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**REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND  
THE COUNCIL**

**on the implementation in 2013-2014 of Regulation (EC) No 561/2006 on the  
harmonisation of certain social legislation relating to road transport and of Directive  
2002/15/EC on the organisation of the working time of persons performing mobile road  
transport activities**

**(28th report from the Commission on the implementation of the social legislation  
relating to road transport)**

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## **1. Social legislation in road transport – objectives and key provisions**

Social rules in road transport are established by four interrelated acts : Regulation (EC) No 561/2006, which establishes rules on driving times, breaks and rest periods for professional drivers; Regulation (EEC) No 3821/85 on recording equipment in road transport, Directive 2002/15/EC, which sets out complementary provisions on the organisation of the working time of persons performing mobile road transport activities and Directive 2006/22/EC, which determines minimum requirements for enforcement of these rules.

Regulation (EC) No 561/2006 applies to employed and self-employed drivers engaged in the carriage by road of goods where the maximum permissible mass of the vehicle exceeds 3.5 tonnes and of passengers by vehicles carrying more than 9 persons including the driver. The maximum weekly driving time of a driver should not exceed 56 hours (provided that no more than 90 hours are driven in any two consecutive weeks). The total daily driving time should not exceed 9 hours, although twice a week it can be extended to 10 hours. Breaks should last for at least 45 minutes (which may be separated into a break of 15 minutes followed by 30 minutes) and should be taken not later than 4.5 hours of driving period. The daily rest period is determined at the level of minimum 11 hours, which can be reduced three times a week to 9 hours. The Commission is currently evaluating the Regulation and intends to table a proposal for a targeted revision in 2017 as part of the Road Initiative.

Council Regulation (EEC) No 3821/85 on recording equipment in road transport provides the basis for the tachograph, which is a device that records driving time, breaks, rest periods and other work. Its purpose is to monitor compliance of professional drivers with driving time provisions of Regulation (EC) No 561/2006. The tachograph must be installed in vehicles to which Regulation (EC) No 561/2006 applies. Since the 1st of May 2006 there is an obligation to install a digital tachograph in all new registered vehicles in the EU. There is no mandatory retrofit for vehicles already registered before that date and fitted with an analogue tachograph. Council Regulation (EEC) No 3821/85 was repealed by Regulation (EU) No 165/2014, which sets out obligations and requirements in relation to the construction, installation, use, testing and control of tachographs used in road transport, in order to verify compliance with control with Regulation (EC) No 561/2006, Directive 2002/15/EC and Council Directive 92/6/EEC. It also aims at reducing administrative burden and making fraud to the tachograph more difficult.

Directive 2002/15/EC (Working Time Directive) applies to mobile workers such as drivers, crew and other travelling staff, both with the employment or self-employment status. The Directive complements Regulation (EC) No 561/2006 by putting in place limitations on the overall daily and weekly working time of workers in the road transport sector as well as minimum daily/weekly periods of rest and adequate breaks. Working time is defined in the Directive as time devoted to all road transport activities, including driving, loading and unloading, assisting passengers boarding and disembarking from the vehicle, cleaning and technical maintenance and all other work intended to ensure the safety of transport operation. Specific time limits are set out in relation to weekly working time (excluding breaks and

periods of availability) which amounts to maximum 48 hours a week or 60 hours, provided that over four months, an average of 48 hours a week is maintained. Moreover, a limitation to 10 hours on daily working time is introduced in case of night work. Each mobile worker is obliged to take a break after working consecutively for 6 hours, which should be at least 30 minutes, if working hours range from 6 to 9 hours and at least 45 minutes, if working time equals to more than 9 hours.

Directive 2006/22/EC also called the "Enforcement Directive" aims at verifying compliance and ensuring application of the driver's hours rules established by Regulation (EC) No 561/2006. The Directive promotes harmonised interpretation of social rules in road transport by means of minimum requirements for the uniform and effective checking by Member States. The minimum threshold of checks of the total number of days worked by drivers falling under the scope of Regulation (EC) No 561/2006 and Regulation (EEC) No 3821/85<sup>1</sup> is set at 3% from 2010. In addition, the total number of working days actually checked should be carried out in proportional manner for checks at roadside and at premises of transport undertakings; 30 % and 50 % respectively. In order to encourage cooperation between Member States, an obligation of minimum 6 concerted roadside checks per year undertaken by two or more enforcement authorities was introduced.

## **2. Data submission**

Data has been submitted by all Member States in most of the cases in a timely manner. The quality and consistency of national reports improved constituting a coherent base for this biennial report. All Member States provided data by means of the standard reporting form.

Some of the inconsistent or missing data was due to technical constraints during data collection process in some Member States. Furthermore, there were some Member States which still reported that data was collected in not disaggregated manner or in the wrong format which did not allow for their inclusion in the national reports. These issues should be addressed in view of the next biennial report for the years 2015-2016 in order to assure more reliable and better quality overview at the European level.

## **3. Checks**

Looking closely at the number of working days effectively checked in relation to the minimum number of working days to be checked, it is noticeable that the majority of Member States performed more checks than required by Directive 2006/22/EC. For the purpose of

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<sup>1</sup> repealed by Regulation (EU) No 165/2014 of the European Parliament and of the Council of 4 February 2014 on tachographs in road transport, repealing Council Regulation (EEC) No 3821/85 on recording equipment in road transport and amending Regulation (EC) No 561/2006 of the European Parliament and of the Council on the harmonisation of certain social legislation relating to road transport (OJ L 60, 28.2.2014, p. 1)

better illustration of the results, 100% signifies meeting the minimum threshold of 3% of checks.

The collected data shows that all Member States reached this threshold, except for Greece (16%), the Netherlands (80%), Croatia (82%) and Lithuania (96%). Even though, Greece increased the number of working days checked compared with the previous period, levels of controls remain significantly below the threshold, already for the 4<sup>th</sup> time in a row.

The Netherlands increased the number of the controls from 64% in 2011-2012 to 80% in this reporting period. Nevertheless, it should be taken into consideration that agreements with various freight and passenger transport operators were concluded in the Netherlands. According to this national arrangement, transport undertakings report back to the national authority on the results of their own monitoring of working and driving times and rest periods. It indirectly provides for an additional one million and a half of driver working days checked, which when added to traditional checks would allow meeting the minimum checks threshold.

In this reporting period Denmark, Italy and Latvia showed an improvement in their enforcement performance and met the legitimate threshold of checks.

There are several Member States that performed considerably more checks than required by the legislation. These are Austria, Bulgaria, France, Germany and Romania. Bulgaria performed the most of the working days checked compared to the required minimum checks, followed by France and Germany. These three Member States account for a half of the total working days checked in the European Union (75.6 million out of 151 million).

Regarding the type of controls, there is a continuous upward trend in working days checked at premises of undertakings. When looking at the total number of working days checked across the EU, 23% of them were controlled at premises in comparison to 20% in 2011-2012 and 18% in 2009-2010. As required by Article 2 of Directive 2006/22/EC, the number of the working days checked at premises should amount to at least 50% of total number of working days checked. However, only the following seven Member States<sup>2</sup> complied with the requirement of minimum checks at premises : Ireland (82%), Croatia (70%), Latvia (69%), Estonia (62%), Lithuania (60%), Slovakia (59%) and Malta (51%). Member States which proportionally had the fewest checks at premises in terms of their overall working days checked are Germany (12%)<sup>3</sup>, France (13%), Romania (14%), Austria (15%) and Hungary (16%). It is worth noting that Sweden improved the share of checks at premises from 1% in the previous reporting period to 25% in the current one.

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<sup>2</sup> Due to the very low level of checks performed by Greece, the rate of checks at premises amounting to 70% cannot be treated as representative.

<sup>3</sup> Germany indicated in its report that 50% of the minimum checks' threshold was performed at the undertakings' premises. However, due to being a transit country the considerable number of checks at roadside was performed to ensure road safety by deferring fatigued drivers driving long routes in Germany.

#### **4. Checks compared to the number of enforcement officers and equipment to analyse tachographs**

In comparison with the previous reporting period the number of enforcement officers involved in checks in all Member States decreased by 16% from 73 thousand to approximately 61 thousand. The drop was proportionally the most noticeable in four Member States<sup>4</sup> and outweighed the significant increases in other Member States<sup>5</sup>. However, the increase was noted in the number of control officers trained to analyse the digital tachograph by almost two thousand. There was as well a slight decrease of 8% in the number of equipment to analyse the tachographs in comparison with the previous reporting period.

**Table 1 – National Enforcement**

<b>National Enforcement</b>			
<b>Member States</b>	<b>number of control officers involved in checks</b>	<b>number of control officers trained to analyse the digital tachograph</b>	<b>number of units of equipment provided to control officers to analyse the tachograph</b>
AT	950	950	485
BE	3,727	3,563	128
BG	256	256	220
HR	230	230	130
CY	11	11	4
CZ	707	707	143
DK	110	110	90
EE	227	203	18
FI	460	560	133
FR	6,000	6,000	3,500
DE	15,423	4,400	2,742

<sup>4</sup> Hungary, Italy, Luxembourg, Romania

<sup>5</sup> Belgium, Denmark, Finland, Portugal

EL	3,279	328	148
HU	135	135	70
IE <sup>6</sup>	12	12	12
IT	10,569 <sup>7</sup>	3,496	661
LV	18	18	12
LT	657	79	79
LU	27	27	17
MT	3	2	1
NL	200	300	85
PL	1,265	1,222	786
PT	14,898	1,155	41
RO	318	318	318
SK	40	41	41
SL	341	230	42
ES	500	310	430
SE	231	204	202
UK	617	282	282
<b>TOTAL</b>	<b>61,211</b>	<b>25,148</b>	<b>10,820</b>

## **5. Roadside checks**

The percentage of non-national vehicles checked at roadside amounted to 67% in Luxembourg, 66% in Malta, 64% in Belgium, 62% in Slovenia, 61% in Austria and 58% in France and corresponded with the predominance of non-national drivers controlled at roadside. In the case of these Member States a factor of geographical location or a volume of transit operations<sup>8</sup> should also be taken into account.

Nevertheless, on the basis of the collected data from the current and previous reporting periods, four of the above mentioned Member States<sup>9</sup> did not restore the balance of controls for the third time in a row and Austria for the second time despite the reminder on non-discriminatory manner with regard to the nationality of the vehicles/drivers in which controls

<sup>6</sup> The figures refer to the Road Safety Authority personnel only.

<sup>7</sup> The significant drop for the figure for staff involved in checks from the level of 35 363 in the previous reporting period to 10 569 in the current biennial period is due to the change of the calculation method by the national and local police. Now only trained officers involved in inspections were counted, not the total number of officers engaged in carrying out these services.

<sup>8</sup> Austria indicated that the proportion of working days checked is higher for non-nationals due to the significant volume of transit.

<sup>9</sup> Belgium, Luxembourg, Malta and Slovenia



should be performed<sup>10</sup> that was included in the previous Commission report on the implementation of the social legislation relating to road transport. As regards this group of Member States, to which the reminder was addressed, only Lithuania limited the checks of non-national vehicles from 55% in the period 2011-2012 to 47% in the current period. Moreover, in the current reporting period there was a shift in France to control more non-national vehicles (from 51% to 58%) and drivers (from 51% to 60%).

## **6. Roadside checks – type of tachograph**

An important issue in roadside checks seems to link to the type of tachograph the vehicles are equipped with. The digital tachograph was introduced in 2006 and aims at facilitating the enforcement of the social legislation by providing more secure and accurate data, while at the same time simplifying the control procedures.

However, Slovenia indicated that despite the growing share of digital tachographs, the complexity and length of control procedures remain problematic. The issue of keeping various forms of data records as well as checking drivers performing activities for several transport operators was brought to light. Austria indicated that in order to follow the uniform procedure and allow the hybrid (analogue/digital) analysis of data records the automated analysis systems were introduced. Moreover, Italy reported that the use of digital tachographs and the associated system of computerised checks have improved the quality of checks, but require extensive training and technical equipment for inspectors as well as more financial resources for that activity.

According to Article 2 of Directive 2006/22/EC, the threshold of minimum checks of number of days worked by drivers of vehicles will be raised to 4% once the 90% of vehicles checked are equipped with a digital tachograph. In the current reporting period the share of vehicles checked at the roadside that were equipped with the digital tachograph increased to 64% in comparison to 56% in the previous two consecutive biennial periods 2009-2010 2011-2012, and 32% in the period 2007-2008. Nevertheless, significant fluctuations were observed at national level, with the biggest increases by at least 15 percentage points in Malta, Hungary, Austria, Bulgaria, Czech Republic, Slovakia and the United Kingdom.

Taking into account the overall average of vehicles equipped with digital tachographs that were controlled at the level of the European Union, there is no base for raising the minimum checks of days worked by drivers of vehicles to 4% in the near future.

The number of vehicles equipped with a digital tachograph might serve as an indicator of the fleet composition in Member States because of the obligation of fitting digital tachograph in new vehicles put into service as from May 2006.

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<sup>10</sup> Pursuant to Article 4 of Directive 2006/22/EC

It stems from the data collected that the highest rate of vehicles equipped with the digital tachograph that were controlled at the roadside was noted in Austria, France and Luxembourg and amounted to 83%. In contrast, in some Member States (Cyprus, Croatia and Greece) these vehicles did not reach the level of 30%. Detailed numbers and percentages of analogue and digital tachographs installed in vehicles checked at the roadside in each Member States are presented below.

**Table 2 - analogue and digital tachographs installed in vehicles checked at the roadside**

<b>Member States</b>	<b>Analogue tachograph</b>	<b>% analogue</b>	<b>Digital tachograph</b>	<b>in % digital</b>
Austria	48,539	17%	241,085	83%
Belgium	20,915	34%	40,170	66%
Bulgaria	148,468	37%	247,558	63%
Croatia	4,580	79%	1,233	21%
Cyprus	7,334	95%	387	5%
Czech Republic	67,541	43%	88,689	57%
Denmark	no data reported			
Estonia	3,396	56%	2,720	44%
Finland	2,098	54%	1,802	46%
France	160,110	17%	798,791	83%
Germany	414,969	26%	1,164,538	74%
Greece	18,092	73%	6,828	27%
Hungary	53,075	53%	47,997	47%
Ireland	17,718	49%	18,244	51%
Italy	357,683	55%	286,906	45%
Latvia	9,573	56%	7,449	44%
Lithuania	43,778	58%	31,654	42%
Luxembourg	1,250	17%	5,991	83%
Malta	14	40%	21	60%
Netherlands	16,368	43%	21,623	57%
Poland	328,659	57%	252,870	43%
Portugal	31,617	63%	18,383	37%
Romania	285,045	39%	439,831	61%
Slovakia	3,815	28%	10,055	72%
Slovenia	11,873	56%	9,410	44%
Spain	196,929	37%	339,951	63%
Sweden	18,338	27%	50,100	73%
United Kingdom	92,116	53%	81,810	47%
<b>TOTAL</b>	<b>2,363,893</b>	<b>36%</b>	<b>4,216,096</b>	<b>64%</b>

## **7. Checks at premises**

An increase of drivers checked at premises was noted and amounted to 9.4% from approximately 691 thousand drivers in the previous reporting period to almost 756 thousand in the period 2013-2014.

The share of drivers checked at premises of all drivers controlled both at roadside and premises over 2013-2014 amounts to 9% in comparison to 7.3% in 2011-2012, and confirms a growing tendency in relation to 5% in the period 2009-2010.

A group of four Member States, namely Bulgaria (21%), France (12%), Germany (13%) and Spain (15%) controlled almost 61% of all drivers checked at premises.

## **8. Offences – detection rates**

It is worth pointing out that 43.7% of the total number of offences detected in Europe was reported in Germany and together with Austria (11.6%), Poland (8.5%) and Italy (7.9%), these four Member States covered 71.7% of offences reported both at roadside and premises. A significant discrepancy is noted between France and Germany in terms of ratios between working days checked, respectively 20% and 24%, and numbers of offences detected, corresponding to 5.4% and 43.7%. This distinctiveness is comparable with the previous reporting period. In view of such discrepancies, **the enforcement practices across Europe should be aligned in order to create the common enforcement area, where checks in comparable circumstances lead to corresponding outcomes.**

There is a big disparity between Member States as regards the detection rate ranging from 0.04 in Bulgaria, 0.39 in Romania, 0.52 in Hungary, 0.55 in Latvia and 0.58 in France to 7.24 in Austria, 5.31 in Cyprus and 4.64 in Slovakia of offences detected per 100 working days checked. Moreover, these national rates noted big variations seen against the last reporting period. In some Member States there were significant drops like in Finland from 6.75 to 1.68<sup>11</sup> and Hungary from 3.73 to 0.52, which might suggest either higher awareness of social legislation among drivers and undertakings or lower effectiveness of controls. In contrast, some Member States increased rates of detected offences, namely Cyprus from 0.66 to 5.31 and Austria from 4.5 to 7.24, which could indicate enhanced controls of compliance with the social legislation in these Member States.

In quantitative terms, significant rises of offences detected were observed at national level, in the following Member States in comparison with the previous reporting period : Austria (87%), Latvia (71%), Romania (58%), Spain (46%), Belgium (38%), and Poland (38%). In addition Sweden detected 2 times as many offences as in the last period and Cyprus 7 times as many offences. On the other side, there are Member States with large declines in offences

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<sup>11</sup> Detection rate of offences at premises is based solely on data for 2014.

detected, as Hungary (72%), France (49%), Greece (49%), Slovenia (47%), Bulgaria<sup>12</sup> (46%), Italy (36%), the United Kingdom (31%) and Germany (24.7%) in spite of increases in numbers of working days checked by Member States such as Hungary (101%), Slovenia (18%) and Italy (5%). The national fluctuations between this and previous reporting period do not form a consistent pattern in comparison with the changes between period 2009-2010 and 2011-2012. Some Member States which noted recently drops in offences detected were the ones with increases beforehand<sup>13</sup> or the other way around the current increases were preceded by significant declines<sup>14</sup>.

## **9. Offences detected at roadside – detection rates**

Looking closely at Member States, diverse fluctuations can be observed between the last two reporting periods. Some Member States noted very high growths of detection rate; such as Cyprus<sup>15</sup> by 94%, Austria<sup>16</sup> by 60%, Sweden<sup>17</sup> by 34% or Lithuania<sup>18</sup> by 31%. In addition, the detection rate of Belgium<sup>19</sup> in the last reporting period was 3.6 times as high as the detection rate in the period 2011-2012.

Some Member States had lower detection rates in comparison with the previous period, namely Greece<sup>20</sup> by 69%, Hungary<sup>21</sup> by 67%, Bulgaria<sup>22</sup> by 50%, Ireland<sup>23</sup> by 36% as well as Luxembourg<sup>24</sup> where the detection rate was lower by 32%.

Despite considerable changes at national level, the overall detection rate of offences during roadside checks across the Union noted a minor increase. Hence, this does not provide a sufficient basis for drawing solid conclusions on the developments in effectiveness of controls in the Union.

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<sup>12</sup> Bulgaria indicated that the higher level of penalties has had a deterrent effect and has led to a decrease in the number of infringements and an improvement in road safety.

<sup>13</sup> Greece, Hungary

<sup>14</sup> Poland

<sup>15</sup> With a 36% increase of working days checked at roadside

<sup>16</sup> With a 20% increase of working days checked at roadside

<sup>17</sup> With a 2% increase of working days checked at roadside

<sup>18</sup> With a 9% decrease of working days checked at roadside

<sup>19</sup> With a 8% increase of working days checked at roadside

<sup>20</sup> With a 66% increase of working days checked at roadside

<sup>21</sup> With a 120% increase of working days checked at roadside

<sup>22</sup> With a 17% decrease of working days checked at roadside

<sup>23</sup> With a 4% decrease of working days checked at roadside

<sup>24</sup> With a constant number of working days checked at roadside

## **10. Offences detected at premises – detection rates**

It should be pointed out that Germany detected 51% of all offences at premises in the Union. Together with Italy (11%) and Poland (almost 16%) these three Member States cover around 78% of all detected violations at premises. Decreases in the offences at premises in Germany and Italy were compensated by the growth in Poland, which resulted in the same share of offences detected at premises by these three Member States as in the period 2011-2012. The number of offences detected in Germany corresponds with the highest frequency of offences detected per 100 working days checked (14.01), which even though it decreased by 37%, still was almost four times higher than the European average of 3.54. In Italy the rate declined from 8.98 to 5.10 in the period 2013-2014, which might imply greater awareness of social legislation among undertakings. This conclusion might be supported by the offence rate per undertaking, which decreased in Italy by 41% as compared to the last period.

In quantitative terms, Italy informed of the yearly developments over the last three years when the number of offences detected at premises declined considerably from almost 126 thousand in 2012 to 89 thousand in 2013 and then to almost 47 thousand in 2014. It stated that this figure confirms checks being an encouraging factor for businesses to operate in the road transport sector in greater compliance with the rules.

However, the reversed trend is noted in Poland, where the rate of offences detected per 100 working days checked at premises grew from 3.45 to 5.42 and the offence rate at premises per undertaking increased from 24.01 in the previous reporting period to 37.32 in the present one.

In Germany the offence rate per undertaking, after dropping between periods 2009-2010 and 2011-2012 from 81 to 55, remained at the same level in the current period.

Slovakia indicated that checks at premises revealed a general improvement; i.e. increased awareness of transport-related social legislation in comparison with previous period. This seems to be confirmed by a drop of offences rate detected at premises in Slovakia from 6.64 to 5.34.

There are vast disparities in offence detection rates at premises per 100 working days checked between Member States. Member States like Germany, Cyprus and the Netherlands have at least 7 offences reported per 100 working days checked, whereas Bulgaria (0.02), Greece (0.09), Latvia (0.03), Portugal (0.03), Romania (0.23), France (0.54), the United Kingdom (0.48) and Spain (0.63) have exceptionally low offence rate.

The ratio of offences detected at premises to the number of drivers checked confirms this disparity. In some Member States multiple offences are detected per driver, namely Cyprus (approximately 9 offences per driver), Germany (approximately 7 offences per driver) and Malta (approximately 12 offences per driver). On the other end of the scale, there are Member States with very few offences detected per driver, such as Bulgaria (1 offence detected per 183 drivers checked), Denmark (1 offence per 11 drivers), Greece (1 offence per 54 drivers),

Latvia (1 offence per 15 drivers), Portugal (1 offence per 93 drivers), Romania (1 offence per 15 drivers).

However, this cannot be seen as a sole indicator of the compliance level with the rules in Member States. As additional factors such as number of drivers checked, scope and level of detail of checks, national enforcement practices, use of risk rating systems, etc. would need to be considered. Hence, **in order to create a level playing field in the transport sector, there is a need to improve and align the enforcement of transport-related social legislation across the EU.**

### **11. Categories of infringements detected at roadside**

The proportions of roadside violations remained at relatively similar levels as in previous years. For two categories, namely driving time (18%) and breaks (17%) substantial decreases were noted : respectively 4 and 3 percentage points. The infringements of rules on rest periods remained at the same level of 25%. Whereas for violations of rules on availability of records for 28 days an increase was observed from 16% to 17%, from 12% to 13% for recording equipment and from 5% to 9% for lack of records for other work.

When looking closely at the offences for recording equipment (13%), the distinction between the incorrect functioning and the misuse or manipulation of the recording equipment can be made. The latter stands at 11%, significantly up from 5% in the previous reporting period. This is in line with signals from enforcement authorities from Member States such as the Netherlands and Finland, which indicated the noticeable increase in the number of cases involving manipulation of tachograph. However, the quantification of this trend should be treated with caution due to the significant amount of data missing in the previous reporting period.

The proportion of offences involving the manipulation of the recording equipment was particularly high in some Member States, namely 45% in the United Kingdom, 25% in Poland and the Netherlands, 21% in Ireland and 18% in Belgium and Germany. This represents a significant increase in comparison with the previous reporting period when the rate stood at 32% in the United Kingdom, 21% in the Netherlands, 17% in Poland, 15% in the Ireland and 6% in Belgium. Germany did not provide this data for the period 2011-2012.

**This development shows a stronger emphasis being put on verifying the recording equipment on vehicles and/or an increased number of recording equipment being manipulated. Therefore, the appropriate enforcement techniques, equipment, training of control officers, etc. enabling targeted controls and detecting manipulation devices and fraud became more needed than ever.**

Greater dynamics in types of offences detected at roadside were witnessed in certain Member States. In reference to driving time violations, in Belgium and Spain, the proportion almost doubled in comparison with the previous reporting period and in Sweden and Austria it

increased significantly by 34% and by 20%, respectively. On the other end, there are France and Germany, where driving time offences represented 13% and 20% of all offences at roadside against 23% and 24% during years 2011-2012.

Concerning offences committed against rules on 28 days record, they remained almost equal to around half of all detected at roadside offences in Bulgaria (47%), Italy (44%) and Latvia (42%).

Despite the fact that offences related to breaks, driving time, rest periods declined from 67% in 2011-2012 reporting period to 60% in the current period, the corresponding increase in the number of offences linked with records keeping and tachograph use indicates the shift towards concealing the infringements of rules on driving times, breaks and rest periods.

## **12. Categories of infringements detected at premises**

As in the previous period, the most detected types of offences were violations of rules on breaks (33%, down by 1 percentage point), rest periods (increased by 1 percentage point to amount to 24%), driving time (decrease by 2 percentage points and equalled to 14%) as well as driving time records (growth by 2 percentage points to 19%). The number of offences in relation to recording equipment and lack or availability of records for other work remained steady and stood at 4% and 6%, respectively.

## **13. Cooperation between Member States**

According to Directive 2006/22/EC, Member States are obliged to undertake not less than six concerted roadside checks per year with at least one other Member State. Six Member States did not provide information on concerted checks, which is interpreted as non-fulfilment of this requirement. In this context, only half of Member States reached the threshold of the minimum number of concerted checks, which shows deterioration in comparison with the previous period not only in terms of reporting quality but as well in the amount of international initiatives undertaken. Cooperation between Member States remains mostly between neighbouring Member States. Furthermore, almost half of Member States indicated that the collaboration; in terms of concerted checks and/or exchanges of experience, data, staff, takes place within the framework of Euro Contrôle Route (ECR). Moreover, it was noted by several Member States that ECR has proved useful in exchanging information regarding best enforcement practice, new technologies and data exchange.

The cooperation between Member States based on concerted checks, joint training initiatives or exchanges of experience and information plays a crucial role in achieving the objectives of the social legislation in the road transport sector; i.e. improved level playing field, road safety and harmonisation of working conditions. Therefore, the European Commission will put forward solutions to promote and reinforce the cooperation between Member States by means

of not only strengthened enforcement of rules in place but as well a possible proposal of complementary measures enabling achievement of this objective.

**Table 3 – Overview of concerted checks undertaken by each Member State**

Austria	<p>Concerted checks:</p> <ul style="list-style-type: none"> <li>• 6 concerted checks per year with ECR/TISPOL Member States.</li> </ul> <p>Exchange of experience, data, staff</p> <ul style="list-style-type: none"> <li>• 4 bilateral and 2 multilateral initiatives (involving 26 persons in bilateral initiatives and 8 in multilateral).</li> <li>• Subject of exchange: driving time checks, manipulation of recording equipment, technical checks and securing of loads.</li> <li>• Member States involved: ECR/TISPOL Member States.</li> </ul>
Belgium	No data provided.
Bulgaria	<p>In 2013:</p> <ul style="list-style-type: none"> <li>• 6 joint checks with the Romanian Control Authority (ARR) carried out in Romania and Bulgaria.</li> </ul> <p>In 2014:</p> <ul style="list-style-type: none"> <li>• Joint checks with the Romanian Control Authority (ARR) carried out in Romania and Bulgaria: 8 checks</li> </ul> <p>Exchange of information on detected infringements committed by Bulgarian drivers in Germany, Hungary, Austria, Spain, Great Britain, Italy, Latvia, Romania, Slovenia.</p>
Croatia	No data provided.
Cyprus	In 2014 an officer of the Department for Labour Inspection attended a conference concerning the new Regulation (EU) No 165/2014 in Ispra, Italy.
Czech Republic	<p>In 2013:</p> <ul style="list-style-type: none"> <li>• Inspectors were involved in 3 multilateral concerted checks organized by ECR, 1 trilateral organized also by ECR, 5 bilateral concerted checks with Germany, 2 with Slovakia, 1 with Hungary and 1 with Poland.</li> <li>• Inspectors attended 3 ECR workshops and 2 meetings of expert groups.</li> </ul> <p>In 2014:</p> <ul style="list-style-type: none"> <li>• Inspectors were involved in 2 multilateral concerted checks organized by ECR, 1 trilateral organized also by ECR, 5 bilateral concerted checks with Germany, 1 with Slovakia and 1 with Hungary.</li> </ul>



	<ul style="list-style-type: none"> <li>• Inspectors attended 3 ECR workshops and 3 meetings of expert groups.</li> </ul>
Denmark	The National Police participated in concerted checks organised by TISPOL – frequency not indicated.
Estonia	<p>In 2013:</p> <ul style="list-style-type: none"> <li>• 2 concerted roadside checks with the Latvian Police and 2 concerted roadside checks with the Finnish Police.</li> </ul> <p>In 2014:</p> <ul style="list-style-type: none"> <li>• 2 concerted roadside checks with the Latvian Police and 1 with the Finnish Police.</li> <li>• 2 multilateral concerted checks with Finland, Latvia and Lithuania.</li> </ul>
Finland	Sweden and Norway regularly send reports to Finland concerning Finnish drivers and undertakings that have committed offences against regulations on driving and rest times in the territory of the States concerned. The data is supplied to the Occupational Safety and Health Inspectorate carrying out checks in undertakings.
France	<p>Participation in 8 ECR concerted checks in 2013 and 8 in 2014 on the subject of cabotage, ADR, tachograph fraud, technical checks and securing of loads.</p> <p>In 2013 and 2014 France organised cooperation sessions on bilateral exchange with Germany (gathering 16 to 18 participants from both Member States) and multilateral cooperation sessions (gathering controllers from ECR Member States).</p> <p>France participated in multilateral exchanges organised by ECR Member States; i.e. in 2014 in the Netherlands, the United Kingdom and Poland).</p> <p>Attendance at TISPOL/ECR Master Class on tachograph fraud at least once a year by 2 controllers.</p>
Germany	<p>5-6 ECR coordinated checks each year with the inspecting officers from France, Austria, the Netherlands, the Czech Republic and Poland (duration 1 week), focus on social legislation in the road transport sector, technical roadside inspections and load restraints.</p> <p>10-15 exchanges of experience under ECR, TISPOL per year, in which 2-10 inspectors participate.</p>
Greece	No information provided.
Hungary	In 2013:

	<ul style="list-style-type: none"> <li>• Multilateral controls (Slovakia, Poland and Germany) in the framework of Hungary-Czech Republic cooperation in Pardubice and Zlin, Czech Republic.</li> <li>• Participation in ECR exchanges in Leiden, Metz.</li> <li>• Attendance at the TISPOL/ECR Master Class on tachograph manipulation in Osnabrück.</li> <li>• 3rd Central European regional roadside check action in Zala County in June with the participation of Austria, Czech Republic, Croatia, Romania, Slovenia and Slovakia.</li> <li>• 2 bilateral controls with Slovenia and 1 with Austria.</li> <li>• ECR exchange programme in Budapest with participation of 23 experts from Austria, Slovakia and Romania in September.</li> </ul> <p>In 2014:</p> <ul style="list-style-type: none"> <li>• Multilateral controls (Slovakia, Germany, Poland) in the framework of Hungary-Czech Republic cooperation (May in Mala Lucivna, Slovakia).</li> <li>• 3 bilateral controls undertaken with Slovenia and 1 with Romania</li> <li>• 2 regional roadside check events with the participation of several Member States (Poland, Slovakia, Romania in April and Poland, Czech Republic, Slovenia, Croatia, Germany in June).</li> <li>• Participation in ECR exchanges (Pula, Wroclaw, Metz and Bedford).</li> <li>• Attendance on two occasions at the TISPOL/ECR Master Class on tachograph manipulation in Osnabrück.</li> </ul>
Ireland	<ul style="list-style-type: none"> <li>• 9 concerted checks in 2013 and 2 concerted checks in 2014 with Northern Ireland and the United Kingdom.</li> <li>• Attendance at exchange programmes organised by the Dutch, French, and Hungarian Authorities (6 officers attended).</li> <li>• Biannual meetings between senior management personnel from VOSA and RSA and a project group on maximising the benefits of coordinated enforcement agreed terms of reference between Republic of Ireland, Northern Ireland and the United Kingdom was set up reviewing compliance and other matters relating to road safety. The group produced a recommendations document which is currently being implemented.</li> <li>• Participation in ECR working group meetings in relation to training and enforcement practice.</li> </ul>
Italy	<p>During 2014, the Traffic Police, as part of the activities organised by TISPOL took part in joint European checking and safety campaigns on the carriage of goods and passengers aimed at reducing the number of victims of road accidents as part of the European Action Plan 2011-</p>

	<p>2020. These joint international operations to combat offences and conduct 'thematic' campaigns last a week.</p> <p>Moreover, during 2014, the Traffic Police Service, during the six-month Presidency of the Council of the European Union, proposed and coordinated a joint operation named TENT-IT, from 28 November to 5 December 2014, with the aim of carrying out checks on Europe's road networks, paying particular attention to trans-European corridors, to ensure safety by means of a wide-ranging campaign at both national and European level targeting professional road haulage, particularly of dangerous goods, and passenger transport.</p> <p>During the TENT-IT operation, 8 217 heavy vehicles (HGVs and buses) were checked, 1 249 of which were registered abroad; 1 575 offences against national and EU legislation specific to road transport were detected, along with 1 425 violations of the Highway Code. In addition, 31 criminal offences were detected in the course of the operation.</p>
Latvia	<ul style="list-style-type: none"> <li>• 10 concerted roadside checks with Lithuania in 2013 as well as 8 concerted roadside checks with Lithuania and 3 checks with Estonia in 2014.</li> <li>• Participation in CORTE Enforcement working group.</li> </ul>
Lithuania	<p>In 2013:</p> <ul style="list-style-type: none"> <li>• 18 joint vehicle-checking exercises with officials from the Polish and Latvian inspectorates. Joint checks were carried out with Polish officials in the Kalvarija (LT) – Budzisko (PL) border zone, and with officials from the Latvian inspection body in the Saločiai (LT) – Grenctāle (LV), Smēlynē (LT) – Medumi (LV), Obeliai (LT) – Subate (LV), Būtingē (LT) – Rucava (LV) and Kalviai (LT) – Meitene (LV) border zones.</li> <li>• 4 joint inspections with ECR Member States of freight and passenger vehicle.</li> </ul> <p>In 2014:</p> <ul style="list-style-type: none"> <li>• 18 joint vehicle-checking exercises with officials from the Polish and Latvian inspectorates. Joint checks were carried out with Polish officials on the Kalvarija (LT) – Budzisko (PL) border section, and with officials from the Latvian inspection body on the Saločiai (LT) – Grenctāle (LV), Smēlynē (LT) – Medumi (LV), Obeliai (LT) – Subate (LV), Būtingē (LT) – Rucava (LV) and Kalviai (LT) – Meitene (LV) border sections.</li> <li>• 8 joint checks with ECR Member States of freight and passenger vehicles.</li> </ul>

Luxembourg	<p>In 2013:</p> <ul style="list-style-type: none"> <li>The Customs and Excise Administration undertook: 19 checks with various ECR Member States à Dudelange- -Zoufftgen, 5 checks Benelux in Sterpenich (LU-BE-NL), 3 checks LU-DE near Trèves (Markusberg, DE), 1 exercise Interregio (LU-DE), 3 exercises BENEFRALUX (LU-BE-NL-FR), 2 operations Hazeldonk (LU-BE-NL), 1 operation BFL Grande Région (LU-BE-FR).</li> </ul> <p>In 2014:</p> <ul style="list-style-type: none"> <li>The Grand-Ducal Police undertook 6 concerted checks in Saarland (DE), Wittlich (DE) and Wasserbillig (LUX).</li> <li>The Customs and Excise Administration undertook: 7 checks with various ECR Member States in Dudelange-Zoufftgen, 3 checks LU-DE near Trèves (Markusberg, DE), 1 exercise Interregio (LU-DE), 2 exercises BENEFRALUX (LU-BE-NL-FR), 2 operations Hazeldonk (LU-BE-NL), 1 operation BFL Grande Région (LU-BE-FR), 1 operation GrenzAG II (LU-DE).</li> </ul> <p>The cooperation (checks, training, etc.) with other Member States usually takes place within the framework of ECR, TISPOL or bilateral and trilateral relations. The concerted checks were performed the most often with France, Belgium, Germany and the Netherlands.</p> <ul style="list-style-type: none"> <li>4 multilateral exchanges and 3 workshops in 2013 and attendance at the TISPOL/ECR Master Class on tachograph manipulation in Osnabrück,</li> </ul>
Malta	No concerted checks undertaken.
Netherlands	No data provided.
Poland	<p>In 2013:</p> <ul style="list-style-type: none"> <li>Participation in 8 ECR coordinated control weeks (focus on transport of dangerous goods, tempering with tachograph, technical checks, carriage of passengers and goods). During these concerted checks 26064 vehicles were controlled, resulting in 9348 infringements.</li> <li>Attendance at two TISPOL/ECR Master Classes on tachograph manipulation in Osnabrück.</li> <li>Participation in 5 trainings and inspectors exchanges with Member States such as the Czech Republic, Germany and Estonia.</li> </ul> <p>In 2014:</p> <ul style="list-style-type: none"> <li>Participation in 8 ECR coordinated control weeks (focus on</li> </ul>

	<p>cabotage, securing of loads, transport of dangerous goods, technical checks, recording equipment). During these concerted checks 18914 vehicles were controlled, resulting in 6360 infringements.</p> <ul style="list-style-type: none"> <li>• Attendance at two TISPOL/ECR Master Classes on tachograph manipulation in Osnabrück.</li> <li>• Participation in 13 trainings and inspectors exchanges with Member States such as Hungary, Romania, Germany, the Czech Republic, Estonia, Slovakia and Slovenia.</li> </ul>
Portugal	No information provided.
Romania	<p>In 2013:</p> <ul style="list-style-type: none"> <li>• 7 concerted checks organised by ECR, with the Netherlands, France, Spain, Belgium, Austria, Poland, Hungary, the United Kingdom, Bulgaria, Ireland, Lithuania, Latvia, Czech, Slovenia.</li> <li>• 4 multilateral exchanges of experience organised in France, (Metz), Hungary (Budapest and Miskolc) and the Netherlands (Leiden) under the aegis of ECR.</li> <li>• 3 ECR workshops organised in Germany (Koln) and twice in Belgium, (Brussels).</li> <li>• 1 master class organised by ECR in Germany (Osnabruck).</li> <li>• 1 regional roadside check organised in Hungary (Zaa).</li> </ul> <p>In 2014:</p> <ul style="list-style-type: none"> <li>• 8 concerted checks organised by ECR, with the Netherlands, France, Spain, Belgium, Austria, Poland, Hungary, the United Kingdom, Bulgaria, Ireland, Lithuania, Latvia, Czech, Slovenia.</li> <li>• 2 multilateral exchanges of experience organised in Croatia (Pula) and Hungary (Miskolc) under the aegis of ECR.</li> <li>• 4 workshops organised in Germany (Koln), Belgium (Brussels), and Serbia (Belgrade) under the aegis of ECR and European workshop on cargo securing and technical roadside inspections in Hungary (Szeged) and assisted by representatives of the European Commission.</li> <li>• 1 bilateral exchange Romania-Hungary organised by Romania at Nagylac border.</li> </ul>
Slovakia	In 2013 and 2014 concerted checks were carried out with the Czech Republic (7 times), Hungary (4 times) and Poland (1 time). Checks with the Czech and Polish partners focused on monitoring of social legislation in road transport and with Hungary on detecting any tampering with the recording equipment.

	The National Labour Inspectorate organised in 2014 the multilateral checks of social legislation in the transport sector with the participation of Slovakia, the Czech Republic, Hungary and Poland. The multilateral inspection was attended by 30 participants, carrying out controls at three checkpoints.
Slovenia	3 concerted checks with Hungary in 2013 and 2 in 2014, 3 concerted checks each year with Croatia. Active observer in ECR. In years 2013 and 2014 inspectors participated in organised concerted checks in other Member States such as Hungary, the Netherlands, Spain and Germany.
Spain	11 ECR coordinated controls (5 in 2013 and 6 in 2014 on driving and resting times, tachograph, dangerous goods, overloading, bus transport and cabotage).
Sweden	No information provided.
United Kingdom	<ul style="list-style-type: none"> <li>• 7 concerted checks in 2013 and 8 in 2014 held in conjunction with ECR members including Austria, Belgium, Bulgaria, the Czech Republic, France, Hungary, Lithuania.</li> <li>• Exchange visits during 2013/14 - 3 in the Netherlands, France and Poland.</li> <li>• Exchange workshops on various subjects including ADR, Load Security (Brussels and Sveged).</li> <li>• Attendance at 2 TISPOL/ECR Master Class on tachograph manipulation in Osnabrück and 2 on cabotage as well as a further workshop on Regulation 3821/85.</li> <li>• Hosting a multi-lateral exchange at Cardington for 15 delegates from across Europe, this also included three for UK examiners in order to share experiences and working practices.</li> </ul>

## **14. Penalties**

Article 19 of Regulation (EC) No 561/2006 sets out that Member States shall lay down rules on penalties that are to be effective, proportionate, dissuasive and non-discriminatory. Member States shall notify the Commission of these measures and the rules on penalties. For the current report, the Commission has been notified of the following:

In 2014 Belgium and France introduced into their national legislation<sup>25</sup> a prohibition of spending the regular weekly rest periods on board a vehicle and established sanctions for violation of these provisions. In France the penalty of up to one year's imprisonment and the fine of up to €30 000 might be imposed on the transport undertaking for organisation of work of its employees in such a way that the regular weekly rest period is not taken outside the vehicle. Belgium introduced an administrative fine for taking the regular weekly rest period aboard the vehicle, which amounts to €1 800. In Belgium, the infringement can only be deduced from practical circumstances in the moment the infringement is being committed. There is no retroactive proof required for previous rest periods.

Other changes of national penalty systems include implementation of the guarantee money system in Latvia. On the basis of the information submitted, the system requires that in case of road transport infringements, a foreign driver pays the guarantee money in a maximum amount of foreseen fine on the spot. In the contrary case, the vehicle might be immobilised and the driver stopped. When the decision on the amount of fine is taken then the Latvian authorities would repay the money. It is as well possible to pay a fine on the spot.

Italy established new procedures for implementing the precautionary measure of administrative confiscation and the accessory penalty of immobilising a vehicle. Luxembourg introduced the obligation to pay fines (from €145 to €250) on the spot for the infringements classified as minor and serious by the EU legislation.

In addition, following Regulation (EU) No 181/2011 concerning the rights of passengers in bus and coach transport entailed the introduction of new penalties in Bulgaria.

## **15. Exceptions granted by Member States**

According to Article 13 of Regulation (EC) No 561/2006, Member States may grant exceptions from the application of provisions on driving times, breaks and rest periods, provided that certain specific conditions are met and that the overall objectives of the Regulation are not prejudiced. Member States are obliged to inform the Commission of the exceptions granted.

Following the update in May 2016, the list of exceptions has been completed by information provided from Bulgaria, Luxembourg, Romania and Slovenia. The majority of updates were

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<sup>25</sup> The national measures introduced in Belgium and France prohibiting the weekly rest period in the vehicle is currently being assessed by the Commission. The Commission will also address this issue of the weekly rest in the on-going work of the revision of Regulation (EC) No 561/2006.

due to the update regarding the extension of the distance travelled from 50 km to 100 km in Article 13 (1) (d), (f), (g), which is the result of the modification through the tachograph Regulation. The same up-to-date information is also available on the Commission's website.

[https://ec.europa.eu/transport/sites/transport/files/modes/road/social\\_provisions/driving\\_time/doc/national\\_exceptions\\_regulation\\_2006\\_561.pdf](https://ec.europa.eu/transport/sites/transport/files/modes/road/social_provisions/driving_time/doc/national_exceptions_regulation_2006_561.pdf).



**National exceptions Regulation (EC) No 561/2006**

	Austria	Belgium	Bulgaria	Croatia	Cyprus	Czech Republic	Denmark	Estonia	Finland	France*	Germany	Greece	Hungary	Ireland	Italy	Latvia	Lithuania	Luxembourg	Malta	Netherlands	Poland	Portugal	Romania	Slovakia	Slovenia	Spain	Sweden	United Kingdom	
13.1 a: non-competing public authorities <sup>1</sup>	X	X		X	X	X	X			X	X		X	X		X	X			X	X		X	X	X	X		X <sup>1</sup>	
13.1 b: agricultural etc. own activity < 100 km <sup>2</sup>	X	X	X	X	X	X	X	X <sup>2</sup>	X	X <sup>2</sup>	X		X	X		X	X			X	X	X	X	X	X <sup>2</sup>	X <sup>2</sup>	X	X <sup>2</sup>	
13.1 c: agricultural/forestry tractors <100 km <sup>3</sup>	X	X	X	X	X	X	X	X		X	X		X	X		X	X	X		X	X	X	X	X	X <sup>3</sup>	X	X	X	
13.1 d: <7,5 tons universal services <100 km <sup>4</sup>		X <sup>4</sup>	X <sup>4</sup>	X <sup>4</sup>	X <sup>4</sup>	X <sup>4</sup>			X <sup>4</sup>	X <sup>4</sup>	X		X <sup>4</sup>	X	X <sup>4</sup>	X <sup>4</sup>	X <sup>4</sup>	X <sup>4</sup>		X <sup>4</sup>	X <sup>4</sup>	X <sup>4</sup>	X	X <sup>4</sup>	X	X <sup>4</sup>		X <sup>4</sup>	
13.1 e: operating on islands <2300 square km <sup>5</sup>				X	X	X	X		X	X <sup>5</sup>	X			X					X		X	X				X <sup>5</sup>	X	X	
13.1 f: <7,5 t <100 km gas/ electricity <sup>6</sup>				X <sup>6</sup>	X <sup>6</sup>	X <sup>6</sup>		X <sup>6</sup>	X <sup>6</sup>	X <sup>6</sup>	X		X <sup>6</sup>	X			X <sup>6</sup>			X <sup>6</sup>	X <sup>6</sup>			X <sup>6</sup>	X	X <sup>6</sup>		X	
13.1 g: instruction/examination driving licence/CPC <sup>7</sup>		X		X		X	X	X	X		X			X	X <sup>7</sup>	X	X	X <sup>7</sup>		X	X	X		X	X	X	X	X	X
13.1 h: sewerage/flood protection/water etc <sup>8</sup>	X <sup>8</sup>	X		X	X	X	X	X	X	X <sup>8</sup>	X		X	X	X	X	X	X		X	X	X	X	X	X	X	X	X	X
13.1 i: non-comm. passenger transp. between 10-17 seats <sup>9</sup>	X	X		X	X	X	X	X <sup>9</sup>	X	X <sup>9</sup>	X		X	X		X	X				X	X		X			X	X	
13.1 j: circus/funfair <sup>10</sup>	X	X	X	X	X	X	X	X	X	X	X		X	X	X	X	X	X		X	X	X		X	X	X <sup>10</sup>	X	X	
13.1 k: mobile projects for education	X	X		X	X	X	X		X	X	X		X	X		X	X			X	X	X	X	X	X	X		X	
13.1 l: milk/animal feed from/to farms <sup>11</sup>	X <sup>11</sup>	X		X	X	X	X	X <sup>11</sup>	X	X <sup>11</sup>	X <sup>11</sup>		X	X	X	X <sup>11</sup>	X <sup>11</sup>	X		X	X	X		X	X	X <sup>11</sup>	X	X	
13.1 m: transporting money/ valuables <sup>12</sup>	X <sup>12</sup>	X	X	X	X	X	X		X	X	X		X	X <sup>12</sup>		X	X			X	X	X	X	X	X	X			
13.1 n: animal waste or carcasses <sup>13</sup>		X		X	X	X	X	X	X	X	X <sup>13</sup>		X	X		X	X			X	X	X	X	X	X		X	X	
13.1 o: hub facilities <sup>14</sup>	X	X	X	X	X	X	X		X	X	X		X	X		X	X			X <sup>14</sup>	X	X		X	X	X		X	
13.1 p: live animals farms - > markets and vice versa<100km <sup>15</sup>	X	X <sup>15</sup>		X <sup>15</sup>	X <sup>15</sup>	X <sup>15</sup>		X <sup>15</sup>	X <sup>15</sup>	X <sup>15</sup>	X		X <sup>15</sup>	X		X <sup>15</sup>	X <sup>15</sup>			X <sup>15</sup>	X <sup>15</sup>	X <sup>15</sup>	X	X <sup>15</sup>	X	X <sup>15</sup>	X <sup>15</sup>	X	

\* This Member State failed to provide updated information.

1. The following Member State introduced additional restrictions:
  - a. The United Kingdom: a vehicle does not fall within the description specified unless the vehicle:
    - (a) is being used for the provision of ambulance services- (i) by a relevant National Health Service (NHS) body, or (ii) in pursuance of arrangements made by or at the request of a relevant NHS body, or made with the Secretary of State or with the Welsh or Scottish Ministers;
    - (b) is being used for the transport of organs, blood, equipment, medical supplies or personnel - (i) by a relevant NHS body, or (ii) in pursuance of arrangements of the kind mentioned in paragraph (a)(ii)
    - (c) is being used by a local authority to provide, in exercise of social services functions - (i) services for elderly people, or (ii) services for persons to whom section 29 of the National Assistance Act 1948 (welfare arrangement for physically and mentally handicapped persons) applies;
    - (d) is being used by Her Majesty's Coastguard, a general lighthouse authority or a local lighthouse authority;
    - (e) is being used for the purpose of maintaining railways by the British Railways Board, any holder of a network licence (within the meaning of Part 1 of the Railways Act 1993) which is a company wholly owned by the Crown (within the meaning of that Act), Transport for London, any wholly owned subsidiary of Transport for London, a Passenger Transport Executive or a local authority
    - (f) is being used by the British Waterways Board for the purpose of maintaining navigable waterways
2. The following Member States introduced additional restrictions:
  - a. Estonia - within a radius of 50 km of the place where the vehicle is usually based, including towns within this area
  - b. France - only vehicles or combinations of vehicles up to 7,5 tonnes and only within a radius of 50 km
  - c. Slovenia – within a radius of up to 50 km
  - d. Spain – agriculture etc. own activity within a range < 50 km
  - e. The United Kingdom - a vehicle which is being used by a fishery undertaking does not fall within the description specified unless the vehicle is being used:
    - (a) to carry live fish, or
    - (b) to carry a catch of fish from the place of landing to a place where it is to be processed
3. The following Member States introduced additional restrictions:
  - a. Slovenia - within a radius of up to 50 km
4. The following Member States introduced additional restrictions:
  - a. Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Finland, France, Hungary, Italy, Latvia, Lithuania, Luxembourg, the Netherlands, Poland, Portugal, Slovakia, Spain – within a radius < 50km
  - b. The United Kingdom – vehicles between 3.5 - 7.5 tonnes used by universal service providers within a 50 km radius of the base of the undertaking require a tachograph
5. The following Member States introduced additional restrictions:
  - a. France - operating on islands <400 square km
  - b. Spain – operating on islands < 250 square km
6. The following Member States introduced additional restrictions:
  - a. Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Hungary, Lithuania, Poland, Portugal, Slovakia, Spain – within a radius < 50km
7. The following Member States introduced additional restrictions:
  - a. Italy - it refers only to the obligation of equipping and using tachograph
  - b. Luxembourg - exception only for the (learning) driver, instructor must respect Regulation (EC) No 561/2006
8. The following Member States introduced additional restrictions:
  - a. Austria:
    - (a) vehicles used by the regional authorities' road construction offices and driven by employees of the provinces or municipalities are entirely exempted
    - (b) vehicles used in connection with sewerage, flood protection, water, gas and electricity supply, telegraph and telephone services, radio and television broadcasting, and the detection of radio or television transmitters or receivers are entirely exempted where driving of vehicles does not constitute the driver's main activity
    - (c) vehicles used by household refuse collection authorities are exempted only from the rules on breaks under Article 7 of Regulation (EC) No 561/2006

(d) vehicles used in winter by road construction offices, where not covered by the exemption under point 9 a.(a), are exempted only from the rules on breaks under Article 7 of Regulation (EC) No 561/2006

b. France - for door-to-door household refuse collection and disposal, only within a radius of 100 km

9. The following Member States introduced additional restrictions:

a. Estonia - owner/authorised user of a vehicle with 10-17 seats who is a parent of 4/more children, respective entry made on a registration certificate of the vehicle and the vehicle is used for non-commercial passenger transport

b. France - not for the transport of children

10. The following Member State introduced additional restrictions:

a. Spain - only when own activity

11. The following Member States introduced additional restrictions:

a. Austria - vehicles used to collect raw milk from farms exempted only from the rules on breaks under Article 7 of Regulation (EC) No 561/2006

b. Estonia, Latvia and Lithuania, as of 1/01/2008, mutually apply the exception from Articles 5 to 9 to vehicles used for milk collection from farms,...etc., only in cases where the service radius does not exceed 100 km

c. France - within a radius of up to 150 km of the base of the undertaking

d. Germany – within a radius of 100km

e. Spain – milk/animal feed from /to farms within a range < 100 km

12. The following Member States introduced additional restrictions:

a. Austria – exception only from the rules on breaks under Article 7 of Regulation (EC) No 561/2006

b. Ireland - vehicles specially designed for mobile banking, exchange and saving transactions

13. The following Member State introduced additional restrictions:

a. Germany - within a radius of up to 250 km of the base of the undertaking

14. The following Member State introduced additional restrictions:

a. The Netherlands – on or between hub facilities within a range of 5 km

15. The following Member State introduced additional restrictions:

a. Belgium, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Hungary, Latvia, Lithuania, the Netherlands, Poland, Portugal, Slovakia, Spain, Sweden – within a radius < 50km

## **16. Comments and proposals**

Finland reiterated that it would be better to target inspections at high-risk undertakings rather than perform checks on the basis of extensive representative sample aiming at achievement of quantitative objectives. In the same context, Ireland indicated that conducting inspections at premises is a priority due to their better effectiveness for ensuring compliance. The enforcement practice is to prosecute operators for offences committed by drivers. Lithuania drew attention to recurrent problems linked to Commission Decision 2009/959/EU<sup>26</sup> as economic operators use the form attesting to periods of driver activity to conceal actual drivers' activities. Drivers arriving to Lithuania from other Member States often submit a form stating they were on leave or resting. These practices render verification whether a driver residing in another country has submitted a form attesting to actual driver activity very complicated.

In addition, Italy reported that during checks, inspectors frequently encounter a situation when an operator fails to present the discs of tachographs, thereby preventing the detection of infringements against the rules on driving time and rest periods.

In the light of the possible revision of the social legislation in road transport, Slovakia put forward amendments to the provisions of Regulation (EC) No 561/2006, which are considered the most problematic; namely regular weekly rest period, the total accumulated driving time during consecutive weeks and taking a new daily rest period within a period of 24 hours after the end of the previous rest period. These proposals will be duly evaluated by the Commission services in the framework of the impact assessment phase, which aims at definition of potential solutions and assessments of their impacts.

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<sup>26</sup> Commission Decision of 14 December 2009 amending Decision 2007/230/EC on a form concerning social legislation relating to road transport activities (OJ L 330, 16/12/2009, p. 80)

## **17. Interpretation of Regulation (EC) No 561/2006 and Directive 2002/15/EC**

In the recent years the Court of Justice of the European Union shed light on interpretation of Regulation (EC) No 561/2006 by means of the following preliminary rulings:

### **17.1. Judgment of the Court of Justice of 19 October 2016 in case C-501/14**

The case concerns the immobilisation of a vehicle if the driver, and not the undertaking, has been found liable for the incident. Regulation (EC) No 561/2006 on the harmonisation of certain social legislation relating to road transport states that both transport undertakings and drivers are subject to specific obligations and can thus be made liable for infringement of their respective obligations. The question submitted by a Hungarian Court was whether in case only the driver was found liable and not the transport undertaking, the national authority can still immobilise the vehicle, preventing not only the driver in question but also all other potential drivers from using the vehicle.

The ECJ stated that it is clear from Article 19 of the above Regulation that both transport undertakings and drivers are subject to specific obligations and can therefore both be held liable for infringements of their respective obligations.

The Court furthermore underlined that Article 21 of the Regulation expressly refers to "immobilisation" as a possible measure, in case the infringement is serious and some time is needed to remove the cause of the infringement. As regards the nature of the sanctions and measures to be taken by Member States, they have a wide discretion to take action which suits best the specific circumstances. The Regulation does not provide for any harmonisation in this respect. However, the ECJ underlined that Article 19 (1) of Regulation 561/2006 contains provisions resulting from general principles of law: penalties must be effective, proportionate, dissuasive and non-discriminatory.

The Court went on applying these criteria to the case in question. It concluded that the immobilisation of the vehicle is a disproportionate measure where only the driver, and not the road transport undertaking, was found liable for the offence committed. It justified this finding by the fact that alternative measures imposed on the driver in question – withdrawal, suspension or restriction of driver's license – would have been equally effective in order to ensure the payment of the fine. Such an alternative measure would prevent the driver from driving whilst would allow the vehicle in question to be used by other drivers.

### **17.2. Order of the Court of Justice of 18 February 2016 in case C-325/15**

Another preliminary question was raised regarding this time the interpretation of Article 8(8) of Regulation (EC) No 561/2006. This Article provides that, if a driver chooses to do so, the daily rest period and the reduced weekly rest periods taken away from base may be taken aboard the vehicle, provided that it has suitable sleeping facilities for each driver and that it is stationary. The referring court was seeking to find out whether this Article precludes national legislation which lays down the conditions under which the driver of a vehicle may claim the reimbursement of accommodation costs incurred in the course of his employment.

The Court of Justice stated that the Regulation does not contain any provision relating to allowances that such drivers may be entitled to in the course of their employment and the wording of the provision

concerns only the organisation of certain rest periods for drivers while they are working, not compensation for those rest periods. Therefore the question was answered in negative.

### **17.3. Judgment of the Court of Justice of 9 June 2016 in case C-287/14**

The case concerns the principle of liability and in particular the driver's liability for infringements of the obligation to use tachograph. The referring court asked whether Article 10(3) of Regulation (EC) No 561/2006 should be interpreted as precluding national legislation, which instead of or in addition to the transport undertaking employing the driver, holds the driver liable for infringements of that Regulation which he himself committed. The Court stated that Member States are entitled to lay down a system of liability of drivers for infringements of the Regulation, and that they have a broad discretion as regards the nature of the applicable penalties. In this context, Member States may establish provisions allowing penalties to be imposed, exclusively of otherwise, on drivers.

### **17.4. Pending requests for a preliminary ruling**

The request for a preliminary ruling was lodged by the Belgian court on 19 February 2016 (C-102/16) on the interpretation of Article 8(6) and (8) of Regulation (EC) No 561/2006. The question is whether the regular weekly rest period may or may not be taken by the driver inside the vehicle. If the answer to this question is negative, then it is requested to establish whether Member States can lay down a prohibition in their national law on the drivers spending their regular weekly rest periods inside a vehicle.

As regards Directive 2002/15/EC, the question from the Spanish court was referred (C-97/16) to the European Court of Justice on definition of "mobile worker" and in particular whether persons providing a transport service by virtue of administrative authorisations of which they are the holders, carried out using vehicles of which ownership or direct power of disposal in them can be regarded as "mobile workers". Furthermore, the referring court seeks to establish whether Article 3(e) of the Directive should be construed as meaning that, if none or only one of the criteria laid down for a person to be regarded as "self-employed driver" is fulfilled, the view must be taken that the person concerned is a "mobile worker".

## **18. Monitoring and control arrangements of Directive 2002/15/EC in Member States**

The majority of Member States restated that they have an enforcement system in place that enables them to carry out checks on compliance with working time provisions. Various national bodies are responsible for monitoring working time rules in Member States. The following bodies in charge of checks can be enumerated: labour protection inspectorates, police, health and safety offices, road safety authorities, road transport administration and road transport departments of competent ministries in charge of transport or labour policies.

Member States carry out their checks as part of routine controls at premises of undertakings, at roadside in collaboration typically with police force or targeted checks on the basis of obtained data indicating potential irregularities. The checks on working time seem to go hand in hand with checks on the social rules in most Member States. Sweden informed that the method used for monitoring compliance with the Directive is a "desk inspection" in which the records of hours worked is requested from employers and self-employed drivers. On the basis of information provided, a dialogue is being established with an employer or a self-employed driver to ensure the good understating of the rules and that the necessary measures to follow them are taken. In case the communication does not result in the change of the behaviour, injunctions might be issued or bans imposed, possible in conjunction with fines to increase compliance with the rules.

## **19. Issues in relation to enforcement of Directive 2002/15/EC**

Various problems were brought up in relation to performing controls of compliance with working time rules. Recurrent issues of complexity, length and labour intensity of control procedures were mentioned. Ireland reported that prosecuting a case relating to working time by Road Safety Authority is significantly more onerous and complex than for driver's hours and tachograph related infringements.

United Kingdom noted that working time records are not checked at the roadside due to the fact that 17 weeks of records are not required to be held in the vehicle. Moreover, Greece pointed out that certain provisions of this Directive overlap with those of Regulation (EC) No 561/2006, which is a source of problems for businesses and workers.

Slovenia and Cyprus referred to the difficulty of enforcing the rules in cases when drivers drove alternately vehicles with analogue tachograph, digital tachograph and vehicles exempted from the use of recording equipment. Checks should be carried out by comparing data records which might be in forms of analogue tachograph record, digital data and other manual records or forms. The drivers who are employed in several undertakings present additional difficulty during checks.

Some supervision problems occurred for passenger bus transport in Estonia when the length of the line between its start and end point is less than 50 km (almost 60% of all rural lines). Due to the lack of obligation to use tachographs, the check of work and rest times on these lines; both on lines providing service under public service agreements and on commercial lines, is substantially difficult. In such case, the check is based on the work schedules, which might be easily manipulated. In addition, there is no possibility to identify exhausted drivers and exclude them from the road traffic. Therefore, it is planned

to introduce as of 1 January 2020 the requirement to use tachographs also on lines under 50 km for the vehicle registered after 1 May 2006.

On the other end, Germany and Lithuania informed that no difficulties were encountered when implementing the Directive.

## **20. Statistics on checks**

	Checks in carriage of passengers	Checks in carriage of goods	TOTAL
Bulgaria			4,424 checks
Czech Republic			719 inspections
France	1069 drivers	8833 drivers	9,902 drivers 4,784 transport operators
Greece			4,072 inspections
Luxembourg	399 working days checked	28,665 working days checked	29,064 of working days checked
Poland			- 1,097 checks of weekly working time (5,368 drivers checked) - 871 checks of break (4,496 drivers checked) - 1,109 checks of night work (5,322 drivers checked)
Spain			1,794 interventions for working time 365 interventions for overtime

## **21. Statistics on infringements**

	Offences in carriage of passengers	Offences in carriage of goods	TOTAL
Austria	176: - 21 weekly working time - 155 break	3825: - 457 weekly working time - 3368 break	4,001
Bulgaria			1,607 infringements of working time
Cyprus			8,252 infringements: -7,761 – break



			- 387 – night work - 93 - maximum weekly working time - 11 – average weekly working time
Czech Republic			310 infringements: - 123 - breaks - 93 - rest periods between shifts - 94 - length of shifts
France	186 infringements	4130 infringements	4,316 infringements: - 2,124 - night work - 41 - weekly working time
Greece			182 prosecutions 638 fines
Ireland			1 initiated prosecution
Poland			- 160 – weekly working time (357 drivers) - 135 break (239 drivers) - 664 night work (2,281 drivers)
Spain			154 offences for working time 32 offences for overtime

Finland informed that statistical data will be submitted with the next report for the period 2015-2016.

## **22. Stakeholders' views on implementation of Directive 2002/15/EC in Member States**

In Ireland, both employer and employee organisations were of an opinion that the Directive contributed to the health and safety protection of drivers. Nevertheless, Ireland pointed out difficulties with getting a broad scope of views as a vast majority of drivers and a bulk of operators are not represented by trade unions and trade associations respectively.

There are two Member States, namely Ireland and Malta, where consulted parties considered that their geographic specificities should have been taken into account by enforcement authorities. The latter country highlighted the risks of ambiguous interpretation in relation to periods of availability when drivers were waiting for loading and unloading. Operators feel that the definition should be reworded, due to the fact in practical terms this is impossible to ascertain since the period regarded as "availability" in most cases could not be determined beforehand.

Consulted employers from Ireland and trade unions from Slovenia called for an effective and suitable enforcement of the Directive.

### 23. Statistics on minimum checks to be carried out

The table below illustrates the required minimum number of working days to be checked as well as the actual number of working days Member States have checked at the roadside and at premises.

Member States	Minimum checks (3%) for 2013-2014	NUMBER OF WORKING DAYS CHECKED				
		Total	At roadside	At premises	% at roadside	% at premises
AT	1,408,320	5,256,081	4,484,002	772,079	85%	15%
BE	1,449,798	1,624,048	1,144,761	479,287	70%	30%
BG	1,885,223.88	9,199,207	4,850,274	4,348,933	53%	47%
HR	652,968.00	533,153	161,709	371,444	30%	70%
CY	216,000	227,720	118,535	109,185	52%	48%
CZ	1,491,608.85	3,804,589	2,932,796	871,793	77%	23%
DK	660,000	714,935	445,935	269,000	62%	38%
EE	204,600	212,459	81,182	131,277	38%	62%
FI	1,114,555	1,444,096	900,410	543,686	62%	38%
FR	6,734,194	30,343,701	26,521,082	3,822,619	87%	13%
DE	8,994,240	36,043,663	31,574,800	4,468,863	88%	12%
EL	2,239,703	347,170	229,082	118,088	66%	34%
HU	1,528,209	3,363,655	2,830,268	533,387	84%	16%
IE	1,042,300	1,437,556	253,376	1,184,180	18%	82%
IT	8,738,028	9,601,942	6,977,619	2,624,323	73%	27%
LV	409,141	992,433	310,461	681,972	31%	69%
LT	816,102.00	785,028	313,617	471,411	40%	60%
LU	159,071	237,881	144,907	92,974	61%	39%
MT	1,080	2,245	1,092	1,153	49%	51%
NL	1,711,394	1,375,551	1,101,739	273,812	80%	20%
PL	6,910,501	10,374,510	6,735,135	3,639,375	65%	35%
PT	816,437	1,783,128	1,180,637	602,491	66%	34%
RO	2,675,400	10,640,973	9,114,192	1,526,781	86%	14%
SK	504,076	588,168	243,256	344,912	41%	59%
SL	445,776	579,605	354,431	225,174	61%	39%
ES	5,398,758	11,360,688	8,097,845	3,262,843	71%	29%
SE	1,029,600	1,633,893	1,227,926	405,967	75%	25%
UK	5,291,779	6,505,141	4,250,443	2,254,698	65%	35%
<b>TOTAL</b>	<b>64,528,861</b>	<b>151,013,219</b>	<b>116,581,512</b>	<b>34,431,707</b>	<b>77%</b>	<b>23%</b>

## 24. Statistics on number of working days checked at roadside

The table below illustrates the number of working days checked at the roadside by country of registration of vehicles

Member States	NUMBER OF WORKING DAYS CHECKED AT ROADSIDE			
	National vehicles	Non-national vehicles	Third countries vehicles	Total
AT	1,783,739	2,626,524	73,739	4,484,002
BE	329,131	776,992	38,638	1,144,761
BG	2,352,227	1,202,722	1,295,325	4,850,274
HR	87,461	25,350	48,898	161,709
CY	117,084	1,451	0	118,535
CZ	1,679,082	1,149,099	104,615	2,932,796
DK <sup>27</sup>	275,820	170,115	No data	445,935
EE	69,740	9,450	1,992	81,182
FI	744,604	77,000	78,806	900,410
FR	10,244,725	15,919,243	357,114	26,521,082
DE	18,540,350	11,636,523	1,397,927	31,574,800
EL	200,654	21,025	7,403	229,082
HU	2,013,172	679,728	137,368	2,830,268
IE	245,800	6,387	1,189	253,376
IT	6,086,606	799,837	91,176	6,977,619
LV	201,832	82,772	25,857	310,461
LT	194,070	54,147	65,400	313,617
LU	43,913	99,953	1,041	144,907
MT	336	756	0	1,092
NL	628,923	447,992	24,824	1,101,739
PL	4,522,631	1,329,894	882,610	6,735,135
PT	1,146,105	34,473	59	1,180,637
RO	7,240,424	1,390,488	483,280	9,114,192
SK	117,733	115,522	10,001	243,256
SL	127,491	49,335	177,605	354,431
ES	6,979,488	1,080,633	37,724	8,097,845
SE	745,198	463,445	19,283	1,227,926
UK	2,144,853	2,026,294	79,296	4,250,443
<b>TOTAL</b>	<b>68,863,192</b>	<b>42,277,150</b>	<b>5,441,170</b>	<b>116,581,512</b>

<sup>27</sup> The figures given under "non-nationals" include third countries.

**25. Statistics on checks at roadside by the number of drivers checked at roadside by country of registration and type of carriage**

Member States	ROADSIDE CHECKS					
	Number of drivers checked by country of registration				Number of drivers checked by type of carriage	
	Total drivers	Nationals	Non-nationals (EEA/CH)	Third countries	Carriage of passengers	Carriage of goods
AT	289,624	113,353	164,719	11,552	4,501	285,123
BE	103,567	44,378	57,064	2,125	8,026	95,541
BG	396,026	254,651	68,086	73,289	87,425	308,601
HR	6,332	3,435	838	2,059	1,764	4,568
CY	7,721	7,400	321	0	2,053	5,668
CZ	301,741	170,342	118,255	13,144	8,259	293,482
DK <sup>28</sup>	29,729	18,388	11,341	no data	1,524	28,205
EE	6,116	5,321	629	166	298	5,818
FI	68,527	54,901	5,498	8,128	1,661	66,866
FR	1,024,453	411,324	597,259	15,870	60,749	963,704
DE	1,937,601	1,156,38	689,441	91,778	39,506	1,898,095
EL	24,920	20,948	2,523	1,449	17,301	7,619
HU	101,081	71,899	24,276	4,906	8,864	92,217
IE	35,962	32,381	3,540	41	3,135	32,827
IT	644,798	562,802	72,152	9,844	21,228	623,570
LV	17,022	11,805	3,986	1,231	527	16,495
LT	77,548	43,170	17,845	16,533	4,408	73,140
LU	7,332	2,409	4,858	65	300	7,032
MT	39	12	27	0	0	39
NL	37,991	21,687	15,448	856	2,169	35,822
PL	724,366	496,987	106,412	120,967	125,892	598,474
PT	57,754	55,999	1,749	6	7,435	50,319
RO	621,746	497,964	86,848	36,934	145,178	476,568
SK	14,042	6,947	6,344	751	1,459	12,583
SL	21,450	8,227	2,372	10,851	2,312	19,138
ES	648,207	583,538	61,437	3,232	45,276	602,931
SE	43,608	25,194	17,628	786	1,034	42,574
UK	173,926	95,463	74,861	3,602	14,092	159,834
<b>TOTAL</b>	<b>7,423,229</b>	<b>4,777,30</b>	<b>2,215,757</b>	<b>430,165</b>	<b>616,376</b>	<b>6,806,853</b>

<sup>28</sup> The figures given under "non-nationals" include third Member States.

**26. Statistics on checks at roadside by the number of vehicles stopped at roadside check by country of registration and type of tachograph**

Member States	Number of vehicles checked						
	Nationals	Non-nationals	Total	Analogue	Digital	% Analogue	% Digital
AT	113,353	176,271	289,624	48,539	241,085	17%	83%
BE	21,871	39,214	61,085	20,915	40,170	34%	66%
BG	254,652	141,374	396,026	148,468	247,558	37%	63%
HR	3,103	2,710	5,813	4,580	1,233	79%	21%
CY	7,721	0	7,721	7,334	387	95%	5%
CZ	93,894	62,336	156,230	67,541	88,689	43%	57%
DK	No data						
EE	5,321	795	6,116	3,396	2,720	56%	44%
FI	2,568	1,332	3,900	2,098	1,802	54%	46%
FR	405,843	553,058	958,901	160,110	798,791	17%	83%
DE	1,118,741	460,766	1,579,507	414,969	1,164,538	26%	74%
EL	20,948	3,972	24,920	18,092	6,828	73%	27%
HU	75,015	26,057	101,072	53,075	47,997	53%	47%
IE	32,381	3,581	35,962	17,718	18,244	49%	51%
IT	562,619	81,970	644,589	357,683	286,906	55%	45%
LV	11,805	5,217	17,022	9,573	7,449	56%	44%
LT	39,927	35,505	75,432	43,778	31,654	58%	42%
LU	2,393	4,848	7,241	1,250	5,991	17%	83%
MT	12	23	35	14	21	40%	60%
NL	21,687	16,304	37,991	16,368	21,623	43%	57%
PL	398,831	182,698	581,529	328,659	252,870	57%	43%
PT	48,096	1,904	50,000	31,617	18,383	63%	37%
RO	604,765	120,111	724,876	285,045	439,831	39%	61%
SK	6,876	6,994	13,870	3,815	10,055	28%	72%
SL	8,054	13,229	21,283	11,873	9,410	56%	44%
ES	476,653	60,227	536,880	196,929	339,951	37%	63%
SE	42,739	25,699	68,438	18,338	50,100	27%	73%
UK	95,462	78,464	173,926	92,116	81,810	53%	47%
Average						36%	64%

**27. Statistics on checks at premises by the number of drivers, undertakings and working days checked at premises**

Member States	CHECKS AT THE PREMISES		
	Number of drivers checked	Number of undertakings checked	Number of working days checked
AT	13,012	1,807	772,079
BE	27,118	5,400	479,287
BG	155,319	11,594	4,348,933
HR	6,292	564	371,444
CY	1,264	568	109,185
CZ	8,331	1,116	871,793
DK	25,666	1,858	269,000
EE	3,074	219	131,277
FI	6,300	1,014	543,686
FR	92,722	11,352	3,822,619
DE	95,510	11,349	4,468,863
EL	5,835	4,072	118,088
HU	7,123	1,505	533,387
IE	9,133	906	1,184,180
IT	32,240	9,488	2,624,323
LV	3,449	391	681,972
LT	17,971	1,568	471,411
LU	2,294	118	92,974
MT	4	2	1,153
NL	9,779	1,414	273,812
PL	31,232	5,287	3,639,375
PT	14,164	1,151	602,491
RO	52,319	15,198	1,526,781
SK	6,403	895	344,912
SL	1,617	306	225,174
ES	116,206	21,277	3,262,843
SE	8,226	221	405,967
UK	3,369	36,966	2,254,698
<b>Total</b>	<b>755,972</b>	<b>147,606</b>	<b>34,431,707</b>

**28. Table of number of undertakings, drivers checked and offences detected by size of the fleet of all Member States**

	Size of fleet	Number of undertakings checked	Number of drivers checked	Number of offences detected
<b>AUSTRIA</b>	1	211	611	581
	2 - 5	552	1,944	1,815
	6 - 10	389	2,502	2,336
	11 - 20	330	3,172	2,926
	21 - 50	233	2,788	2,739
	51 - 200	87	1,828	1,826
	201 - 500	3	84	104
	Over 500	2	83	76
	<b>Total:</b>	<b>1,807</b>	<b>13,012</b>	<b>12,403</b>
<b>BELGIUM</b>	1	1,961	1,879	2,130
	2 - 5	1,801	4,616	4,305
	6 - 10	790	4,759	4,220
	11 - 20	454	5,161	4,808
	21 - 50	309	6,879	5,333
	51 - 200	84	3,449	2,227
	201 -500	1	375	0
	Over 500	0	0	0
	<b>Total:</b>	<b>5,400</b>	<b>27,118</b>	<b>23,023</b>
<b>BULGARIA</b>	1	1,160	15,532	84
	2 - 5	3,478	46,596	254
	6 - 10	4,058	54,362	296
	11 - 20	1,043	13,978	76
	21 - 50	695	9,319	50
	51 - 200	580	7,766	43
	201 - 500	348	4,659	25
	Over 500	232	3,107	16
	<b>Total:</b>	<b>11,594</b>	<b>155,319</b>	<b>845</b>
<b>CROATIA</b>	1	51	56	58
	2 - 5	172	509	926
	6 - 10	142	842	1,201
	11 - 20	81	914	1,341
	21 - 50	80	1,887	1,781
	51 - 200	35	1,961	998
	201 - 500	3	123	30
	Over 500	0	0	0
	<b>Total:</b>	<b>564</b>	<b>6,292</b>	<b>6,335</b>

	Size of fleet	Number of undertakings checked	Number of drivers checked	Number of offences detected
CYPRUS	1	84	111	907
	2 - 5	329	610	6,075
	6 - 10	88	256	2,381
	11 - 20	48	170	1,207
	21 - 50	12	70	192
	51 - 200	6	41	53
	201 - 500	1	6	27
	<b>Total:</b>	<b>568</b>	<b>1,264</b>	<b>10,842</b>
CZECH REPUBLIC	1	264	321	334
	2 - 5	430	1,541	3,320
	6 - 10	172	1,511	3,184
	11 - 20	131	1,786	7,239
	21 - 50	80	1,804	12,829
	51 - 200	36	1,169	4,301
	201 - 500	3	199	218
	Over 500	0	0	0
<b>Total:</b>	<b>1,116</b>	<b>8,331</b>	<b>31,425</b>	
GERMANY	1	2,505	7,581	59,662
	2 - 5	2,730	10,350	73,636
	6 - 10	2,149	14,978	113,474
	11 - 20	1,746	19,186	134,035
	21 - 50	1,352	22,664	149,395
	51 - 200	677	17,392	81,533
	201 - 500	156	2,987	14,736
	Over 500	34	372	1,407
	<b>Total:</b>	<b>11,349</b>	<b>95,510</b>	<b>627,878</b>
DENMARK	1	476	652	19
	2 - 5	578	3,114	165
	6 - 10	296	3,326	208
	11 - 20	252	5,117	567
	21 - 50	216	5,255	638
	51 - 200	34	5,513	472
	201 - 500	6	2,689	117
	Over 500		0	0
<b>Total:</b>	<b>1,858</b>	<b>25,666</b>	<b>2,186</b>	
ESTONIA	1	4	4	7
	2 - 5	62	259	116
	6 - 10	49	310	188
	11 - 20	49	585	403
	21 - 50	43	962	833
	51 - 200	12	954	191
	201 - 500	0	0	0
	Over 500	0	0	0
<b>Total:</b>	<b>219</b>	<b>3,074</b>	<b>1,738</b>	



	Size of fleet	Number of undertakings checked	Number of drivers checked	Number of offences detected
SPAIN	1	6301	34422	6137
	2 - 5	10472	57204	10113
	6 - 10	2535	13854	2408
	11 - 20	1237	6750	1224
	21 - 50	513	2800	440
	51 - 200	213	1166	203
	201 - 500	6	10	2
	Over 500	0	0	0
	<b>Total:</b>	<b>21,277</b>	<b>116,206</b>	<b>20,527</b>
FINLAND	1	237	467	1,047
	2 - 5	510	2,157	6,036
	6 - 10	149	1,377	4,521
	11 - 20	76	1,152	3,126
	21 - 50	31	749	1,978
	51 - 200	10	395	721
	201 - 500	1	3	4
	Over 500	0	0	0
	<b>Total:</b>	<b>1,014</b>	<b>6,300</b>	<b>17,433</b>
FRANCE	1	913	1,261	604
	2 - 5	1,929	5,732	2,328
	6 - 10	1,676	9,048	4,336
	11 - 20	2,063	14,046	4,771
	21 - 50	2,432	26,831	5,193
	51 - 200	2,055	27,271	2,953
	201 - 500	246	6,934	399
	Over 500	38	1,599	98
	<b>Total:</b>	<b>11,352</b>	<b>92,722</b>	<b>20,682</b>
GREECE	1	683	683	13
	2 - 5	1,032	1,609	44
	6 - 10	735	1,035	23
	11 - 20	689	978	9
	21 - 50	545	964	4
	51 - 200	388	566	15
	201 - 500			
	Over 500			
	<b>Total:</b>	<b>4,072</b>	<b>5,835</b>	<b>108</b>
HUNGARY	1	388	406	54
	2 - 5	586	1,416	446
	6 - 10	97	965	1,380
	11 - 20	172	1,541	1,121
	21 - 50	154	1,523	1,214
	51 - 200	66	480	206
	201 - 500	8	580	84
	Over 500	34	212	59
	<b>Total:</b>	<b>1,505</b>	<b>7,123</b>	<b>4,564</b>

	Size of fleet	Number of undertakings checked	Number of drivers checked	Number of offences detected
IRELAND	1	40	197	357
	2 - 5	126	464	860
	6 - 10	328	1,897	2,408
	11 - 20	235	2,555	4,919
	21 - 50	135	2,592	3,633
	51 - 200	36	1,027	1,193
	201 - 500	5	278	63
	Over 500	1	123	12
	<b>Total:</b>	<b>906</b>	<b>9,133</b>	<b>13,445</b>
ITALY	1	2,290	2,496	11,059
	2 - 5	3,690	8,210	35,081
	6 - 10	1,854	6,955	26,908
	11 - 20	1,010	7,043	20,144
	21 - 50	504	4,891	11,277
	51 - 200	129	2,579	29,230
	201 - 500	8	63	56
	Over 500	3	3	74
	<b>Total:</b>	<b>9,488</b>	<b>32,240</b>	<b>133,829</b>
LATVIA	1	29	36	11
	2 - 5	135	518	71
	6 - 10	97	626	55
	11 - 20	72	812	49
	21 - 50	42	710	28
	51 - 200	15	435	12
	201 - 500	1	312	1
	Over 500	0	0	0
	<b>Total:</b>	<b>391</b>	<b>3,449</b>	<b>227</b>
LITHUANIA	1	95	100	207
	2 - 5	309	938	3,641
	6 - 10	384	2,742	2,232
	11 - 20	563	7,878	3,643
	21 - 50	152	3,085	1,987
	51 - 200	54	1,446	1,558
	201 - 500	11	1,782	808
	Over 500	0	0	0
	<b>Total:</b>	<b>1,568</b>	<b>17,971</b>	<b>14,076</b>
LUXEMBOURG	1	0	0	0
	2 - 5	15	27	12
	6 - 10	12	45	20
	11 - 20	20	157	70
	21 - 50	38	711	317
	51 - 200	27	1,351	601
	201 - 500	6	3	1
	Over 500	0	0	0
	<b>Total:</b>	<b>118</b>	<b>2,294</b>	<b>1,021</b>

	Size of fleet	Number of undertakings checked	Number of drivers checked	Number of offences detected
MALTA	1	0	0	0
	2 - 5	0	0	0
	6 - 10	0	0	0
	11 - 20	1	2	9
	21 - 50	0	0	0
	51 - 200	1	2	40
	201 - 500	0	0	0
	Over 500	0	0	0
	<b>Total:</b>	<b>2</b>	<b>4</b>	<b>49</b>
THE NETHERLANDS	1	513	513	2,351
	2 - 5	447	1,385	2,730
	6 - 10	187	1,404	2,995
	11 - 20	153	2,186	5,213
	21 - 50	104	3,260	6,677
	51 - 200	9	783	935
	201 - 500	1	248	37
	Over 500	0	0	0
	<b>Total:</b>	<b>1,414</b>	<b>9,779</b>	<b>20,938</b>
POLAND	1	933	957	7,597
	2 - 5	1,899	7,193	56,581
	6 - 10	1,124	7,174	40,575
	11 - 20	689	6,230	27,330
	21 - 50	445	5,002	46,535
	51 - 200	178	3,718	17,966
	201 - 500	17	927	706
	Over 500	2	31	17
	<b>Total:</b>	<b>5,287</b>	<b>31,232</b>	<b>197,307</b>
PORTUGAL	1	100	107	6
	2 - 5	442	1,187	43
	6 - 10	209	2,267	24
	11 - 20	127	881	16
	21 - 50	118	1,152	52
	51 - 200	104	8,127	7
	201 - 500	27	364	3
	Over 500	24	79	1
	<b>Total:</b>	<b>1,151</b>	<b>14,164</b>	<b>152</b>
ROMANIA	1	7,777	5,902	690
	2 - 5	4,662	7,381	1,265
	6 - 10	1,043	4,365	506
	11 - 20	732	5,209	397
	21 - 50	593	7,942	363
	51 - 200	321	16,205	232
	201 - 500	63	5,144	53
	Over 500	7	171	12
	<b>Total:</b>	<b>15,198</b>	<b>52,319</b>	<b>3,518</b>

	Size of fleet	Number of undertakings checked	Number of drivers checked	Number of offences detected
<b>SLOVAKIA</b>	1	100	127	863
	2 - 5	359	1,278	4,222
	6 - 10	175	1,397	4,407
	11 - 20	128	1,489	3,627
	21 - 50	76	1,221	3,198
	51 - 200	45	783	1,585
	201 - 500	10	92	428
	Over 500	2	16	83
	<b>Total:</b>	<b>895</b>	<b>6,403</b>	<b>18,413</b>
<b>SLOVENIA</b>	1	21	28	86
	2 - 5	120	368	1,437
	6 - 10	71	423	1,093
	11 - 20	42	281	1,493
	21 - 50	35	387	1,181
	51 - 200	15	116	442
	201 - 500	2	14	0
	Over 500	0	0	0
	<b>Total:</b>	<b>306</b>	<b>1,617</b>	<b>5,732</b>
<b>SWEDEN</b>	1	10	35	123
	2 - 5	71	530	1,468
	6 - 10	42	629	1,901
	11 - 20	42	1,287	3,897
	21 - 50	45	3,248	8,087
	51 - 200	11	2,497	6,485
	201 - 500	0	0	0
	Over 500	0	0	0
	<b>Total:</b>	<b>221</b>	<b>8,226</b>	<b>21,961</b>
<b>THE UNITED KINGDOM</b>	1	3,292	279	957
	2 - 5	7,379	724	2,399
	6 - 10	4,719	477	1,412
	11 - 20	5,286	490	1,593
	21 - 50	7,034	618	1,954
	51 - 200	8,014	663	2,207
	201 - 500	908	75	250
	Over 500	334	43	96
	<b>Total:</b>	<b>36,966</b>	<b>3,369</b>	<b>10,868</b>

## 29. Statistics on types of offences at roadside

Member States	TYPE OF OFFENCES AT THE ROADSIDE							Lack/availability of records for other work	Total
	Driving time	Breaks	Rest periods	28 days record	Recording equipment	Incorrect functioning of recording equipment	Misuse of manipulation of recording equipment		
AT	76,839	99,197	108,691	35,958	7,802	4,667	3,135	39,529	368,016
BE	5,096	3,322	5,963	1,214	4,080	446	3,634	350	20,025
BG	160	504	782	1,421	120	88	32	39	3,026
HR	133	282	672	636	341	163	178	206	2,272
CY	132	230	168	246	451	451	0	22	1,249
CZ	3,945	4,812	6,765	11,920	1,408	609	799	3,641	32,491
DK	No data								
EE	213	556	563	1,166	835	344	491	179	3,512
FI	157	107	0	0	0	0	0	0	6828 <sup>29</sup>
FR	20,314	19,766	40,618	51,616	15,035	1,386	13,649	7,789	155,138
DE	162,803	144,543	181,591	100,304	140,694	0	140,694	72,736	802,671
EL	1,635	2,690	3,868	1,639	618	410	208	189	10,639
HU	1,737	2,434	4,536	839	2,062	1,704	358	1,388	12,996
IE	1,805	1,828	1,513	149	1,928	199	1,729	1,098	8,321
IT	13,197	14,201	16,172	55,060	4,655	2,884	1,771	21,081	124,366
LV	398	565	1,031	2,185	496	30	466	551	5,226
LT	1,941	230	8,398	5,623	994	467	527	895	18,081
LU	736	436	879	1	60	7	53	34	2,146
MT	0	4	4	1	4	4	0	6	19
NL	1,440	2,111	2,687	241	6,130	2,997	3,133	1	12,610
PL	14,021	8,747	20,200	6,084	25,424	4,720	20,704	7,770	82,246
PT	3,015	6,470	4,930	9,202	5,398	1,769	3,629	4,148	33,163
RO	3,322	5,610	14,331	654	6,972	4,936	2,036	7,469	38,358
SK	1,322	3,145	3,385	569	372	239	133	59	8,852
SL	391	1,073	1,328	1,398	1,062	756	306	198	5,450
ES	42,064	22,624	66,210	39,167	15,139	12,360	2,779	8,467	193,671
SE	8,202	11,270	17,671	454	204	92	112	365	38,166
UK	3,739	2,337	11,259	16,980	31,256	70	31,186	2,985	68,556
<b>Total</b>	<b>368,757</b>	<b>359,094</b>	<b>524,215</b>	<b>344,727</b>	<b>273,540</b>	<b>41,798</b>	<b>231,742</b>	<b>181,195</b>	<b>2,058,094</b>

<sup>29</sup> The Finnish police observed a total of 6,564 infringements of social legislation relating to road transport. There is no detailed information on how these cases are broken down by the type of offence. Customs recorded 264 infringements, which are broken down in the table above. The total number of offences takes into account data from the police and customs.

### 30. Statistics on types of offences at premises

Mem ber States	TYPE OF OFFENCES AT THE PREMISES								Total
	Driving time	Breaks	Rest period s	28 days record	Recordi ng equipm ent	Incorrect functioni ng of recording equipment	Misuse of manipula tion of recordin g equipme nt	Lack/ availabi lity of records for other work	
AT	1,795	7,042	3,027	14	525	502	23	0	12,403
BE	5,721	9,938	6,409	63	892	0	892	0	23,023
BG	241	50	182	365	7	7	0	0	845
HR	916	1,738	2,800	137	648	315	333	96	6,335
CY	204	4,585	3,268	273	281	281	0	2,231	10,842
CZ	9,074	6,155	8,648	6,293	825	94	731	430	31,425
DK	205	915	981	75	9	9	0	0	2,185
EE	305	365	914	90	0	0	0	64	1,738
FI	1,910	8,453	6,450	144	368	78	290	79	17,404 <sup>30</sup>
FR	2,996	4,801	6,917	4,015	1,953	1,406	547	0	20,682
DE	106,416	290,182	160,10	11,967	17,983	0	17,983	39,481	626,132
EL	108	0	0	0	0	0	0	0	108
HU	642	1,175	1,696	524	102	40	62	425	4,564
IE	736	7,972	2,150	157	1,271	138	1,133	1,159	13,445
IT	7,766	19,411	17,043	85,896	1,572	593	979	2,141	133,829
LV	48	13	51	114	1	1	0	0	227
LT	2,186	1,353	3,796	5,569	35	4	31	927	13,866
LU	290	225	443	2	35	4	31	26	1,021
MT	28	19	1	1	0	0	0	0	49
NL	4,639	6,599	5,677	252	3,771	29	3,742	0	20,938
PL	10,232	16,007	37,293	102,663	16,150	604	15,546	14,962	197,307
PT	32	29	56	13	11	0	11	11	152
RO	329	684	1,648	83	140	139	1	634	3,518
SK	3,189	5,574	8,478	697	435	376	59	40	18,413
SL	746	1,256	1,907	772	997	73	924	54	5,732
ES	5,529	2,354	7,523	4,513	570	550	20	38	20,527
SE	2,141	6,246	5,824	2,597	360	360	0	4,793	21,961
UK	706	3,166	1,457	185	4,377	4,351	26	977	10,868
<b>Total</b>	<b>169,130</b>	<b>406,307</b>	<b>294,74</b>	<b>227,474</b>	<b>53,318</b>	<b>9,954</b>	<b>43,364</b>	<b>68,568</b>	<b>1,219,539</b>

<sup>30</sup> The figure includes only data from 2014.