

COMMISSION OF THE EUROPEAN COMMUNITIES

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SIXTEENTH REPORT BY THE COMMISSION

on the implementation in 1986-1990
of Council Regulation (EEC) No 543/69 of 25 March 1969 and
Council Regulation EEC No 3820/85 of 20 December 1985
on the harmonization of certain social legislation
relating to road transport

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INTRODUCTION

Article 16 of Council Regulation (EEC) No 3820/85 of 20 December 1985 requires the Commission to produce a report every two years on the implementation of the Regulation by the Member States and on developments in the field of driving times and rest periods for drivers¹. There is therefore a legal obligation to draw up this report.

This report covers the period from 1 January 1986 to 1 December 1990 and contains a summary of the information supplied by the Member States on the implementation of Regulations (EEC) Nos 543/69, 1463/70, 3820/85 and 3821/85 in the European Community.

The first point to note concerns the wide disparities in the information available and in the reference periods.

Belgium was unable to submit data for 1987 and 1988. Denmark submitted a summary of the infringements detected and prosecuted in 1987 but had no information available for 1988 to 1990. Germany pointed out that the figures supplied were purely estimates based to only a very limited extent on actual figures and sent no information for the period from 29 September 1986 until 1988. Greece supplied consolidated figures for various periods (1986-1987, 1987-1989 and 1990). France covered the whole of 1986. Ireland had already submitted figures for the period from 1 January 1985 to 28 September 1986 in its report for 1985. Italy gave a few details for the period from 29 September 1986 to 31 December 1988 and for both 1989 and 1990. Luxembourg covered the whole of 1986 but had no data available for 1987 or 1988. The Netherlands had already submitted figures for the period from 1 January 1985 to 28 September 1986 in its report for 1985. The United Kingdom supplied data for 1986 to 1988. Spain and Portugal did not join the European Community until 1986 and needed time to set up the departments for collecting the data. Spain has yet to submit its data for 1987. Portugal, however, submitted figures for the second and third quarters of 1987.

1 Article 17 of Council Regulation (EEC) No 543/69 of 25 March 1969 contained a similar clause, which was repealed and replaced, with effect from 29 September 1986, by Regulation (EEC) No 3820/85.

It is therefore difficult to obtain a full picture and make an accurate comparison of the data supplied by the Member States.

It should be noted that there has been a considerable delay in presenting this report. However, this is not attributable entirely to the Commission's departments since they made repeated oral and written requests to the Member States for the necessary information. But it must be acknowledged that when the information is not forthcoming from the Member States, it is physically impossible for the Commission to draw up a balanced report.

In view of the delay, the Commission decided to submit a single report for 1986 to 1990, even though Article 16 of Regulation (EEC) No 3820/85 call for a report to be produced every two years.

Consequently, the Commission once again regrets (as in the previous reports) the length of time taken by some Member States to send their contributions to the report and it will not fail to take appropriate action if this situation continues in future.

1. ORGANIZATION AND NUMBER OF CHECKS

In Belgium, 253 assistant inspectors operating within the social inspectorate are assigned to these checks, but only 222 are actually available. The transport authorities have 47 inspectors out of a technical staff complement of 61. The gendarmerie has a special squad of over 1 500 officers assigned to road checks.

In Greece, the checks are carried out by the relevant departments of the Ministry of Labour and by the police, both on the premises of the undertakings and at the roadside. Officials from the Ministry of Labour inspect the premises, collect the essential documents and, should they detect infringements, bring the matter before the courts and impose administrative or criminal law penalties, as provided for by Articles 2 and 3 of Presidential Decree 319/1989. The police forces and joint teams provided for by Article 1 of the same Decree carry out roadside checks only.

In Spain, the roadside checks are conducted by the Civil Guard's traffic police (4 500 officers), except in the Basque Country which has its own autonomous police force responsible for this task.

Responsibility for inspections on the premises of undertakings is shared between the transport authorities in each autonomous region and the Ministry of Transport.

In 1988 the central government had 46 transport inspectors and 78 assistant inspectors monitoring implementation of the social legislation relating to road transport.

France had 325 inland transport inspectors and assistant inspectors authorized to carry out checks under the social legislation relating to road transport in 1986, 322 in 1987, 316 in 1988, 283 in 1989 and 284 in 1990; the staff complement of the labour inspectorate was 91 in 1986 and 1987, 89 in 1989 and 83 in 1990.

The statistics for France include the activities of the inland transport inspectors and assistant inspectors, of the labour inspectors (transport) and also of the police (State security police (CRS) and municipal police forces) and the gendarmerie, who carry out roadside checks only. However, the 1989-1990 figures for the number of roadside checks exclude crews checked by the gendarmerie, since the earlier estimate based on the combined totals was not considered reliable enough.

The following civil servants or government officials operate both at the roadside and on the premises of undertakings:

- transport inspectors and assistant inspectors;
- labour inspectors (transport).

In addition to these, there are:

- officers from the police force and gendarmerie who carry out roadside checks only;
- labour inspectors and agricultural protection inspectors,
- labour inspectors from the Ministry of Social Affairs and Employment;
- customs officials.

In the case of the latter three categories of officials, it is impossible to determine the proportion of their time spent specifically on transport.

When an infringement is detected it is reported to the competent criminal courts (police and magistrates courts). The inspectorate is represented at the hearings wherever possible, in particular when the public prosecutor himself requests the attendance of an inspector.

Irrespective of the customary penal procedure, the inspectorate also makes wide use of its authorization to immobilize vehicles and collect fines.

Article L 25 of the Road Traffic Regulations authorizes it to immobilize vehicles if the driver has infringed the daily driving or rest times.

Article L 26 of the same Regulations authorizes the inspectorate to impose a fine of FF 900 per infringement on non-resident offenders. Of the infringements involving vehicles not registered in France 74% resulted in such a fine in 1986, 81% in 1987, 80% in 1988, 81% in 1989 and 85% in 1990.

Of the checks carried out on operators' premises in 1986, 1987, 1988 and 1989, half were done on a random basis and the other half selectively, usually on the premises of operators whose compliance with the regulations gave greatest grounds for concern. Since 1 July 1990, primarily undertakings known to take little notice of the social legislation have been targeted for inspection.

In the Netherlands, the labour inspectorate of the Ministry of Social Affairs inspects the premises of operators of own-account transport services, while the national transport inspectorate carries out both roadside checks and checks on the premises of operators of hire-or-reward services. The police and the gendarmerie also conduct roadside checks.

In Luxembourg, checks are carried out by two inspectors from the labour and mining inspectorate and two inspecting officers from the Ministry of Transport. A special team has been set up within the flying squad of the gendarmerie to tighten up monitoring of the social legislation.

In Portugal, the regional departments of the general labour inspectorate of the Ministry of Employment and Social Security are responsible for the general road transport checks. In July and August 1987 a nationwide check involving 110 inspectors was carried out.

In the other Member States there have been no major changes in the organization and methods for the inspections in relation to previous years.

Table 1

NUMBER OF CHECKS CARRIED OUT IN 1986 (1)		
MEMBER STATE	Roadside checks	Operators' premises
BELGIUM (2)	7 012	484
DENMARK (3)		
GERMANY (2)	320 416	15 968
GREECE(4)	117 916	
FRANCE (5)	799 481 crews	38 450 crews 367 759 discs
IRELAND(6)	36 990	4 241
ITALY (3)		
LUXEMBOURG (5)	1 349	473 véhicules
NETHERLANDS (6)	270 000	2 144
UNITED KINGDOM (7)	186 950 793 300 discs	25 400

- (1) The reference period varies. In some cases, the number of checks indicated is incomplete, since it does not always include all the authorities carrying out the checks (gendarmerie, customs, etc.).
- (2) Figure for the period from 1 January 1986 to 28 September 1986.
- (3) No information.
- (4) Figure for the period from 1 January 1986 to 31 December 1987, including roadside checks and checks on the operators' premises.
- (5) Figure for the period from 1 January 1986 to 31 December 1986.
- (6) Figure for the period from 1 January 1985 to 28 September 1986.
- (7) Excluding infringements detected by the police authorities.

Table 2

MEMBER STATE	NUMBER OF CHECKS CARRIED OUT IN 1987-1988		
	Roadside checks		Operators' premises
	national	other	
BELGIUM (1)			
DENMARK (1)			
GERMANY (1)			
GREECE (2)	427 345		
SPAIN (3)	1 040		2 982 82 625 discs
FRANCE	1 370 971	349 390	83 692 1 004 304 discs
IRELAND (4)	67 086 122 989 discs	10 016 9 029 discs	49 478 1 857 917 discs
ITALY (4)	7 530 000	120 000	
LUXEMBOURG (1)			
NETHERLANDS (4)	167 768 419 421 discs	42 904 107 261 discs	3 602 230 530 discs
PORTUGAL (5)	55 562 63 292 discs		
UNITED KINGDOM (6)	517 567 1 644 597 discs	46 575 155 031 discs	77 942 628 097 discs

- (1) No information.
(2) Figure for the period from 1 January 1987 to 31 December 1989, including roadside checks and checks on the operators' premises.
(3) Figure for 1988.
(4) Figure for the period from 29 September 1986 to 31 December 1988.
(5) Figure for the second and third quarters of 1987 and for 1988.
(6) Figure for the period from 29 September 1986 to 31 December 1988.

Table 3

MEMBER STATE	NUMBER OF CHECKS CARRIED OUT IN 1989-1990		
	Roadside checks		Operators' premises
	national	other	
BELGIUM	86 187		2 908 124 219 discs
DENMARK	-	-	-
GERMANY	494 000		16 000
GREECE (1)	283 271	19	3 953
SPAIN	(2)		9 746 332 710 discs
FRANCE (3)	635 300	141 047	84 133 1 009 596 discs
IRELAND	61 214 95 480 discs	9 136 7 218 discs	15 030 1 006 309 discs
ITALY			5 563 591 089 discs
LUXEMBOURG	3 143	550	929
NETHERLANDS	118 579 296 448 discs	27 057 67 643 discs	2 027 176 100 discs
PORTUGAL	64 358 93 516 discs		1 753
UNITED KINGDOM	632 815 2 724 804 discs	56 776 211 257 discs	76 216 737 759 discs

(1) Figure for 1990.

(2) No information. These checks are carried out during the general traffic surveillance.

(3) Excluding the gendarmerie.

II. MINIMUM CHECKS

A few comments must be made on the minimum annual check defined by Directive 88/599/EEC.¹ As regards the number of days worked by each driver, the information available for 1989 to 1990 shows that the figures from which the minimum number of checks per year is calculated differ from one country to another (for example, 220 in Belgium but 240 in France, Germany and Spain). In Germany, the regulation of 6 June 1990 stipulates that the minimum number of checks per year must be attained in every Land. On average, 2.5 record sheets (discs) per vehicle are checked at the roadside. The figure for inspections on the premises of the undertakings is far higher. In 1989 to 1990 a total of 1 635 000 working days were checked (1 235 000 checks at the roadside and 400 000 on the premises of undertakings).

In France, Circular No 90-40 of 1 June 1990 laid down rules establishing the total number of discs to be collected based on the criterion that one working day corresponds to one tachograph record sheet and on an average of 240 working days per driver. The minimum number of discs to be collected and analysed by the regional and departmental directorates was set at 312 500, to which the sampling by the Labour Inspectorate (for transport) must be added. This total is divided between the various regions and types of transport service. The discs are analysed by the LECADISC system for reading and analysing tachograph discs, thereby enabling the inspectors to perform the entire check by themselves.

In the Netherlands, the method of calculating the number of working days checked takes account of freight services for hire or reward, passenger services and own-account operations. The calculation is based on 365 working days a year, although days on which the vehicles are immobilized (for repairs, maintenance, weekends, public holidays, lack of load, etc.), expressed as a percentage of the vehicle fleet, are deducted.

The other Member States supplied no detailed information on this point.

¹ OJ No L 325, 29.11.1988, p. 55.

III. INFRINGEMENTS AND PENALTIES

Although there are differences in the manner in which the Regulations are applied and monitored in the Member States, it is nevertheless useful to compare the figures for infringements detected and prosecutions. The tables set out below are limited to these two factors, because they are the only ones on which the Commission has data, and even then not from every Member State.

Table 4

INFRINGEMENTS IN 1986 (1)		
(combined totals for national and international goods and passenger traffic)		
MEMBER STATE	Infringements detected	Prosecutions
Belgium	775	96
Denmark	1 592	743
Germany	165 517	107 002
France (2)	268 065	144 084
Greece	2 490	1 773
Ireland (3)	11 805	6 964
Italy (4)		
Luxembourg	173	66
Netherlands(3)	61 515	10 627
United Kingdom (5)	12 011	7 623
COMMUNITY TOTAL	517 652	250 124

- (1) The reference period varies (see Table 2).
- (2) The figure for the number of cases in which action was taken on official reports drawn up by labour inspectors (transport) and road traffic controllers totalled 13 707. The action taken on official reports drawn up by other inspectors (police/gendarmerie) is not known.
- (3) Figures for the period from 1 January 1985 to 28 September 1986.
- (4) No information.
- (5) Figure for the period from 1 January 1986 to 28 September 1986.

Table 5

INFRINGEMENTS IN 1987-1988 (combined total for national and international goods and passenger traffic)		
MEMBER STATE	Infringements detected	Prosecutions
BELGIUM (1)	-	-
DENMARK (2)	2 274	291
GERMANY (1)	-	-
GREECE (3)	50 654	42 680
SPAIN (4)	18 957	-
FRANCE	578 691	296 241 (5)
IRELAND (6)	25 873	12 908
ITALY (7)	-	160 574
LUXEMBOURG (1)	-	-
NETHERLANDS (6)	85 520	30 454
PORTUGAL (8)	2 483	2 325
UNITED KINGDOM(9)	36 256	22 815
COMMUNITY TOTAL	796 021	565 711

- (1) No information.
- (2) Figure for 1987.
- (3) Figure for the period from 1 January 1987 to 31 December 1989.
- (4) Figure for 1988.
- (5) Figure for roadside checks.
- (6) Figure for the period from 29 September 1986 to 31 December 1988.
- (7) Figure for the period from 29 September 1986 to 31 December 1988.
- (8) Figure for the second and third quarters of 1987 and for 1988.
- (9) Figure for the period from 29 September 1986 to 31 December 1988.

Table 6

INFRINGEMENTS IN 1989-1990 (combined totals for national and international goods and passenger traffic)		
MEMBER STATE	Infringements detected	Prosecutions
BELGIUM	-	17 516
DENMARK		
GERMANY (1)	207 000	116 000
GREECE (2)	28 634	18 856
SPAIN	49 355	-
FRANCE	401 662	339 550 (3)
IRELAND	17 636	6 603
ITALY	-	57 703
LUXEMBOURG	-	1 061
NETHERLANDS	85 445	28 327
PORTUGAL	5 334	4 624
UNITED KINGDOM	26 875	36 375
COMMUNITY TOTAL	821 941	626 615

- (1) Including infringements of the AETR Agreement.
(2) Figure for 1990.
(3) Figure for roadside checks.

On the subject of penalties, it should be added that Greece is the sole Member State which reported having imposed prison sentences.

In September 1990, Belgium introduced a system of on-the-spot fines for certain infringements (Law of 6 May 1985 and Royal Order of 12 July 1989).

In Germany, the Federal Office of Long-distance Transport is responsible for fines imposed on undertakings with no office, agency or driver resident in Germany. The labour inspectorates in each Land are responsible for fines imposed on drivers and undertakings established in Germany.

In the United Kingdom, the vehicles of non-UK drivers are immobilized until the infringement has been settled.

The following tables contain details of the penalties:

Table 7

MEMBER STATE	PENALTIES IN 1986
BELGIUM (1)	-
DENMARK (1)	-
GERMANY (1)	-
GREECE (2)	53 521 days imprisonment Dr 316 500 (ECU 2 155)
SPAIN (1)	-
FRANCE (3)	13 707
IRELAND (1)	-
ITALY (1)	-
LUXEMBOURG (1)	-
NETHERLANDS (1)	-
PORTUGAL (1)	-
UNITED KINGDOM(1)	-

- (1) No information.
- (2) Figure for the period from 1 January 1986 to 31 December 1987, excluding cases still pending.
- (3) Approximate number of fines imposed by the courts in cases in which action was taken on official reports drawn up by labour inspectors and road traffic controllers.

Table 8

MEMBER STATE	PENALTIES IN 1987-1988	
	NATIONAL CURRENCY	ECU
BELGIUM (1)	-	-
DENMARK (1)	-	-
GERMANY (1)	-	-
GREECE (2)	1 740 days' imprisonment 840 600	5 017
SPAIN (3)	121 241 000	881 106
FRANCE (4)	22 286	-
IRELAND (1)	-	-
ITALY (1)	-	-
LUXEMBOURG (1)	-	-
NETHERLANDS (5)	13 721 400	5 822 492
PORTUGAL (6)	26 859	161
UNITED KINGDOM(1)	-	-

- (1) No information.
(2) Figure for the period from 1 January 1987 to 31 December 1989.
(3) Figure for 1988. Penalties proposed.
(4) Approximate number of fines imposed by the courts in cases in which action was taken on official reports drawn up by labour inspectors (transport) and road traffic controllers.
(5) Figure for the period from 29 September 1986 to 31 December 1988, including penalties for infringements of the AETR Agreement.
(6) Figure for the second and third quarters of 1987 and for 1988.

Table 9

MEMBER STATE	PENALTIES IN 1989-1990	
	NATIONAL CURRENCY	ECU
BELGIUM (1)	-	-
DENMARK (1)	-	-
GERMANY (1)	-	-
GREECE (2)	250 000	1 315
SPAIN	1 356 117 563	10 439 021
FRANCE (3)	22 644	-
IRELAND (1)	-	-
ITALY (1)	-	-
LUXEMBOURG (1)	-	-
NETHERLANDS	14 825 450	6 380 132
PORTUGAL	60 246	340
UNITED KINGDOM(1)	-	-

- (1) No information.
- (2) Figure for the period from 9 October 1989 to 9 April 1990, based on the checks by the Ministry of Labour.
- (3) Approximate number of fines imposed by the courts in cases in which action was taken on official reports drawn up by labour inspectors (transport) and road traffic controllers.

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

The Belgian transport authorities were informed of the reports drawn up by German, Dutch and French inspectors on Belgian crews. Every six months they too send the competent authorities in the other Member States, for information, lists of the official reports drawn up in respect of members of crews of vehicles registered in those countries. However, the information received and given on infringements committed by non-residents is incomplete.

Spain reported that in 1988 it was notified of the infringements committed by Spanish drivers in France and the Netherlands.

In Germany, the Federal Office of Long-distance Transport is responsible for monitoring compliance with the Community's social legislation. In 1990 the Federal Office received notifications of the infringements of Regulations (EEC) No 3820/85 and 3821/85 committed by German drivers in the Netherlands (319), Belgium (378) and France (979) only. Conversely, the Federal Office of Long-distance Transport sent 2 821 notifications to Belgium, 715 to Denmark, 186 to Spain, 960 to France, 150 to the United Kingdom, 94 to Greece, 1 269 to Italy, 24 to Ireland, 206 to Luxembourg and 4 418 to the Netherlands.

Also, in 1990 the Federal Office sent the other Community Member States 1 600 requests for information concerning undertakings' organizational structure, the persons in charge of undertakings, vehicle owners, addresses or places of residence.

France reported that it sent the other Member States lists of their nationals who had infringed the Community road transport regulations on French territory. In return, France received notice of infringements allegedly committed by French drivers in Germany, Belgium, Italy, the Netherlands, the United Kingdom and Luxembourg. No indication was given of the number of infringements involved.

In 1990 Greece exchanged information with France and Germany.

Ireland reported that over the period from 1 January 1985 to 28 September 1986 it informed the United Kingdom authorities of 43 infringements and the French authorities of 1 infringement and was informed of 77 infringements committed by Irish drivers in the United Kingdom, of 14 in France and of 2 in the Netherlands. Ireland also informed the United Kingdom authorities of 116 infringements and Spain of 1 between 1986 and 1988.

Table 10

MEMBER STATE	CONCERTED CHECKS IN 1989-1990	
	Number	States concerned
BELGIUM	11	D, F, L, NL, UK
DENMARK	-	-
GERMANY	8	B, D, F, L, NL
GREECE	-	-
SPAIN	2	F -
FRANCE	-	B, D, E, L, UK
IRELAND	-	-
ITALY (1)	-	-
LUXEMBOURG	10	B, D, F, NL
NETHERLANDS	-	-
PORTUGAL	-	-
UNITED KINGDOM	3	B, F

(1) None carried out pending publication of the Ministerial Decree implementing Directive 88/599/EEC.

For 1989-1990:

Notifications sent to:

Belgium	5544	Greece	20	Ireland	23	Portugal	66
Denmark	379	Spain	1314	Italy	685	United Kingdom	32
Germany	2390	France	2813	Luxembourg	238		
EC total 13 504							

Notifications received from:

Belgium: 302 Germany: approximately 7385 France: 1 Luxembourg: 1.

The United Kingdom informed the other Member States of the following numbers of infringements in 1989-1990:

Belgium	129	Greece	7	Ireland	226	Netherlands	139
Denmark	18	Spain	122	Italy	88	Portugal	10
Germany	100	France	591	Luxembourg	6		
EC total 1 297							

This cooperation was maintained with the aid of meetings with representatives of various Member States (Belgium, Germany, France, Italy, Luxembourg and the Netherlands) and by means of exchanges of inspectors with France.

No precise information on this point was received from the other Member States.

Table 10

MEMBER STATE	CONCERTED CHECKS IN 1989-1990	
	Number	States concerned
BELGIUM	11	D, F, L, NL, UK
DENMARK	-	-
GERMANY	8	B, D, F, L, NL
GREECE	-	-
SPAIN	2	F -
FRANCE	-	B, D, E, L, UK
IRELAND	-	-
ITALY (1)	-	-
LUXEMBOURG	10	B, D, F, NL
NETHERLANDS	-	-
PORTUGAL	-	-
UNITED KINGDOM	3	B, F

(1) None carried out pending publication of the Ministerial Decree implementing Directive 88/599/EEC.

V. COMMENTS AND SUGGESTIONS BY THE MEMBER STATES

As in the past, Belgium regretted that no information was received from the gendarmerie. It is therefore reasonable to assume that the number of infringements detected was higher than reported.

The Federal Republic of Germany pointed out that tougher checks on passenger transport during the high season revealed that most of the infringements were related to use of the recording equipment.

The German Government stated that application of the Community's new social legislation was very complicated and that the situation was made even more difficult by the diversity of the rules in force (Regulation (EEC) No 3820/85 and the AETR Agreement). It therefore remains in favour of rapid approximation of the various provisions⁽¹⁾ and supports all measures aimed, in particular, at standardizing inspection and ensuring more effective implementation of the social legislation in the field of road transport in the Member States. It also felt that the monitoring measures and penalties should be harmonized and that exchanges of information between Member States should be encouraged.

Greece reported that the departments responsible for monitoring application of the social legislation had encountered numerous problems during their checks on vehicles used for international transport, due mainly to language differences. Publication of a multilingual guide would be desirable. Greece also suggested organizing seminars to provide the national officials responsible for implementation of the legislation with an opportunity to exchange views and information.

Luxembourg reported a marked improvement in application of the social legislation towards the end of 1989, following a campaign to inform undertakings of the content of the legislation.

(1) Following the amendments adopted by the Inland Transport Committee of the United Nations Economic Commission for Europe in Geneva, which entered into force on 24 April 1992, the AETR Agreement has now been aligned on the corresponding Community legislation, relevant Community legislation.

The Netherlands stressed that 60.4% of the infringements in 1986 concerned use of the tachograph, compared with just 28.3% in 1987-1988 and 24.7% in 1989-1990.

It also called for simplification of the existing system and introduction of the concept of "working time". Rules on the maximum authorized working time could be adopted and the daily rest period could be extended. The Netherlands strongly support the introduction of on-board computers, under certain conditions.

The United Kingdom mentioned that until 1990 it had had difficulties with compilation of some of the data due to problems with the computer system, but that these had now been resolved. The figures supplied do not include the campaigns by the Ministry of Transport's traffic examiners, since the police forces were unable to supply figures on their checks.

VI. FINAL CONCLUSIONS BY THE COMMISSION

The first point which must be made is that the information sent by the Member States is still insufficient. In some cases it is even non-existent. This causes problems, both quantitatively with regard to compilation of the report and qualitatively with regard to its assessment, consequently making it difficult to draw valid conclusions. In this respect, use of the definitive standard form referred to in Article 16(3) of Regulation (EEC) No 3820/85 should improve the situation.⁽¹⁾

The Commission hopes that the new standard form introduced for the information from the Member States will provide it with more detailed, readily comparable data and will exact a greater effort from those Member States which seem not yet to have fully realized the importance of their obligations in this field.

A brief, overall review shows a considerable improvement in 1987-1988, compared with previous years, in the number of roadside checks and checks carried out on the premises of undertakings, although the total fell again in 1989-1990. The number of infringements and penalties remained generally similar.

Some progress has been made with mutual assistance between the Member States, although a greater effort in this area would be desirable. The number of concerted and coordinated checks remains insufficient.

(1) Commission Decision of 22 February 1993, OJ No L 72, 25.3.1993, pp 33-35.

Establishment of a more effective inspection system remains one of the priorities. The committee for the adaptation of Regulation (EEC) No 3821/85 to technical progress has continued its work in this connection. To the same end, the Commission adopted Regulation (EEC) No 3688/92 of 21 December 1992.⁽¹⁾

Technical modernization of the current system through the development of modern digital recording equipment as an alternative to the tachograph, combined with measures to encourage wider use of the best practice, are amongst the measures proposed in the action programme for the further development of the common transport policy.⁽²⁾ In this context, effective implementation and enforcement of the legislation relating to road transport, particularly the social and technical regulations, is one of the priorities chosen for the 1993 exchanges under the action plan for the exchange between Member State administrations of national officials who are engaged in the implementation of Community legislation required to achieve the internal market (the Karolus Programme).⁽³⁾

At the same time, there is a clear need for simplification of the Community rules on driving time and rest periods which, in turn, would contribute towards more effective application of the rules by the Member States.⁽²⁾

On working time in particular, the relevant Commission departments will continue their efforts to bring about a constructive exchange of views between all parties concerned, within the relevant joint committee. The Commission could decide to submit whichever proposals it sees fit in order to establish common rules on this subject.⁽²⁾

The Commission will endeavour to carry out this work as quickly as possible since it is obvious that, in the context of the single market for road transport, better implementation of the social legislation is essential to improve drivers' working conditions, ensure fair and reasonable competition between the various forms of transport and guarantee a high level of road safety.

(1) OJ No L 374, 21.12.1992, p. 12.

(2) White Paper on "A global approach to the construction of a Community framework for sustainable mobility", paragraph 387.

(3) Commission Decision of 22 December 1992, OJ No L 8, 14.1.1993, pp 17-31.

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