nationals | nationals | non-nationals |
| Italy | - daily driving period - six days maximum - fortnight | 1,025 143 1 | 61 4 | 4 | 65 4 | 19,449 3,423 912 | 1,047 56 9 | 115 7 7 | 1,162 63 16 | 20,474 3,566 913 | 1,227 67 16 |
| Luxembourg ⁽²⁾ | - daily driving period - six days maximum - fortnight | } 3 | | | | } 59 | } 142 | } 3 | } 145 | } 62 | } 145 |
| Netherlands | - daily driving period - six days maximum - fortnight | 44 | 3 | - | 3 | 861 44 | 216 | 37 | 253 | 905 44 | 256 - |
| Portugal | - daily driving period - six days maximum - fortnight | 272 85 52 | 94 6 | 20 | 114 6 | 4,386 424 10 | 288 42 | 37 1 | 325 43 | 4,658 509 62 | 439 49 - |
| Spain | - daily driving period - six days maximum - fortnight | 2,071 26 128 | 67 - - | 9 - - | 76 | 14,458 99 491 | 1,668 - - | 23 - - | 1,691 | 16,529 125 619 | 1,767 |
| Sweden ⁽²⁾ | - daily driving period - six days maximum - fortnight | } 218 | } 45 | } 2 | } 47 | } 1,247 | } 198 | } 30 | } 228 | } 1,465 | } 275 |
| United Kingdom | - daily driving period - six days maximum ⁽⁶⁾ - fortnight | 37 - 3 | 0 - 0 | 0 - 0 | - - - | 2,589 - 36 | 193 - 24 | 6 - 10 | 199 - 34 | 2,626 - 39 | 199 - 34 |

Note:

- (1) Austria did not supply differentiated data for the year 1999.
- (2) Member State did not supply differentiated data concerning the offences recorded.
- (3) France does not distinguish between nationals and non-nationals but between residents and non-residents. No differentiated data concerning the carriage of goods and persons were provided.
- (4) Greece did not supply data.
- (5) No differentiated data concerning EEC and third countries were provided from Ireland.
- (6) These offences have been taken under "rest periods – weekly"

4.2 Article 7 of Regulation (EEC) No 3820/85: breaks

| Member State | Type of offence | PASSENGERS | | | | GOODS | | | | PASSENGERS AND GOODS | |
|------------------------|---|----------------|------------|-----------------|---------------------|------------------|------------------|-----------------|---------------------|----------------------|------------------|
| | | Nationals | EEC | Third countries | Total non-nationals | nationals | EEC | Third countries | Total Non-nationals | nationals | Non-nationals |
| Austria ⁽¹⁾ | - driving for more than 4.5 hours without a break - breaks too short | } 788 | } 227 | } 283 | } 510 | } 7,960 | } 2,663 | } 1,713 | } 4,376 | } 8,748 | } 4,886 |
| Belgium | - driving for more than 4.5 hours without a break - breaks too short | 5 3 | 16 16 | 4 6 | 20 22 | 165 102 | 219 165 | 39 8 | 258 173 | 170 105 | 278 195 |
| Denmark ⁽²⁾ | - driving for more than 4.5 hours without a break - breaks too short | } 79 | } 1 | | } 1 | } 1,622 | } 4 | | } 4 | } 1,701 | } 4 |
| Finland | - driving for more than 4.5 hours without a break - breaks too short | 34 77 | | | | 3,782 3,799 | | 7 | 7 | 3,816 3,876 | 7 |
| France ⁽³⁾ | - driving for more than 4.5 hours without a break - breaks too short | | | | | | | | | } 33,106 | } 5,490 |
| Germany | - driving for more than 4.5 hours without a break - breaks too short | 3,502 4,233 | 204 535 | 338 338 | 542 873 | 90,492 94,361 | 13,043 11,583 | 8,199 6,750 | 21,242 18,333 | 93,994 98,594 | 21,784 19,206 |
| Greece ⁽⁴⁾ | | | | | | | | | | | |
| Ireland | - driving for more than 4.5 hours without a break - breaks too short | 48 9 | | | 4 | 604 650 | | | 52 13 | 652 659 | 56 13 |
| Italy | - driving for more than 4.5 hours without a break - breaks too short | 1,397 130 | 13 20 | 4 | 17 20 | 21,739 1,890 | 561 104 | 113 43 | 674 147 | 23,136 2,020 | 691 167 |

| Member State | Type of offence | PASSENGERS | | | | GOODS | | | | PASSENGERS AND GOODS | |
|---------------------------|--|------------|---------|-----------------|---------------------|--------------|-----------|-----------------|---------------------|----------------------|---------------|
| | | nationals | EEC | Third countries | Total non-nationals | nationals | EEC | Third countries | Total non-nationals | nationals | Non-nationals |
| Luxembourg ⁽²⁾ | - driving for more than 4.5 hours without a break - breaks too short | } 3 | | | | } 54 | } 138 | } 3 | } 141 | } 57 | } 141 |
| Netherlands | - driving for more than 4.5 hours without a break - breaks too short | 596 | 3 | | 3 | 789 294 | 46 | 5 | 51 | 1,385 294 | 54 |
| Portugal | - driving for more than 4.5 hours without a break - breaks too short | 351 | 79 7 | 13 | 92 7 | 4,617 243 | 216 18 | 38 3 | 254 21 | 4,968 243 | 346 28 |
| Spain | - driving for more than 4.5 hours without a break - breaks too short | 837 | 24 | 3 | 27 | 6,338 | 601 | 8 | 609 | 7,175 | 636 |
| Sweden ⁽²⁾ | - driving for more than 4.5 hours without a break - breaks too short | } 241 | } 22 | } 3 | } 25 | } 1,566 | } 109 | } 19 | } 128 | } 1,807 | } 153 |
| United Kingdom | - driving for more than 4.5 hours without a break - breaks too short ⁽⁵⁾ | 334 | 0 | 0 | 0 | 5,845 | 143 | 9 | 152 | 6,179 | 152 |

Note:

- (1) Austria did not supply differentiated data for the year 1999.
- (2) Member State did not supply differentiated data concerning the offences recorded.
- (3) France does not distinguish between nationals and non-nationals but between residents and non-residents. No differentiated data concerning the offences recorded and the carriage of goods and persons were provided.
- (4) Greece did not supply data.
- (5) Data included in numbers for “driving more than 4.5 hours without a break”.

4.3 Article 8 of Regulation (EEC) No 3820/85: rest periods

| Member State | Type of offence | PASSENGERS | | | | GOODS | | | | PASSENGERS AND GOODS | |
|---------------------------|-------------------|--------------|------------|-----------------|---------------------|------------------|---------------|-----------------|---------------------|----------------------|-----------------|
| | | Nationals | EEC | third countries | Total non-nationals | nationals | EEC | third countries | Total non-nationals | nationals | Non-nationals |
| Austria ⁽¹⁾ | -daily -weekly | } 449 | } 201 | } 210 | } 411 | } 5,724 | } 2,385 | } 1,298 | } 3,683 | } 6,173 | } 4,094 |
| Belgium | -daily -weekly | 23 1 | 14 | 5 | 19 | 526 38 | 1,049 96 | 106 5 | 1,155 101 | 549 39 | 1,174 101 |
| Denmark ⁽²⁾ | -daily -weekly | } 279 | } 1 | | } 1 | } 3,400 | } 19 | | } 19 | } 3,679 | } 20 |
| Finland | -daily -weekly | 298 7 | | | | 6,035 67 | 2 | 40 8 | 42 8 | 6,333 74 | 42 8 |
| France ⁽³⁾ | -daily -weekly | | | | | | | | | 63,993 1,147 | 8,785 110 |
| Germany | -daily -weekly | 5,689 777 | 274 328 | 404 20 | 678 348 | 189,408 5,666 | 18,675 777 | 14,146 886 | 32,821 1,663 | 195,097 6,443 | 33,499 2,011 |
| Greece | | | | | | | | | | | |
| Ireland | -daily -weekly | 71 20 | | | 4 2 | 2,681 234 | | | 28 12 | 2,752 254 | 32 14 |
| Italy | -daily -weekly | 648 80 | 14 1 | | 14 1 | 10,575 1,639 | 555 70 | 80 7 | 635 77 | 11,223 1,719 | 649 78 |
| Luxembourg ⁽²⁾ | -daily -weekly | } 2 | } 2 | | } 2 | } 50 | } 125 | } 3 | } 128 | } 52 | } 130 |
| Netherlands | -daily -weekly | 1,303 | 11 | 3 | 14 | 4,129 22 | 821 | 217 730 | 1,038 730 | 5,432 22 | 1,052 730 |
| Portugal | -daily -weekly | 267 134 | 40 14 | 14 9 | 54 23 | 2,856 359 | 120 28 | 13 2 | 133 30 | 3,123 493 | 187 53 |
| Spain | -daily -weekly | 1,018 82 | 32 | 5 | 37 | 9,311 313 | 812 | 113 | 925 | 10,329 395 | 962 |

| Member State | Type of offence | PASSENGERS | | | | GOODS | | | | PASSENGERS AND GOODS | |
|----------------|------------------------|------------|-----|-----------------|---------------------|----------|-------|-----------------|---------------------|----------------------|---------------|
| | | National | EEC | Third-Countries | Total non-nationals | National | EEC | Third countries | Total non-nationals | nationals | non-nationals |
| Sweden | -daily | 404 | 66 | 9 | 75 | 1,808 | 382 | 47 | 429 | 2,212 | 504 |
| | -weekly | 68 | | | | 92 | 13 | 1 | 14 | 160 | 14 |
| United Kingdom | -daily | 298 | 4 | 12 | 16 | 3,260 | 1,293 | 78 | 1,371 | 3,558 | 1,387 |
| | -weekly ⁽⁴⁾ | 292 | 1 | - | 1 | 994 | 329 | 31 | 360 | 1,286 | 361 |

Note:

- (1) Austria did not supply differentiated data for the year 1999.
- (2) Member State did not supply differentiated data concerning the offences recorded.
- (3) France does not distinguish between nationals and non-nationals but between residents and non-residents.
- (4) These figures also refer to offences for exceeding six daily driving period.

4.4 Article 14 of Regulation (EEC) No 3820/85: Service timetable and Duty roster

| Member State | Type of offence | Nationals | EEC | Third countries | Total non-nationals |
|----------------------------|-----------------------------------|------------|---------|-----------------|---------------------|
| Austria ⁽¹⁾ | - faulty - incorrectly applied | } 83 | } 49 | } 19 | } 68 |
| Belgium ⁽²⁾ | - faulty - incorrectly applied | | | | |
| Denmark ⁽³⁾ | - faulty - incorrectly applied | | | | |
| Finland | - faulty - incorrectly applied | 9 | | | |
| France ⁽⁵⁾ | - faulty - incorrectly applied | } 437 | | | } 153 |
| Germany | - faulty - incorrectly applied | 243 173 | 7 27 | 39 61 | 46 88 |
| Greece ⁽⁴⁾ | - faulty - incorrectly applied | | | | |
| Ireland ⁽³⁾ | - faulty - incorrectly applied | | | | |
| Italy ⁽⁶⁾ | - faulty - incorrectly applied | 290 895 | 43 | 1 | 44 |
| Luxembourg ⁽³⁾ | - faulty - incorrectly applied | | | | |
| Netherlands ⁽³⁾ | - faulty - incorrectly applied | | | | |
| Portugal | - faulty - incorrectly applied | 93 222 | 5 8 | | 5 8 |
| Spain | - faulty - incorrectly applied | 751 | 25 | 4 | 29 |
| Sweden | - faulty - incorrectly applied | 27 | | | |
| United Kingdom | - faulty - incorrectly applied | 0 0 | 3 6 | 0 5 | 3 11 |

Note:

- (1) Austria did not supply differentiated data for the year 1999. For the year 2000 differentiated data was supplied and is as follows:

| <u>Offence Passengers</u> | <u>Nationals</u> | <u>EEC</u> | <u>Third Countries</u> | <u>Tot.non-nationals</u> |
|----------------------------------|------------------|------------|------------------------|--------------------------|
| Data not possible to distinguish | 4 | 45 | 13 | 58 |
| Faulty | 1 | 0 | 0 | 0 |
| Incorrectly applied | 17 | 1 | 2 | 3 |

- (2) Belgium supplied data, which referred to offences recorded according to Regulation (EEC) No 3821/85. Therefore, these figures (5,603 offences) have not been included in this table.
- (3) None recorded.
- (4) Data not supplied
- (5) France does not distinguish between nationals and non-nationals but between residents and non-residents, and did not provide desegregated figures concerning type of offence.
- (6) Figures provided are not complete as it was impossible to locate 3370 offences in 1999 and 5822 in 2000. However, these figures are included in the total number of the recorded offences (see Table 5.2 page 9).