

COMMISSION OF THE EUROPEAN COMMUNITIES

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THIRTEENTH REPORT BY THE COMMISSION TO THE COUNCIL

on the implementation of Council Regulation (EEC) No 543/69 of
25 March 1969 on the harmonization of certain social
legislation relating to road transport

OM(86) 215 final

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INTRODUCTION:

Article 17 of Council Regulation (EEC) No 543/69 lays down that "each year the Commission shall present to the Council a general report on the implementation of this Regulation by Member States" and that "... Member States shall communicate to the Commission the necessary information using a standard form of report...".

This report covers 1983 and gives a summary of the information supplied by the Member States on the implementation of Regulations (EEC) Nos 543/69 and 1463/70 in the European Community.

COMPARATIVE ANALYSIS OF INFORMATION

SUPPLIED BY THE MEMBER STATES

I. ORGANIZATION OF CONTROL

1. Administrative organization of inspection

The training of inspecting officers introduced in Denmark in 1982 was continued in 1983 and led to a subsequent increase in the number of roadside checks and official reports.

2. Authorized inspecting officers and their powers

In Belgium, the number of officers assigned to inspections rose from 208 to 233; in France the number of factory inspectors increased from 78 to 108, the second successive increase in that country. In the Netherlands, however, the number of inspecting officers fell from 173 to 120.

3. Methods of inspection (place and frequency)

In its report for 1982, the United Kingdom had announced that its offices were to be fitted with a computerized tachograph tape reader. This system is currently being installed.

In France, the Ministry of Transport reminded its officers of the need to coordinate inspections and to ensure that the two types of inspection (roadside and undertaking) complemented each other. An inspection note will be issued automatically to the driver of the vehicle inspected to facilitate any subsequent checks on the same trip. Moreover, the use of these notes will make it possible to carry out an inspection at an operator's premises when roadside checks have revealed serious and repeated infringements compromising road safety.

In 1983, Ireland introduced a system of inspections combined with annual tests of vehicles (roadworthiness scheme). A vehicle which is more than one year old and is subject to the Regulation will not pass this test if the tachograph is not fitted, calibrated and sealed. If an exemption is sought, a specific request must be submitted and the Department of Communications decides whether or not to grant it. Inspectors may then be sent to undertakings to carry out checks.

NUMBER OF CHECKS CARRIED OUT IN 1983. (1)		
Member State	Roadside	Undertaking
BELGIUM	8.070 (2)	739
DENMARK	67.283	498
GERMANY	322.000 (overall figure)	
FRANCE	678.397 drivers 2.321.471 discs	39.967 drivers 411.977 discs
GREECE	5.500 (overall figure)	
IRELAND	12.569	1.947 drivers
ITALY	no information	no information
LUXEMBOURG (3)	107 vehicles (4)	518 vehicles
NETHERLANDS	200.000	579
UNITED KINGDOM	248.955 +43.262 silent checks	not registered

- (1) For the extent of comparability of the checks see also Annexes 1, 2 and 3.
- (2) This figure includes the 8 000 checks carried out by officials of the Ministry of Transport and an unspecified number of checks carried out by the Gendarmerie, customs and other departments.
- (3) This figures refers to the checks carried out by the Inspectorate for Factories and Mines to which should be added approximately 610 checks on vehicles carried out by Ministry of Transport officials.
- (4) The figure of 795 given in the previous reports should read 215.

II) INFRINGEMENTS AND PENALTIES

1) Number of infringements of the Regulation

To make the figures more comparable, they have been brought together, in the same form, where possible, in Annexes 1, 2 and 3, leaving blanks where no information was supplied, or the information received was inadequate or could not be used.

Comments made in previous years concerning this chapter still apply.

2) Penalties imposed

TABLE OF INFRINGEMENTS - 1983 (the figures relate to both goods and passenger transport operations)					
COUNTRY	Infringe- ments detected	Number of prosecutions	% of in- fringements detected	penalties imposed	% of in- fringements detected
BELGIUM	690	285	41	9	1
DENMARK *	-	-	-	-	-
GERMANY	171.404	91.969	54	45.784	27
FRANCE	425.171	122.408	29	***	***
GREECE	656	656	100	-	-
IRELAND	3.897	2.667	68	2.147	55
ITALY	117.091	-	-	-	-
LUXEMBOURG	204	18	9	-	-
NETHERLANDS	41.892	41.892	100	37.461	89
UNITED KINGDOM	10.462	7411	71	2776	27

* Denmark: 4.037 official reports and 278 people prosecuted.

*** France: the figure for the number of cases in which action is taken on official reports drawn up by the factory inspectors (transport) and road traffic controllers is 18.396. The action taken on official reports drawn up by other inspectors (police/gendarmerie) is not known.

III. MULTILATERAL MUTUAL ASSISTANCE BETWEEN MEMBER STATES AND NOTIFICATION OF INFRINGEMENTS.

The Belgian Transport Authorities have been informed of infringements committed by Belgians in Germany, France, the United Kingdom, the Netherlands and Luxembourg and of 1263 official reports drawn up by the inspectors in those countries against those crew members. Belgium has itself transmitted lists of official reports drawn up in respect of crew members of vehicles registered in the other Member States to the authorities of those countries.

Denmark has received seven reports of infringements committed by Danish nationals in the Netherlands and an unspecified number of reported fines paid by Danish drivers in Germany.

The Federal Republic of Germany has nothing to report on this subject.

France states that it has communicated to the other Member States lists of their nationals who were involved in infringements of Community Regulations 543/69 and 1463/70 on French territory.

Coversely, France has declared that it has received notice of infringements alleged to have been committed by French drivers in other Member States from Germany, Belgium, the Netherlands and the United Kingdom.

Ireland reports that it has had a mutual exchange of information on this subject with the other Member States.

Luxembourg was informed of 38 reports drawn up by German, Belgian, Dutch and French inspectors regarding infringements committed by Luxembourg crew members and reports that it has transmitted lists of reported infringements involving foreign crew members to the authorities of their respective countries.

The Netherlands reports that it has transmitted reports concerning 402 infringements to Belgium, 51 to Denmark, 362 to the Federal Republic of Germany, 6 to the United Kingdom, 156 to France, 4 to Greece, 57 to Italy, 5 to Luxembourg and 40 to non-member countries and has received 78 such reports from Belgium, approximately 4 000 from Germany and three from France.

The United Kingdom reports every three months to the authorities of other Member States on infringements committed by foreign crews and states that it occasionally receives similar reports about British crews from other Member States. The United Kingdom authorities are currently introducing a system for processing this data by computer.

When the Court of Justice hands down judgments concerning social legislation in the field of road transport, the Commission's departments communicate them for information purposes to the Member States. It would be desirable for the Member States to do the same by informing the Commission of judgments handed down by their national courts. We feel that such an exchange of information is extremely important and is one factor which could improve the implementation of these Regulations in the European Community.

IV. SUGGESTIONS AND COMMENTS BY THE MEMBER STATES

- A. Belgium regrets the lack of information from the gendarmerie which has more than 1 500 officers carrying out roadside checks. It is therefore reasonable to assume that the number of infringements detected was higher.

Of significance is the 35% fall in the number of infringements detected on Belgian territory with the same number of inspections. There is then greater compliance with the rules on driving periods and daily rest periods as well as a decrease in minor irregularities due to a better understanding of how to operate the control equipment.

In Denmark, there were more inspections in 1983 and hence an increase in the number of official reports. The Danish authorities feel that the level of compliance with these regulations is satisfactory and criticized the standard report in its present form.

The Federal Republic of Germany attaches great importance to efforts to make the rules simpler and clearer. The Federal Government is however in favour of retaining the fundamental principles of the present regulations and is concerned with road safety.

In its first contribution to the report, Greece called for the compilation of a multilingual lexicon containing the words and phrases most often used during checks so as to make it easier for Greek inspecting officers and foreign drivers to understand each other. This was suggested in the proposal for a Council recommendation made by the Commission in 1984 with the aim of improving the application of social legislation.

B. In 1983, the Commission called on Member States to intensify checks on passenger transport operations during the summer tourist season to monitor their compliance with Regulation (EEC) No 543/69 and to inform it of the results.

The Member States informed the Commission that they had given instructions to officers to intensify their checks in this area as part of measures taken to improve road safety.

FINAL CONCLUSIONS BY THE COMMISSION

Work on the proposed amendments to Regulations (EEC) Nos 543/69 and 1463/70 had still not been completed when this report was drawn up. However, to judge by the stage reached in the discussions, the amended versions of the two Regulations will enter into force in 1986.

Under the new Regulation, the Commission report will appear once every two years rather than annually as at present. However, the new style report will cover more than the present one. Under the proposal amending Regulation 543/69, the new report will cover not only the implementation of that Regulation but also developments in the areas in question. This intentionally general wording will enable the future report to deal with all matters which could affect the proper functioning of the system.

It is to be hoped that this possibility will be used. This presupposes that all the governments and the Commission devote the necessary attention to this report so that it becomes a genuinely useful instrument in the process of constantly improving the implementation of this policy.

It would be unfortunate if this opportunity were missed and the report became simply a routine administrative matter. The obligation under the amended Regulation to send the report to the European Parliament as well will to some extent counter the tendency (sometimes marked in the past) to regard the report as a matter to be dealt with exclusively by the national and Community authorities.

The Commission is also proposing to draw up a new standard form which will serve as a basis for the reports which in future will have to be published.

The Commission will consult the national governments with regard to planning the transition from an annual to a two-yearly report. There is nothing to prevent a move in the direction indicated above for the next report even if it refers to a period still covered by the Regulation prior to its amendment.

More effective implementation of the amended Regulations and closer cooperation between Member States and the Commission should in future result in a report which is more in keeping with the objectives underlying the Regulations, thus helping to harmonize competition conditions in road transport, improve road safety and further progress with regard to social legislation.

ANNEXES

1. Goods transport (infringements detected).
2. Regular passenger transport (infringements detected)
3. Occasional passenger transport (infringements detected)
4. Germany. Infringements detected, broken down by article (nationals and foreigners).
- 5.1. Netherlands. Infringements detected, broken down by article and nationality.
- 5.2. Netherlands. Amounts of penalties recorded by nationality.
- 6.1. France. Roadside checks. Infringements detected and prosecuted by nationality.
- 6.2. France. Checks at operators' premises. Overall figures and infringements of Regulation (EEC) No. 543/69.
- 6.3. France. Checks at operators' premises (cont.), by infringements of Regulation (EEC) No. 1463/70
- 6.4. France. Penalties imposed.
- 7.1. United kingdom. Vehicles inspected (goods and passengers), by nationality.
- 7.2. United Kingdom. Infringements detected (goods and passengers), by article and by nationality.
- 7.3. United Kingdom. Penalties (goods and passengers).

GOODS TRANSPORT (INFRINGEMENTS)

	B.		DK (*)		D		F. (**)		GR		IRL.		I.		L.		N.L.		U.K.	
	Nat.	For.	Nat.	For.	Nat.	For.	Nat.	For.	Nat.	For.	Nat.	For.	Nat.	For.	Nat.	For.	Nat.	For.	Nat.	For.
a) Art. 6					375	47														
b) Art. 7.1					10.422	8.083														
(Art. 6)					16.051	12.343														
Art. 7.2																				
(Art. 6)																				
Art. 7.4	23						19.474								94		2.066	470	488	117
(Art. 6)	89		99		385	86	21.320			43		12.198	2.221	48		3.529	565	960	218	
Art. 7.1	42						2.753							15		8	3	88	16	
(not Art. 6)					5.113	245														
Art. 7.2					4.497	433														
(not Art. 6)																				
Art. 7.4.					143	29														
(not Art. 6)					6.914	684														
c) Art. 8	31				13.905	5.627	44.805								34				856	74
d) Art. 11.1	38		32		307	64				2		3.753	478	6		3.831	606	714	158	
e) Art. 12	5		3											2		10		323	67	
f) Art. 14.1																5				
Art. 14.2																				
Art. 14others																				
g) Art. 15.1					93	17						89.262	7.223							
Art. 15.2																				
h) Others and Reg. 1463/70	326	10	148		57.737	17.557	326.791	10.028			3719	10	278		5	28.751	973	5.209	177	
TOTAL	554	10	277		115.942	45.215	415.143	10.028			3.764	10	105.491	9.922	169	35	38.200	2.621	8.638	827
Total Nat.+ For.	564		277		161.157		425.171				3.774		115.413		204		40.821		9.465	
Prosecutions	190		277		91.969		122.408				2.667				18		8.036		6183	
Penalties	9				45.784		18.396				2.147								1.958	

(*) Denmark : infringements prosecuted
(***) Includes passenger transport.

(**) France : includes passenger transport. For details of
infringements detected, see Annexes 7.2 and 7.3 and the note on page 5
on prosecutions.

REGULAR PASSENGER TRANSPORT (INFRINGEMENTS)

	B (*)		DK (**)		D		F		GR		IRL		I		L		NL		UK	
	Nat.	For.	Nat.	For.	Nat.	For.	Nat.	For.	Nat.	For.	Nat.	For.	Nat.	For.	Nat.	For.	Nat.	For.	Nat.	For.
a) Art. 6					2															
b) Art. 7.1																				
(Art. 6)					126															
Art. 7.2																				
(Art. 6)					183	22														
Art. 7.4																				
(Art. 6)					23															
Art. 7.1													283	23				1		
(not Art.6)					264	46														
Art. 7.2																				
(not Art.6)					169	48														
Art. 7.4																				
(not Art.6)					11															
c) Art. 8					126	42														
d) Art. 11.2			1		221	566							130	24				3		
e) Art. 12					11															
f) Art. 14.1																				
Art. 14.2																				
Art. 14 (others)																				4
g) Art. 15.1					50	21					8	5								3
Art. 15.2																				7
h) others																				
(Reg. 1463/70)					1035	25							1160	58						24
TOTAL			1		2221	770					8	5	1573	105						42
Total Nat. + For.			1		2991						13		1678							42
Prosecutions			1																	
Penalties																				

(*) Belgium (see annex 3)

(**) Denmark : infringements prosecuted

OCCASIONAL PASSENGER TRANSPORT (INFRINGEMENTS)

	B (*)		DK		D		F		GR		IRL		I		L		NL		UK (*)		
	Nat.	For.	Nat.	For.	Nat.	For.	Nat.	For.	Nat.	For.	Nat.	For.	Nat.	For.	Nat.	For.	Nat.	For.	Nat.	For.	
b) Art. 7.1 (Art. 6)					627	39															
Art. 7.2 (Art. 6)					411	36															
Art. 7.4 (Art. 6)					11												39	2	37	19	
Art. 7.1 (not Art.6)					427	33											106	9	98	30	
Art. 7.2 (not Art.6)					687	77													25		
Art. 7.4 (not Art.6)					29																
c) Art. 8					225	33														49	19
d) Art. 11.2	1				783	92											68	8	213	19	
e) Art. 12					47	23											32		20		
f) Art. 14.1	2																				12
Art. 14.2	1	1																			1
Art. 14 (others)	2																				
g) Art. 15.1																					
Art. 15.2																					
h) others (Reg. 1463/70)	97	22			3413	263					104	6					622	33	452	15	
TOTAL	103	23			6660	596					110						867	52	894	103	
Total Nat. + For.	126				7256												919		997		
Prosecutions	95																157		1222		
Penalties																			816		

(*) Belgium and United Kingdom: includes regular passenger transport.

GERMANY

Infringements in 1983

Article	G o o d s		Passengers				
	Nat.	For.	Regular		Occasional		
			Nat.	For.	Nat.	For.	
Reg. (CEE) N° 543/69							
6	375	47	2	-	-	-	-
(Art. 6)	7.1	10.422	8.083	126	-	627	39
	7.2	16.051	12.343	183	22	411	36
	7.4	385	86	23	-	11	-
(not Art. 6)	7.1	5.113	245	264	46	427	33
	7.3	4.497	433	169	48	687	77
	7.4	143	29	11	-	29	-
8	6.914	684	126	42	225	33	
11.1	13.905	5.627	-	-	-	-	
11.2	-	-	221	566	783	92	
12	307	64	11	-	47	23	
15.1	93	17	50	21	-	-	
15.5	46	27	94	-	11	-	
Reg. (CEE) 1463/70							
15	12.642	952	49	-	277	38	
16	3.875	292	47	-	221	32	
17	39.345	16.089	822	25	2.771	164	
18	1.829	197	23	-	133	29	
TOTAL	115942	45.215	2.221	770	6.660	596	

N E T H E R L A N D S

Infringements in 1983 :

Art.	B	DK	D	F	GR	I	L	NL	UK	Non Member Countr.	TOTAL
7.1	270	4	80	58	-	42	3	2.095	1	24	2.577
7.2/3	236	22	158	85	1	38	3	3.622	2	43	4.210
7.4	2	-	1	-	-	-	-	8	-	-	11
11.1	224	28	178	91	3	41	4	3.820	2	46	4.437
11.2	2	-	2	3	-	1	-	71	-	-	79
11.3	-	-	1	-	-	4	-	16	-	3	24
11.4	-	2	22	-	-	10	-	139	-	17	190
12.1	-	-	-	-	-	-	-	39	-	-	39
12.3	-	-	-	-	-	-	-	3	-	-	3
14.1	-	-	-	-	-	-	-	9	-	2	11
14.2	-	-	-	-	-	-	-	3	-	2	5
15.1	-	-	-	-	-	-	-	-	-	-	-
15.5	-	-	-	-	-	-	-	7	-	-	7
16 (*)	582	27	241	87	1	52	-	29.145	4	50	30.189
TOTAL	1.316	83	201	324	5	188	10	38.977	9	187	41.782

(*) Infringements of Reg. (EEC) No. 1463/70 are included under Article 16

NETHERLANDS

1983

Total number of official reports drawn up and amount of penalties for goods and passenger transport operations by nationality:

COUNTRY	Offic. Report	Infringem.	Penalties HFL.	Including:
NETHERLANDS	8.173*	38.977	1.670.310 ²	416: no action taken 14 acquittals
BELGIUM	238	1.316	16.655	15: no action taken 149 cases transferred
DENMARK	22	83	650	15: no action taken 4 cases transferred
GERMANY	201	683	17.250	100: no action taken 21 cases transferred
UNITED KING.	3	9	300	2: no action taken
FRANCE	86	324	14.350	29: no action taken 25 cases transferred
GREECE	2	5	-	2: no action taken
ITALY	46	188	6.450	32: no action taken 3 cases transferred
LUXEMBOURG	4	10	200	2: no action taken
OTHER COUNTR	60	187	5.900	38: no action taken
T O T A L	8.112	41.782	1.732.065	642: no action taken 202 cases transferred to the foreign authorities responsible

(*) To this should be added 81 official reports of infringements committed by Dutch drivers abroad (Belgium and France); in 9 of these cases no action was taken. The total value of penalties imposed as a result of these 81 official reports amounts to HFL 11.250.

FRANCE

1983

A) Roadside checks:

Number of crews checked	678.397
Number of discs analysed	2.321.471
Number of infringements detected	138.406
Number of infringements prosecuted	99.969

Nationality	Number of infringem. detected	Number of infringem. follow. up with o.r*
France	128.378	94.902
Germany	1.729	1.044
Belgium	1.903	1.018
Denmark	84	45
United Kingdom	1.273	442
Netherlands	1.183	530
Luxembourg	95	43
Italy	2.436	1.249
Ireland	121	74
Greece	29	21
Non-member countries	1.175	601
TOTAL	138.406	99.969

* o.r: official report

FRANCE

1983

B) Checks at operators' premises1) Overall indicators

Number of crews checked	39.967
Number of discs analysed (1)	411.977
Number of infringements detected(2)	286.765
Number of infringem.on which act.tak.	22.439

(1) Total of all discs analyzed by hand or otherwise by appropriate Ministry of Transport department (Transport Inspectors and Factory Inspectors (Transport)).

(2) Including selector switching errors.

2) Breakdown of infringements of Regulation (EEC) No. 543/69

Exceeding maximum driving period conduite	continuous	19.474
	daily	21.320
	weekly adaire	1.799
	over 14 days	954
Inadequate or no daily rest period		44.805
TOTAL		88.352

FRANCE

1983

Checks at operators' premises (continued)

3) Breakdown of infringements of Regulation (EEC) No. 1463/70.

Failure to keep discs	3.858
Use of unsuitable or non-approved discs	866
Incomplete data on record sheets/ center of discs not filled in	3.730
Selector switching error	189.959
T O T A L	198.413

F R A N C E

1983

C) Penalties imposed by the Courts in 1983 (1)Fines

Amount FF	Number	%
Less than FF 80	2.718	14.8
FF 80 to FF 158	3.664	19.9
FF 160 to FF 299	4.275	23.2
FF 300 to FF 599	5.359	29.1
FF 600 to FF 799	1.674	9.1
FF 800 to FF 999	369	2.0
FF 1.000 or more	337	1.9
T O T A L	18.396	100 %

- (1) Action taken on official reports drawn up by the factory inspectors (Transport) and road traffic controllers. The action taken on official reports drawn up by other inspectors (police/gendarmerie) is not known.

.../...

UNITED KINGDOMANNEX 7.1VEHICLES INSPECTED - 1983GOODS

UK	B	D	DK	F	GR	I	IRL	L	NL	Non Member Countr	TOTAL
211.095	1125	2.170	681	5.561	101	965	2.164	74	3.614	2.858	230.408

PASSENGERS

UK	B	D	DK	F	GR	I	IRL	L	NL	Non Member Countr	TOTAL
17.406	49	407	42	320	20	36	40	1	135	100	18.556

GOODS

	UK	B	D	DK	F	GR	I	IRL	L	NL	(*)	TOTAL
ART 7.1	488	9	7	4	43	9	4	14		18	9	605
ART 7.2	960	16	21	4	79	2	25	41		22	8	1.178
ART 7.4	88				3		3	7		2	1	104
ART 8	856		11	3	26	1	12	12	1	8		930
ART 11	714	9	16	2	66	3	8	21		20	13	872
ART 12	323	19	1	1	20	2	9	2		7	6	390
ART 14.1												
ART 14.2												
ART 14.7												
ART 15												
1463/70	5.209	8	8		42	1	13	31	1	39	34	5.386
TOTALS	8.638	61	64	14	279	18	74	128	2	116	71	9.465

(*) = Non-member countries

PASSENGERS

ART 7.1	37		3		11					2	3	56
ART 7.2	98		10	1	17		1	1				128
ART 7.4	25		1									26
ART 8	49	3	4	1	7		2			2		68
ART 11	213	1	13		3						2	232
ART 12	20											20
ART 14.1												
ART 14.2												
ART 14.7												
ART 15												
1463/70	452			3	3			2				467
TOTALS	894	4	38	5	41	-	3	3	-	4	5	997

UNITED KINGDOM - Penalties 1983

Goods:

Articles	Oral warnings	Written warnings	Prohibitions of movement	Offences prosecuted	TOTAL £
ART 7.1	258	14	37	174	9.237
7.2	250	34	84	660	23.771
7.4	39	3	3	46	409
ART 8	575		4	14	335
ART 11	181	36	130	277	7.954
ART 12	53	3	18	184	5.213
ART 14.1					
14.2					
14.7					
ART 15 1463/70	2.129	281	99	603	27.433
TOTAL	3.485	371	375	1.958	74.352

Passengers:

ART 7.1	35	1	1	42	620
7.2	18	1	7	98	2.463
7.4	21	4		1	10
ART 8	52		4	4	180
ART 11	49	7	6	192	5.584
ART 12	4		1	276	5.240
ART 14.1					
14.2					
14.7					
ART 15 1463/70	179	11	3	205	6.583
TOTAL	358	24	22	818	20.680