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**REPORT FROM THE COMMISSION**

**on the implementation in 1997-1998 of Regulation (EEC) 3820/85 on the  
harmonisation of certain social legislation relating to road transport**

**(20th report from the Commission on the implementation  
of the social legislation relating to road transport)**

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(20<sup>th</sup> report from the Commission on the implementation of the social legislation relating to road transport)

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## **EXECUTIVE SUMMARY**

This report sets out trends and statistics covering the Member States' inspections and enforcement activities during the period 1997-1998 in relation to the provisions of Regulation (EEC) No 3820/85 on driving time, rest periods and breaks. The present report is based on the statistics provided by the Member States and includes their views on the implementation of the Regulation.

All Member States submitted data to the Commission for the current period. Some did so only following the threat of infringement proceedings. Greece, whose data could not be included in the last report, provided incomplete information. By contrast Austria, which made a return of partial data for the previous report, supplied complete statistics. In general, there was some progress in providing data in the standard form and in giving more detailed information, although some Member States still give total figures and their returns are not uniform. This has delayed the compilation of the report and has also limited an early and effective comparison of the statistics.

The information received reveals that the overall number of enforcement checks has risen within the EU. Most of the Member States increased the number of these checks, nevertheless data provided by Denmark, Germany, and Luxembourg show an overall reduction in the number of working days checked. Checks carried out at the premises of undertakings have also generally risen. By contrast, in most of the Member States the number of checks carried out at the roadside has decreased.

Enforcement operations continued to be mostly above the minimum number required. Only two countries did not meet the checking rate of 1%: Portugal and Luxembourg, where the checking rate fell beneath the minimum level in the years 1997-1998. In general, most of the Member States easily surpassed the basic standard of 1% with Ireland, Spain and France meeting the rate of over 2 % and Germany having the highest Union percentage of checks with over 4 %.

The rise in the level of enforcement has generally led to an increase in the number of offences detected. In some instances, however, the increase in the number of offences committed reflects a better collection and collation of the statistics and also indicates a more targeted effort made by the enforcement authorities. Overall, the number of offences recorded has risen in Austria, Belgium, Finland, France, Germany, Ireland, Italy, Luxembourg, the Netherlands, Sweden and the UK. Infringements against driving time continue to account for the highest number of total offences registered, surpassing those concerning rest periods and breaks, which also increased. Furthermore, during the present period, a fall in the number of offences concerning the service timetable and duty roster was recorded. It should also be recognised that most of the Member States have provided more complete data on such offences. However, the UK statistics on offences were confused as they included offences recorded for exceeding six daily driving periods in the weekly rest offence total and the 'Driving for more than 4 ½ hours without a break' in the 'breaks too short' section.

Member States have taken various initiatives: some of them, such as France and Belgium, employed additional inspectors and improved their training in order to strengthen the enforcement authorities. In Finland an amendment to the Road Transport Act gave more powers to the safety inspectors during checks carried out with the police. In Ireland the

roadside blitz operations shifted from the practice of checkpoints for the examination of tachographs to checkpoints which cover a wider range of activities. This new approach was very effective in gaining a high public profile which brought about greater compliance. In the UK 'silent checks' for drivers' hours compliance have been conducted in addition to routine checks.

In the Netherlands stricter national norms concerning driving time and rest periods in passenger and good transport have been adopted. Its enforcement policy continues to develop preventative methods rather than punitive measures in order to promote compliance with the Regulation (EEC) No 3820/85. In France serious or repeated transport infringements continue to be sanctioned with the temporary or permanent revocation of the certified copy of Community licence or of the transport authorisation. In addition, immobilisation as a penalty has been introduced. In Germany the legislation concerning the scale of penalties was revised at the beginning of 1999, but the new rates will not be implemented in all 16 Länder at the same time. Although the figures provided for penalties are difficult to compare accurately, it is evident that a wide disparity still exists among different Member States.

Finally, most of the Member States managed to enhance substantially the efficiency in checks by upgrading computer assets within the enforcement bodies. The data provided also reveal the need for action to ensure that sanctions are effective, proportionate and dissuasive within the Internal Market.

As regards co-operation, concerted checks have been regularly undertaken within the Benelux Member States during the reference period. Co-ordinated checks have also been carried out by Denmark with Germany and Sweden, by Sweden with Norway, Denmark and Finland and by Northern Ireland with the Republic of Ireland. Despite the registered improvement in co-operation, such data suggest that co-operation is still an exceptional issue as most of the Member States appear to be collaborating with each other only occasionally.

In summary the Commission intends to:

- take the necessary action to improve data provision
- consider a revision of Directive 88/599/EC which will strengthen the effectiveness and the consistency of checks, raise minimum enforcement levels and possibly specify a minimum level of sanctions for specific offences detected
- update Regulation (EEC) No 3820/85<sup>1</sup>
- study whether further changes to Community rules are needed particularly pending the introduction of the digital tachograph
- support and encourage the co-operation and exchange of information and personnel among Member States

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<sup>1</sup> COM(2001)573 final of 12.10.2001, Commission Proposal for a Regulation of the European Parliament and of the Council on the harmonisation of certain social legislation relating to road transport.

## **1. INTRODUCTION**

This report, which covers the period 1997-1998, is the fourth in the series of Commission reports which cover Regulation (EEC) No 3820/85<sup>2</sup>. It is based on the information supplied by Member States using the standard form introduced according to the Commission Decision of the 22 February 1993<sup>3</sup>.

All Member States have submitted their data in a format very close to the standard form. Their returns are complete, although not always uniform, except for Greece that submitted incomplete information. There were delays in returns from Portugal, the Netherlands, Greece, France, Denmark, Belgium, Austria and the UK.

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

## **2. NATIONAL INITIATIVES**

### **2.1. Regulatory measures**

In Germany in June 1998 some purely editorial amendments were made to the "Fahrpersonalgesetz" (Law concerning driving personnel). The latest version of the "Fahrpersonalverordnung" (Regulation concerning driving personnel) and the German Regulation of 6 June 1990 on checks pursuant to Council Directive 88/599/EEC of 23 November 1988<sup>4</sup> for the implementation of Regulation No 3820/85/EEC and 3821/85/EEC<sup>5</sup> were submitted to the Commission for the 1995-1996 report. Since then the German Regulation concerning driving personnel was left unchanged, while the Regulation of 6 June 1990 has not yet been adapted to the Council Directive No 88/599/EEC of 23 November 1988 as amended by Regulation (EC) No 2135/98<sup>6</sup>. The provisions of this Regulation apply to the driving time and rest period records of vehicles with the maximum authorised weight between 2.8 and 3.5 tonnes.

In Ireland some legislative measures have been adopted in order to increase enforcement staff numbers.

In the Netherlands the national legislation concerning driving time and rest periods for passengers and goods transport has been changed. Stricter national norms have been adopted according to European legislation.

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<sup>2</sup> OJ L 370, 31.12.1985, p. 1.

<sup>3</sup> OJ L 72, 25.03.1993, p. 33.

<sup>4</sup> OJ L 325, 29.11.88, p. 55.

<sup>5</sup> OJ L 370, 31.12.1985, p. 8.

<sup>6</sup> OJ L 274, 9.10.1998, p. 1.

## **2.2 Administrative measures**

In 1998 the Belgian Government engaged additional inspectors. Extra efforts were made to update computers within the Inspections Directorate (Direction Contrôles) and to improve the training of inspectors (A.D.R. Regulation).

In Finland an amendment to the Road Transport Act that came into force on the 1st January 1999 gave more powers to the safety inspectors during inspections carried out with the police. In addition, from the beginning of 1998 the statistics on the inspections carried out by the safety inspectors can be accessed directly by a computer. Moreover, from the 15<sup>th</sup> August 1999 the Customs and Border Guard Service are included as an additional enforcement body to check drivers' driving time and rest periods.

In France the Committees for Administrative Sanctions proposed that the Chief Commissioners should administer penalties on local undertakings for serious or repeated transport infringements, such as the temporary or permanent revocation of the certified copy of Community licence or of the transport authorisation. Thus, 163 copies of Community licences and 232 transport authorisations have been permanently revoked and 530 copies of Community licences and 257 transport authorisations have been temporarily revoked. From 30<sup>th</sup> August 1999 it is also possible to immobilise one or more vehicles.

The French government has reinforced the enforcement authorities: the number of officers has increased from 382 to 405 and in 1998 the number of divisional inspectors was increased to 48. The number of the vehicles used for inspection work was increased to 102.

In Ireland some enforcement measures have been adopted to update the database and computer programmes.

In the UK, in addition to routine checks for drivers' hours compliance, there continued to be a heavy emphasis on enforcement targeted at particular locations and suspected drivers and operators. Much of this involved intelligence gathered from "silent checks" (6,711 checks in 1997 and 5,984 checks in 1998), where a vehicle's use and location is recorded without the driver's knowledge and followed by a thorough check of drivers' charts to see whether all information has been registered. This helped to detect systematic abuse of drivers' hours rules.

## **3. PENALTIES**

### **3.1 Scales**

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

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

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

In Finland, penalties are imposed on the driver and employer depending on the offence in question. Offences are punished by 'day-fines', the sum of which depends on the type of infringement and reflects the severity of the offence. The amount of one 'day-fine' depends on the defendant's income and the number of dependants. Punishments for an offence against the rules on driving and rest periods vary from 6 to 12 day-fines. For example: neglecting the use of the record sheet will result in a punishment of 8 day-fine, neglecting the provisions on the use of record sheet will lead to a 6 day-fine punishment.

Germany supplied a very detailed schedule of penalties and on-the-spot fines. The infringements are punished according to the type of offences and persons involved. Fines for infringements of the provisions on driving times, rest periods and breaks range from €15 to €31 for the driving personnel and by €61 (minimum) for the employer. Fines for drivers who do not respect the provision on recording of work periods range from €15 to €153 and for employers range from €153 to €1,534. Breaches of provisions on the service time table and duty roster are punished with a fine ranging from €51 to €128 for the driver and of €511 (minimum) for the employer.

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

Sweden imposes a general fine of €133.

In the UK the maximum fines for drivers and for those who cause or permit driver's hours and tachograph offences range from €315 to €7,874. Since June 1996 Northern Ireland has the same maximum penalty of €7,874. In addition to a fine, the offences of falsifying a chart and altering or forging a seal on a tachograph carry a penalty of up to two years imprisonment.

### **3.2 Changes**

According to a decision of the Attorney-General's office (College van Procureurs-generaal), which resulted from the judgement of the Court of Justice of 23 January 1997, (*Eckehard Pastoors and Trans-Cap GmbH v. Belgian State, Case C-29/95*)<sup>7</sup>, the Belgian inspectors are now no longer allowed to demand the immediate payment of the full prescribed deposit from non-resident drivers who opt for continuation of normal criminal proceedings.

In France the current penalty system has been extended with the creation of a sanction of administrative immobilisation of vehicles. Therefore, from 30<sup>th</sup> August 1999 it is possible to immobilise vehicles in case of serious or repeated transport infringements.

The scale of German legislation concerning penalties was revised at the beginning of 1999. The new rates will not be implemented in all 16 Länder at the same time.

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<sup>7</sup> Rec. 1997, p. I-285.

#### **4. RELATIONS AND CO-OPERATION BETWEEN MEMBER STATES**

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

##### **4.1 Concerted checks**

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

Belgium reported that concerted checks have been regularly undertaken with the neighbouring Member States and in particular the co-operation with Benelux Member States has been improved.

According to Article 5 of the Council Directive above mentioned, Denmark carried out six co-ordinated checks with Germany and Sweden in the reference period. These checks have been conducted on vehicles of different Member States. Four controls were conducted the 7-9-14-16 February 1997 at Rødby Havn, while two checks were carried out the 19 and 26 November 1998 on vehicles arriving in the state port of Helsingør. 109 offences were recorded, of which 87 constituted infringements to Regulation (EEC) No 3820/85 and 22 violations of Regulation (EEC) No 3821/85.

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

In Northern Ireland, examiners carried out three joint enforcement operations with officials from the Republic of Ireland.

##### **4.2 Exchange of information**

Member States made no specific comments under this heading. Nevertheless, in the last two years the Benelux Member States have regularly arranged some meetings in order to exchange information and personnel. A central Administration was created in Luxembourg to co-ordinate such activities with the Commission support. Lately some other countries decided to participate to these meetings: France has already joined in while more recently Spain, Ireland, the United Kingdom and Germany showed their interest in these initiatives.



## 5. SUMMARY TABLES

### 5.1 Checks: summary

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

Member State	- a - Minimum number of working days to be checked	- b - Number of working days checked (national)	- c - Number of working days checked (non nationals)	- d - Total number of working days checked	- e - Number of working days checked as a proportion of the minimum number of days to be checked (d/a)
Austria	597,511	625,100	213,660	838,760	1.40
Belgium (1)	682,000	706,921	369,053	1,075,974	1.58
Denmark	198,000	330,045	29,857	359,902	1.82
Finland (2)	211,200	345,783		345,783	1.64
France (3)	2,500,000	5,441,807	1,128,918	6,570,725	2.63
Germany	3,538,238	9,079,879	5,143,663	14,223,542	4.02
Greece (4)					
Ireland	378,385	940,866	4,693	945,559	2.50
Italy	2,549,475	4,135,385	293,087	4,428,472	1.74
Luxembourg	73,246	41,244	22,344	63,588	0.87
Netherlands	550,000	716,857	69,114	785,971	1.43
Portugal	591,250	207,843	24,816	232,659	0.39
Spain	1,680,000	4,469,231	400,631	4,869,862	2.89
Sweden	400,000	582,300	84,310	666,610	1.67
United Kingdom	2,006,141	3,341,691	138,981	3,480,672	1.73

#### Note:

- (1) In the Table 5.1 above, as in Tables 3.1 to 3.4 in Annex B, figures relating to checks carried out by the gendarmerie, the Ministry of Finance (Customs) and the Ministry of Employment and Labour are absent.
- (2) Statistics do not include the total number of checks on non – nationals.
- (3) France distinguishes between residents and non-residents.
- (4) Greek figures were not included as they did not lead themselves to an effective comparison.

## 5.2 Offences: summary

### Number of offences recorded: Articles 6,7, 8 and 14 of Regulation (EEC) 3820/85 Overview by Member States

Member State	PASSENGERS				GOODS				Total
	Nationals	EEC	Third countries	Total non-nationals	Nationals	EEC	Third countries	Total non-nationals	
Austria	1,576	373	307	680	26,716	14,182	6,097	20,279	49,251
Belgium (1)	73	105	136	241	2,583	4,698	234	4,932	7,829
Denmark (2)	219			-	5,140			-	5,359
Finland	1,316	-	1	1	6,570	1	12	13	7,900
France (3)									169,965
Germany	29,921	3,921	2,559	6,480	761,966	117,214	52,863	170,077	968,444
Greece (4)									
Ireland (5)	265	13			6,882	256			7,416
Italy	5,264	173	304	477	42,209	1,581	364	1,945	49,895
Luxembourg	31	-	-	-	228	417	3	420	679
Netherlands	1,385	30	2	32	10,564	1,443	277	1,720	13,701
Portugal	659	121	35	156	4,960	463	17	480	6,255
Spain	8,463	394	86	480	28,806	2,257	251	2,508	40,257
Sweden	1,002	242	10	252	2,855	901	120	1,021	5,130
United Kingdom	743	9	18	27	10,998	1,429	78	1,507	13,275

#### Note:

- (1) The following figures on offences recorded have not been incorporated into the Table above, nor in Tables 4.1 – 4.4, as they were not suitably disaggregated:
- |                                    |               |
|------------------------------------|---------------|
| Gendarmerie:                       | 12,417        |
| Ministry of Finance:               | 3,111         |
| Ministry of Employment and Labour: | 248           |
| <u>TOTAL:</u>                      | <u>15,776</u> |
- (2) 6,173 offences recorded according to Regulation (EEC) No 3821/85 have also not been included.
- (3) Denmark does not distinguish among nationals, EEC nationals and third countries.
- (4) France does not distinguish between nationals and non-nationals, but between residents and non-residents. It does not include detailed figures about passenger and good offences, but it provides with data on offences checked at the premises of undertakings (73,815) and those checked at the roadside (96,150).
- (5) Data were not supplied.
- (6) Ireland only provides with figures on offences concerning nationals and other Member States.

**Number of offences recorded: Articles 6, 7, 8 and 14 of Regulation (EEC) 3820/85**  
**Overview by category of offences** (includes passengers and goods, nationals, EEC and third countries)

Article	Type of offence	Number of offences *
6	Driving periods	530,653
7	Breaks	373,674
8	Rest periods	431,778 **
14	Service timetable and duty roster	8,283 ***
Total		1,344,388

\* These figures do not incorporate data on offences recorded by the Gendarmerie, the Ministry of Finance and the Ministry of Employment and Labour in Belgium as they were not suitably disaggregated.

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

\*\*\* Belgium supplied data which refers to 6,173 offences registered according to Regulation (EEC) No 3821/85. Therefore these figures have not been included in this Table.

## 6. CONCLUSIONS AND COMMENTS

### 6.1 Conclusions and comments by the Member States

**Austria** reported that in 1996-1998 there was a general increase in the number of vehicles to which the Regulation (EEC) No 3820/85 applies and in the number of drivers and days checked by local authorities. The number of vehicles within the scope of the Regulation (EEC) No 3820/85 rose by 9.2 %, while the number of drivers and working days checked at the roadside increased respectively by 49 % and by 40.7 %. On the other hand, the number of offences recorded in 1997-1998 went up by 13.5 %.

**Belgium** increased the number of checks by employing additional inspectors. An extra effort was also made to improve the use of computer assets within the Inspection Directorate (Direction des Contrôles) and to train inspectors (A.D.R. Regulation). Driving time and rest period offences still remain the most important issue for drivers: the percentage of the recorded infringements increased from 41.5 % in 1997 to 45.55 % in 1998 of the total observed infringements.

Belgium pointed out that co-operation with the services of Member States and third countries has been improved and extended: in particular, collaboration within Benelux played an important role in checks.

**Finland** reported that during the years 1997-1998 the amount of inspections clearly exceeded the minimum level set by Directive 88/599/EEC. The mobile police and the safety inspectors checked in total 345,783 record sheets which means that the amount of checks compared with the amount of working days during that period was 1.6 %.

The Finnish report also pointed out that statistics have been collated more efficiently than previously. An improvement in statistics collection carried out by safety inspectors was achieved by introducing updated computer hardware in 1998.

Finland advised that checks carried out made no distinction between goods and passengers transport. According to the information provided, for every vehicle checked at the roadside approximately three record sheets were examined and in checks made at the premises of undertaking 14 tachograph discs per driver were examined. Statistics from the mobile police indicate that the recorded offences leading to a charge were 845 in 1997 and 661 in 1998. Over and above these infringements, in both years there were minor offences, which resulted

in a caution but were not registered. Such offences mostly included the misuse of or the omission to use the period recording switch.

**France** looked forward to the introduction of the digital tachograph which will constitute a significant improvement in the checking the implementation of Regulation (EEC) No 3820/85 concerning driving times and rest periods; it also represents a first step in a more systematic and wide-ranging review of enforcement measures.

France pointed out that at the end of 1997 it presented a memorandum containing some proposals to change the Regulation (EEC) No 3820/85 in order to harmonise certain social legislation relating to road transport. It called mainly for the revision of the above mentioned Regulation, with specific regard to the reduction of the maximum period of driving and the increase in the maximum period of rest. A reduction of derogations concerning rest periods and better legislation concerning exceptions to standard daily driving periods and breaks were additional issues to be carefully re-examined.

During the years 1997-1998 the amount of checks carried out by the German authorities clearly surpassed the minimum standard. **Germany** explained that the remarkably high number of non-nationals vehicles and drivers checked was due to the fact that it has by far the highest volume of transit traffic in the EU. The total amount of checks at the roadside slightly decreased in 1997-1998 compared to 1995-1996 (2.7 %). While the number of checks on national vehicles and on those from other Member States mostly remained unchanged, a significant 20 % reduction of checks was registered on non-EU vehicles. Closer analysis of these averages revealed a dramatic decline in checks in 1998 compared with 1997 (down by 39 % for German vehicles, 23 % for EU vehicles and 23 % for non-EU vehicles). This is held to be at least partly due to the disappearance of the EU's external frontiers with Austria (Schengen Agreement).

Germany also pointed out that there was a decrease in the number of driving days checked on the premises of passenger transport undertakings. By contrast, there was very little change in the corresponding checks on goods transport and own-account operations.

In Germany the number of detected offences regarding the Regulation (EEC) No 3820/85 has decreased compared with those recorded in 1995-1996 (down by between 4% and 20 %). The only exception to this trend was passengers services from non-EU countries and goods services with German drivers. To sum up there were no significant changes in compliance with the driving and rest periods, i.e. the large number of offences still considerably impairs road safety.

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

**Ireland** pointed out that during 1997-1998 there was a number of court rulings, which resulted in the need for Transport Officers to return to operators' premises to carry out interviews in relation to prosecutions being initiated. This reduced by 33% the availability of Transport Officers to carry out additional inspections at the roadside. Since 1997 the roadside blitz operations shifted from the practice of checkpoints for the examination of tachographs, to checkpoints which cover a wider range of activities. There was an increase in the total number

of operations and in the number of days dedicated to these blitzes. This new approach was very effective in gaining a high public profile bringing about greater compliance. However, the intensity of such checkpoints resulted in a reduced number of vehicles being checked compared to the regular nation-wide checks carried out by Transport Officers as part of their weekly duties. Ireland also reported that a consultant has been engaged in order to update database and computer programmes.

**The Netherlands** pointed out that its enforcement policy emphasises prevention rather than punitive measures. The R.V.I. (National Transport Inspectorate) continued to develop preventive methods in order to promote compliance with the Regulation (EEC) No 3820/85. The aim was to reach an agreement with undertakings on how they make provisions within their companies for compliance. Failure to act in accordance with this agreement results in a criminal offence. Within this framework, each undertaking is inspected at least once within an agreed period. If during such checks serious infringements are observed, penal action is taken immediately. If in the course of checks at the roadside infringements are recorded for which an official report has to be drawn up, immediate criminal proceedings are taken. Data based on such infringements will be used to carry out targeted checks within undertakings.

**Sweden** pointed out the need to harmonise the scales of penalties within EU and suggested that in case of infringements criminal proceedings should be taken in the driver's country. It also demanded a list of persons to be contacted in every Member States.

**The United Kingdom** pointed out that its data do not reflect the true scale of enforcement for driver's hours compliance. The figures submitted represent drivers' hours enforcement by the Vehicle Inspectorate and the Department of the Environment (Northern Ireland), while the Police, who enforce drivers' hours regulations, have not been able to supply figures for the 1997-1998 return.

In its conclusions and comments the UK also affirmed that exceeding six daily driving periods is the same as a weekly rest offence and that 'Driving for more than 4 ½ hours without a break' corresponds to 'breaks too short'. Therefore, it avoided double counting by including offences recorded for exceeding six daily driving in the weekly rest offence total and the 'Driving for more than 4 ½ hours without a break' in the 'breaks too short' section.

## **6.2 Conclusions and comments by the Commission**

Regulation (EEC) No 3820/85 continues to provide a common Community standard for setting maximum driving times and rest periods for road transport operators. Effectively and uniformly applied, it can enhance road safety, transport efficiency and fair competition within the Union. The Commission, however, is aware that Member States still have different perceptions about how to implement this legislation. Although all Member States provided information in a form very close to the standard format, data are still not uniform. In fact, checks and inspections are carried out with varying degrees of intensity and frequency by different authorities often acting under separate national rules. Infringements are also penalised differently.

The Commission recognises the need for greater co-operation among Member States to ensure a co-ordinated approach to enforcement. New legislative initiatives are also in hand. In addition, the Commission will continue to monitor the situation in all Member States.

### *6.2.1 Reduction of a lack of information and incomplete data but the problem still remains*

Most of the Member States managed to provide more detailed data. Austria and Finland supplied more detailed information as regards offences under Articles 6, 7, 8 and 14 of the Regulation (EEC) No 3820/85. Nevertheless, a lack of timely and sufficiently comprehensive data continues to hinder a comprehensive comparison. The reasons vary from country to country.

For the present report Greece supplied incomplete statistics which do not include the types and the number of recorded offences, the national initiatives and penalties. Belgium continues to supply data registered by different authorities, which were not all collected in the standard form. In addition, France continues to distinguish between residents and non-residents instead of nationals and non-nationals, which may nuance any comparison.

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

The overall number of enforcement checks continues to rise within the EU. Some differences among Member States have been registered. Austria, Belgium, Finland, France, Ireland, Italy, the Netherlands, Portugal, Spain, Sweden and the United Kingdom recorded a further increase, while Denmark, Germany and Luxembourg registered a decrease.

Data from Austria indicate an upward trend. This mostly stems from the fact that for the present report Austria supplied information referring to both 1997 and 1998 while for the previous report it only provided data for 1996.

In Germany there was a decrease in activity, although enforcement operations continued to be well above the minimum number required. For Portugal the enforcement level almost stayed the same (from 0.38 % to 0.39 %) but it still does not meet the basic standard of 1% of the total days worked. It is significant to note that Luxembourg reduced its checking rate from 1.29 % to 0.87 %, which therefore fell below the minimum level.

In general, however, most of the Member States easily surpassed the basic standard of 1%. Ireland and Spain still attain the rate of over 2 % while France raised the level of checks from under 2 % to over 2 %. Germany has the highest Union percentage of checks with over 4 %.

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

There has been a rise in the number of offences against Article 6 (driving periods), Article 7 (breaks) and Article 8 (rest periods). Driving time infringements remain a constant and significant proportion (39.5 %) of total offences registered (38.4 % in 1995-1996). For this period, the number of driving time offences still surpasses those concerning rest periods and continues to account for the highest number of infringements. Offences recorded against breaks increased in total numbers compared to those detected in the previous report. By contrast the percentage of such offences decreased (29.4 % in 1995-1996) and now form 27.8 % of the total. Offences relating to rest periods increased to 32.1 % of the total. There was a fall in the number of offences detected concerning the service timetable and duty roster (from 4 % in 1995-1996 to 0.6 % in 1997-1998).

It is acknowledged that most of the Member States have provided more complete data on such infringements. For this report, Spain supplied more information on offences relating to the transport of passengers and goods from third countries. By contrast, data submitted by the United Kingdom generated some confusion as figures relating to some offences for driving period were considered as rest periods or breaks offences.

#### *6.2.4 In most of the Member States the number of offences recorded has increased*

Overall within the EU the number of offences registered has risen with increases recorded in Austria, Belgium, Finland, France, Germany, Ireland, Italy, Luxembourg, the Netherlands, Sweden and the UK, in others it has decreased.

In some instances the increase in the number of infringements committed may reflect the rise in the number of checks, as for example for Austria and Belgium; in other cases, such as for Finland, it simply may indicate a better collection and collation of the statistics; finally, as for Ireland, it may also indicate a more targeted effort made by the enforcement authorities.

Data on offences supplied by Member States reveal the following: among most of the Member States where infringements increased, as in Austria, Belgium, Finland, France, Ireland, Italy, the Netherlands, Sweden and the UK the total number of working days checked also rose. For two countries (Germany and Luxembourg) although fewer checks have been carried out, a further increase in offences has been registered. Therefore, the rise in the number of offences detected here appears to reflect primarily an overall increase in offence rates. Data from Denmark reveal a decrease in the number of both checks and offences committed. By contrast in Spain and Portugal an increase in the total number of working days checked led to a decrease in offences recorded.

During the years 1997-1998 the Netherlands continued to enforce preventative measures; nevertheless, they reported a rise in the number of offences detected. However, the increasing rate of offences was less significant compared to the increasing rate of working days checked.

In general, there appears to be an overall increase in offences detected in the EU. It must be pointed out that an intensification or reduction in the number of checks does not always correspond to a rise or fall in the number of infringements recorded. The need for more effective and uniform enforcement is an issue that the Commission continues to consider.

#### *6.2.5 Success rate in detecting offences vary widely*

The ratio of the total number of infringements detected to the total number of working days checked reveals a wide disparity in the success of Member States in targeting potential offenders. During 1997-1998 Germany and Austria were the most successful with 6.8 and 5.9 offences registered for every 100 working days checked. In some other Member States the detection level varies between over 1 offence (Denmark, Italy, Luxembourg and the Netherlands) and over 2 offences for 100 working days (France, Finland, and Portugal). By contrast, the success rate registered in Belgium, Ireland, Spain, Sweden and the UK fell below 1%.

This ratio serves to indicate the benefits to be gained by an exchange of experience and adoption of the most effective and nationally appropriate practice throughout the Union.

### 6.2.6 *Digital tachograph implementation draws near*

Council Regulation (EC) No 2135/98 adopted by the Council on 24 September 1998<sup>8</sup> amends Regulation (EEC) No 3821/85 on recording equipment and Directive 88/599/EEC concerning the application of Regulation (EEC) No 3820/85 and (EEC) No 3821/85. It paves the way for the introduction of the new digital tachograph, which is due to become compulsory in all Member States by the end of 2003.

In March 2000 the Committee on the Adaptation of the Tachograph, comprising representatives of the Member States, enforcement bodies, the social partners and manufacturers, agreed to a document stipulating the specifications of the digital tachograph. However, on 19 September 2001 the mentioned Committee could not express a favourable opinion on certain amendments of a pure technical nature to the specifications already adopted in March 2000. In the absence of an opinion, the measures to be taken shall be submitted to the Council according to the Comitology procedure foreseen in Regulation No (EEC) 3821/85.

In addition, the group of enforcement experts that advised the Commission on the digital tachograph was also tasked to make comments on how the current social legislation relating to road transport could best be computed by the new tachograph. They presented their findings to the Commission in July 2001 on a common interpretation of Regulation (EEC) No 3820/85, the necessary adaptations arising for Regulation (EEC) No 3821/85 and consequent issues relating to roadside and company checks. The Commission is currently considering their recommendations.

### 6.2.7 *Interpretation of Regulation (EEC) No 3820/85 continues to be refined through rulings made by the Court of Justice of the European Communities. The period covered is up to beginning 2001*

In its ruling of the 28 September 2000, G. E. Hume, Case C-193/99<sup>9</sup>, the Court established that Article 8(5) of the Regulation must be interpreted as meaning that a driver who elects to postpone his weekly rest period until the week following that in which it becomes due must take two weekly rest periods, consecutively and without any break between them in that second week.

The question was to determine the relationship between a weekly rest period which is postponed to the following week and the weekly rest period for the second week; for this purpose it should be borne in mind that Article 8(5) of the Regulation requires the first of those period to be 'added on to' the second. The Court noted that a comparison among the various language versions of this term reveals that the postponed weekly rest period must be taken together with the weekly rest period for the following week.

In addition, it is significant to note that Article 8(3) provides a general rule for a weekly rest period of 45 hours which may be reduced in certain circumstances, on the basis that each reduction must be compensated by an equivalent rest taken *en bloc* before the end of the third week following the week in question. The Court pointed out that Article 8(5) of the Regulation permits a postponement of the weekly rest period and thus constitutes derogation to a general scheme, which is not to be interpreted broadly. Furthermore, its scope must be determined in

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<sup>8</sup> OJ L 274, 09.10.98, p. 1.

<sup>9</sup> Rec. 2000, p. I-7809.



the light of the aims pursued by the Regulation, which are to improve working conditions and road safety. Such an interpretation of Article 8(5) thus guarantees the respect of this objective.

*6.2.8 The Court of Justice of the European Communities also ruled on the use of the tachograph (Regulation (EEC) No 3821/85).*

In its judgement of the 18 January 2001, *Skills Motor Coaches Ltd, B. J. Farmer, C. J. Burley and B. Denman, Case C-297/99*<sup>10</sup>, the Court ruled on the use of the recording equipment in road transport. It stated that a driver's obligation to record all other working periods extends to the time spent travelling to take over a vehicle which is not at his home or at the employer's operational centre and to driving periods spent performing a transport service falling outside the scope of the Regulation (EEC) No 3821/85 before taking over a vehicle to which that Regulation applies.

*6.2.9 Updating of Regulation (EEC) No 3820/85*

Over the years, both national competent authorities and the road transport industry have pointed out the weaknesses of the current Regulation. Moreover, at the Transport Council meeting on 2 October 2000 the Commission noted that there was unanimous agreement among Member States on the need to make technical amendments to the Regulation. The Council subsequently requested the Commission to introduce a proposal to amend the Regulation at the earliest possible opportunity.

At the moment the Commission is actively working to update Regulation (EEC) No 3820/85. A proposal for a new Regulation COM (2001)573 final has been presented on the 12 October 2001. The primary aim is to provide a clear, coherent text within which the rules currently contained in the Regulation are clarified, simplified and updated. The Commission aims to broaden the scope of application of the Regulation by updating and refining current exemptions and derogations in recognition of the increasing role of the private sector in areas formerly serviced by the public sector and to make the current provisions computable by the digital tachograph.

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

Under the Commission's Work Programme it is planned to strengthen Directive 88/599/EEC which currently obliges Member States to check 1% of the days worked by drivers with a view to verifying compliance with the driving and rest period requirements. The Commission envisages increasing this figure of 1%, where appropriate in gradual stages, in order to increase the number of inspections and to enforce the effectiveness and the consistency of checks carried out by the Member States' competent authorities.

*6.2.11 The Council adopted a common position on the introduction of working time for the road transport sector*

In November 1998 the Commission published a package of measures (COM 662/98)<sup>11</sup> designed to bring some sectors currently excluded from the general working time Directive

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<sup>10</sup> Rec. 2001, p. I-573.

<sup>11</sup> OJ C 43, 17.2.99, p. 1.

93/104/EC of 23 November 1993<sup>12</sup> within its scope. After a long debate caused by sharp differences among Member States, on 22 December 2000 a political agreement was reached by the Council and a Common Position was published and presented to the Parliament on 23 March 2001.

The Common Position excludes self-employed drivers from the scope of the Directive and also introduces less strict night-time rules. The Parliament completed its second reading in June 2001 and wishes to return to the inclusion of all drivers and the Commission's original proposal for night-time working rules. A Conciliation procedure between the Council and Parliament to reconcile these two positions has started in autumn 2001.

#### *6.2.12 Final comments*

Effective application of the rules on driving times and rest periods is in everyone's interest. The Commission continues to monitor the developments in this field in order to ensure the uniform and the effective enforcement of social legislation and to encourage good practice. Therefore, in its proposal COM (2001)573 final on Regulation (EEC) No 3820/85 it envisages standing Committee through which common views on the application of this Regulation can be exchanged and if appropriate swift decisions taken.

The Commission also continues to encourage all Member States to take further co-operative initiatives and to promote exchanges of information and personnel. These actions will contribute to an enhancement of enforcement actions and will lead to a better understanding of the implementation of the Regulation.

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<sup>12</sup> OJ L 307, 13.12.93, p. 18.

Member State	Type of penalty	
	Minor offences	Serious offences
Austria	€36	€2,180
Belgium	€62	€248
Denmark	Fine of at least €54 for the driver and €134 for the company, the amount depending on the nature and gravity of the offence.	
Finland	The violations are punished using the “day-fine” criterion. The sum of one day-fine depends on the defendant’s income and the number of their dependants. The number of day-fines imposed respects the severity of the offence and varies between 6 and 12.	
France	€1517 maximum	The Law 95-96 of 1 February 1995 created new offences and raised the penalties for others. Severe infringements may attract a fine up to €30,489 and one year of imprisonment.
	Serious or repeated infringements can lead to the temporary or permanent revocation of the Community licence or of the transport authorisation. The immobilisation of the vehicle is also an administrative sanction.	
Germany	The infringements are punished according to the type of offences and persons involved. Fines for infringements of the provisions on driving times, rest periods and breaks range from € 15 to € 31 for the driving personnel and by a fine of € 61 (minimum) for the employer. Fines for drivers who do not respect the provision on recording of driving times range from €15 to €153 and for employers range from € 153 to €1,534. Breaches of provisions on the service time table and duty roster are punished with a fine ranging from €51 to €128 for the driver and by a fine of €511 (minimum) for the employer.	
Ireland		€ 1,270 and/or six months imprisonment
Italy	€16 minimum	€4,447
Netherlands	There are set fines for each breach of a provision of the Regulation ranging from €45 to €1,365.	
Spain	€30 – 284	€284 – 1,388 (First Category) €1,388 – 2,414 (Second Category)
Sweden	General fine of €133.	
United Kingdom		Maximum fines for drivers and those who cause or permit driver’s hours and tachograph offences range from €315 to €7,874. In addition to a fine, the offences of falsifying a chart and altering or forging a seal on a tachograph carry a penalty of up to two years imprisonment.

Note:

Data for Belgium, Italy and Spain are based on figures supplied by national experts from these countries in 1995. Figures for France and the Netherlands are those registered in the previous report as these countries did not communicate any change in their legislation. Entries for other Member States were not supplied.

**Statistical data****1. Reference period**

From 1 January 1997 to 31 December 1998

**2. Calculation of minimum checks to be carried out (Article 2 of Directive 88/599/EEC)<sup>13</sup>**

Member State	Number of days worked per driver during the reference period - a -	Total number of vehicles subject to Regulation (EEC) No 3820/85 (annual average) - b -	Total number of days worked a × b - c -	Minimum checks (1% of c) - d -
Austria	480	124,481	59,751,120	597,511
Belgium	440	155,000	68,200,000	682,000
Denmark	440	45,000	19,800,000	198,000
Finland	440	48,000	21,120,000	211,200
France	480	521,875	250,500,000	2,500,000
Germany	480	737,133	353,823,840	3,538,238
Greece (1)				
Ireland (2)	460	82,258	37,838,450	378,385
Italy	390	653,712	254,947,680	2,549,475
Luxembourg	450	16,277	7,324,650	73,246
Netherlands	500	110,000	55,000,000	550,000
Portugal	430	137,500	59,125,000	591,250
Spain	480	350,000	168,000,000	1,680,000
Sweden	400	200,000	40,000,000	400,000
United Kingdom	464	432,358	200,614,112	2,006,141

(1) Greek figures were not included as they did not lead themselves to an effective comparison.

(2) Figures relate to total number of good vehicles over 1,524 kgs. and large public service vehicles registered in the State. A number of these would be exempted from Council Regulation 3820/85. However there is no breakdown of the figures available.

<sup>13</sup> OJ L 325 29.11.88, p. 55.

### 3. Checks

#### 3.1 Number of checks at the roadside

Member State	Type of transport	EEC		Third countries	Total non nationals
		Nationals	Other Member States		
Austria	carriage of passengers	614	145	441	586
	carriage of goods	32,502	6,046	11,419	17,465
	total number (1)	97,561	37,730	26,550	64,280
Belgium	carriage of passengers	4,497	4,757	225	4,982
	carriage of goods	61,602	81,662	3,173	84,835
Denmark	total number (1)	82,170	9,115	899	10,014
Finland	carriage of passengers	2,890			
	carriage of goods	69,278			
France (2)	carriage of passengers	59,750			23,473
	carriage of goods	1,114,552			299,077
Germany	carriage of passengers	177,775	79,257	43,953	123,210
	carriage of goods	3,607,453	2,019,782	1,488,082	3,507,864
Greece	carriage of passengers	1,204		440	
	carriage of goods	2,132		550	
Ireland	carriage of passengers	4,061	1,042	150	1,192
	carriage of goods	33,190	3,731	194	3,925
	total number (1)	1,761	364	115	479
Italy	carriage of passengers	100,035	10,377	1,750	12,127
	carriage of goods	644,880	71,424	7,947	79,371
	total number (1)	211,285	26,553	2,791	29,344
Luxembourg	carriage of passengers	182	238	2	240
	carriage of goods	5,004	5,643	246	5,889
Netherlands	carriage of passengers	2,198	731	84	815
	carriage of goods	64,296	27,743	5,999	33,742
Portugal	carriage of passengers	16,729	5,931	1,824	7,755
	carriage of goods	94,283	18,996	2,441	21,437
	total number (1)	20,013	3,538	493	4,031
Spain	carriage of passengers	259,874	45,619	8,036	53,655
	carriage of goods	953,125	158,631	17,206	175,837
Sweden	carriage of passengers	6,854	514	113	627
	carriage of goods	111,429	22,650	4,653	27,303
	total number (1)	439	48	9	57
United Kingdom	carriage of passengers	45,227	3,160	425	3,585
	carriage of goods	339,411	24,600	2,235	26,835

Note:

- (1) This total represents statistics for vehicles for which no differentiation between goods and passengers was provided.
- (2) France distinguishes between residents and non-residents instead of nationals and non-nationals.

### 3.2 Number of drivers checked at the premises of undertaking

Member State	Carriage of passengers	Carriage of goods	Carriage on own account	Carriage for hire or reward
Austria	1,549	13,887	3,681	11,407
Belgium	69	7785		
Denmark (1)				
Finland	1,726	6,612	460	7878
France	12,951	92,855	4851	100955
Germany	16,212	108775	19607	-
Greece	1,014	453	3	880
Ireland	431	7,455	2,274	5,576
Italy	1,905	19,580	1,808	11,344
Luxembourg	1,056	3,494	56	74
Netherlands (2)	4,600	11,166	1,976	9,190
Portugal	186	1,674	131	1,729
Spain	17,326	83,267	13,873	86,720
Sweden	1,614	3,751	56	973
United Kingdom	5,091	23,818	2,711	21,093

#### Note

(1) Denmark did not supply these data.

(2) Data for the carriage of goods represent the sum of data concerning the carriage on own account and for hire or reward.

### 3.3 Number of working days checked at the roadside

Member State	Type of transport	EEC		Third countries	Total non-nationals
		Nationals	Other Member States		
Austria	carriage of passengers	1,625	244	1,215	1,459
	carriage of goods	97,850	11,838	28,170	40,008
	total number (1)	288,943	97,223	74,970	172,193
Belgium	carriage of passengers	18,524	20,293	1,013	21,306
	carriage of goods	231,737	333,782	13,965	347,747
Denmark	total number (1)	247,037	27,160	2,697	29,857
Finland	carriage of passengers	9,080			
	carriage of goods	218,092			
France (2)	carriage of passengers	187,796			68,288
	carriage of goods	3,704,736			1,060,630
Germany	carriage of passengers	352,081	130,649	59,348	189,997
	carriage of goods	7,034,325	2,902,656	2,051,010	4,953,666
Greece	carriage of passengers	3,984		2,070	2,070
	carriage of goods	13,104		784	784
Ireland	carriage of passengers	3,563	682	230	912
	carriage of goods	46,980	3,497	284	3,781
Italy	carriage of passengers	284,225	26,598	3,770	30,368
	carriage of goods	2,187,778	110,544	99,889	210,433
	total number (1)	407,678	42,694	9,592	52,286
Luxembourg	carriage of passengers	659	874	14	888
	carriage of goods	16,516	20,610	846	21,456
Netherlands	carriage of passengers	4,396	1,462	168	1,630
	carriage of goods	128,592	55,486	11,998	67,484
Portugal	carriage of passengers	17,209	5,068	2,004	7,072
	carriage of goods	98,550	12,120	3,998	16,118
	total number (1)	30,084	1,520	106	1,626
Spain	carriage of passengers	500,368	84,080	16,098	100,178
	carriage of goods	1,741,786	268,287	32,166	300,453
Sweden	carriage of passengers	20,466	1,528	113	1,641
	carriage of goods	339,214	67,792	14,741	82,533
	total number (1)	1,058	103	33	136
United Kingdom	carriage of passengers	149,207	17,785	2,688	20,473
	carriage of goods	1,305,709	106,942	11,566	118,508

Note:

- (1) This total represents statistics for vehicles for which no differentiation (in full or in part) between goods and passengers was supplied.
- (2) France does not distinguish between nationals and non-nationals but between residents and non-residents.

### 3.4 Number of working days checked at premises of undertaking

Member State	Carriage of passengers	of Carriage of goods	Carriage on own account	Carriage for hire or reward
Austria	18,494	218,188	44,072	189,098
Belgium	4,323	452,337		
Denmark	5,227	77,781	37,743	40,038
Finland	16,971	101,640	9,336	109,275
France	206,620	1,342,655	58,411	1,490,864
Germany	238,862	1,454,611	233,561	
Greece	16,729	2,590		
Ireland	41,445	848,878	266,473	623,644
Italy	480,836	774,868	72,000	472,564
Luxembourg	3,773	20,296	341	578
Netherlands (1)	184,000	399,869	32,269	367,600
Portugal	5,989	56,011	4,340	57,660
Spain	338,563	1,888,514	350,678	1,876,399
Sweden	82,016	139,546	3,249	46,117
United Kingdom	381,239	1,505,536	242,368	1,263,025

Note:

- (1) Data for the carriage of goods represent the sum of data concerning the carriage on own account and for hire or reward.



#### 4. Offences

##### Number of offences recorded

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

Member State	Type of offence	PASSENGERS				GOODS				PASSENGERS AND GOODS	
		nationals	EEC	Third countries	total non-nationals	nationals	EEC	Third countries	total non-nationals	nationals	non-nationals
Austria	- daily driving period - six days maximum - fortnight	422	95	72	167	11,246	6,445	2,107	8,552	11,668	8,719
Belgium (1)	- daily driving period - six days maximum - fortnight	18	26	45	71	583	1,042	40	1,082	601	1,153
Denmark (2)	- daily driving period - six days maximum - fortnight	2				95				97	
Finland	- daily driving period - six days maximum - fortnight	174				1,965 10 4		4	4	2,139 10 4	4
France (3)	- daily driving period - six days maximum - fortnight									51,886 952	10,669 48
Germany	- daily driving period - six days maximum - fortnight	11,113 662 163	1,455 70 20	636 35 10	2,901 105 30	284,811 9,973 3,409	48,301 1,834 1,214	17,320 193 1,076	65,621 2,027 2,290	295,924 10,635 3,572	68,522 2,132 2,320
Greece (4)	- daily driving period - six days maximum - fortnight										
Ireland	- daily driving period - six days maximum - fortnight	48 2 6	1 0 0		1 0 0	2,335 59 101	38 6 9		38 6 9	2,383 61 107	39 6 9

Member State	Type of offence	PASSENGERS				GOODS				PASSENGERS AND GOODS	
		nationals	EEC	Third countries	total non-nationals	nationals	EEC	Third countries	total non-nationals	nationals	non-nationals
Italy	- daily driving period	1,208	36	75	111	15,459	514	106	620	16,667	731
	- six days maximum	498				1,649	40	3	43	2,147	43
	- fortnight	25				234	11		11	259	11
Luxembourg	- daily driving period	-	-	-		81	151	1	152	81	152
	- six days maximum	-	-	-		-	-	-			
	- fortnight	-	-	-		-	-	-			
Netherlands	- daily driving period	91	6	-	6	2,106	543	75	618	2,197	624
	- six days maximum	-	-	-		-	-	-			
	- fortnight	-	-	-		-	-	-			
Portugal	- daily driving period	146	16	6	22	1,304	120	10	130	1,450	152
	- six days maximum	26	5	-	5	436	30	4	34	462	39
	- fortnight	4	-	-		-	-	-		4	
Spain	- daily driving period	5,925	306	67	373	19,262	1,767	196	1,963	25,187	2,336
	- six days maximum	7	-	-		41	-			48	
	- fortnight	92	-	-		531	-			623	
Sweden (5)	- daily driving period	}	}	}	}	}	}	}	}	}	}
	- six days maximum	}274	} 77	}3	} 80	} 690	} 275	} 37	} 312	} 964	}392
	- fortnight	}	}	}	}	}	}	}	}	}	}
United Kingdom	- daily driving period	46	-	2	2	1,998	120	3	123	2,044	125
	- six days maximum	*	*	*		*	*	*			
	- fortnight	3	-	-		107	135	10	145	110	145

Note:

- (1) These data refer only to 1997 as for 1998 no disaggregated figures were provided. 1,805 offences recorded in 1998 were included in the total number (see Table 5.2).
- (2) Denmark did not supplied disaggregated data.
- (3) France does not distinguish between nationals and non-nationals but between residents and non-residents. No disaggregated data concerning the carriage of goods and persons were provided.
- (4) Data were not supplied.
- (5) Total number of driving period offences without distinction.
- \* These offences have been taken under 'Rest Periods – weekly' offences

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

Member State	Type of offence	PASSENGERS				GOODS				PASSENGERS AND GOODS	
		nationals	EEC	Third countries	total non-nationals	nationals	EEC	Third countries	total non-nationals	nationals	non-nationals
Austria	- driving for more than 4.5 hours without a break - breaks too short	642	123	74	197	10,267	4,633	1,635	6,268	10,909	6,465
Belgium	- driving for more than 4.5 hours without a break - breaks too short	6 9	6 6	8 13	14 19	271 246	468 183	29 -	497 183	277 255	511 202
Denmark (1)	- driving for more than 4.5 hours without a break - breaks too short	61				1,894				1,955	
Finland	- driving for more than 4.5 hours without a break - breaks too short	404 241		1	1	1,166 659		4 1	4 1	1,570 900	5 1
France (2)	- driving for more than 4.5 hours without a break - breaks too short									} }31,751	} }5,333
Germany	- driving for more than 4.5 hours without a break - breaks too short	3,584 4,012	545 326	122 71	667 397	106,926 118,076	15,026 14,162	6,425 6,794	21,451 20,956	110,510 122,088	22,118 21,353
Greece (3)	- driving for more than 4.5 hours without a break - breaks too short										
Ireland	- driving for more than 4.5 hours without a break - breaks too short	74 22	6 2		6 2	1,259 305	120 37		120 37	1,333 327	126 39
Italy	- driving for more than 4.5 hours without a break - breaks too short	1,370 36	26 5	178 4	204 9	11,835 1,752	541 146	105 19	646 165	13,205 1,788	850 174

Member State	Type of offence	PASSENGERS				GOODS				PASSENGERS AND GOODS	
		nationals	EEC	Third countries	total non-nationals	nationals	EEC	Third countries	total non-nationals	nationals	non-nationals
Luxembourg	- driving for more than 4.5 hours without a break - breaks too short	8 12	- -	- -		72 -	131 -	1 -	132	80 12	132 -
Netherlands	- driving for more than 4.5 hours without a break - breaks too short	221 -	13 -	1 -	14 -	1,326 -	73 -	11 -	84 -	1,547 -	98 -
Portugal	- driving for more than 4.5 hours without a break - breaks too short	114 151	40 30	10 9	50 39	2,094 324	110 59	- 2	110 61	2,208 475	160 100
Spain	- driving for more than 4.5 hours without a break - breaks too short	1,766 -	88 -	19 -	107 -	5,541 -	490 -	55 -	545 -	7,307 -	652 -
Sweden	- driving for more than 4.5 hours without a break - breaks too short	284	34	0	34	977	108	28	136	1,261	170
United Kingdom	- driving for more than 4.5 hours without a break - breaks too short	} 147 }	}- }	} - }		} 5,188 }	} 88 }	} 4 }	} 92 }	} 5,335 }	} 92 }

Note:

- (1) Denmark did not supply disaggregated data.
- (2) France does not distinguish between nationals and non-nationals but between residents and non-residents. No disaggregated data concerning the offences recorded and the carriage of goods and persons were provided.
- (3) Data were not supplied.

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

Member State	Type of offence	PASSENGERS				GOODS				PASSENGERS AND GOODS	
		nationals	EEC	third countries	total non-nationals	nationals	EEC	third countries	total non-nationals	nationals	non-nationals
Austria	- daily -weekly	373	128	84	212	5,203	3,104	2,355	5,459	5,576	5,671
Belgium	- daily -weekly	32	61	70	131	849	1,888	125	2,013	881	2,144
Denmark (1)	- daily -weekly	156				3,151				3,307	
Finland	- daily -weekly	370 23				2,735 31	1	2 1	2 2	3,105 54	2 2
France (2)	- daily -weekly									59,300 854	8,535 106
Germany	- daily -weekly	9,234 1,056	1,120 96	1,492 6	2,612 102	229,338 9,433	35,179 1,498	20,594 461	55,773 1,959	238,572 10,489	58,385 2,061
Greece (3)	- daily -weekly										
Ireland	- daily -weekly	81 15	0 0		0 0	2,634 189	37 9		37 9	2,715 204	37 9
Italy	- daily -weekly	1,213 99	17 1	47	64 1	5,212 410	267 49	110 14	377 63	6,425 509	441 64
Luxembourg	- daily -weekly	- -	- -	- -		75 -	135 -	1 -	136 -	75	136
Netherlands	- daily -weekly	1,073 -	11 -	1 -	12	7,132 -	827 -	191 -	1,018	8,205	1,030
Portugal	- daily -weekly	129 7	12 1	2 1	14 2	711 91	86 58	1 -	87 58	840 98	101 60

Member State	Type of offence	PASSENGERS				GOODS				PASSENGERS AND GOODS	
		nationals	EEC	third countries	total non-nationals	nationals	EEC	third countries	total non-nationals	nationals	non-nationals
Spain	- daily	652	-	-		3,301	-	-		3,953	
	-weekly	21	-	-		130	-	-		151	
Sweden	- daily	325	128	6	134	1,101	511	51	562	1,426	696
	-weekly	47	1	0	1	87	7	4	11	134	12
United Kingdom	- daily	286	7	16	23	2,685	867	39	906	2,971	929
	-weekly (4)	250	2	-	2	1,020	219	22	241	1,270	243

Note:

- (1) Denmark did not supplied disaggregated data.
- (2) France does not distinguish between nationals and non-nationals but between residents and non-residents.
- (3) Data were not supplied.
- (4) These figures refer also to offences for exceeding six daily driving period.

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

Member State	Type of offence	Nationals	EEC	Third countries	Total non-nationals
Austria	- faulty - incorrectly applied	139	27	77	104
Belgium	- faulty - incorrectly applied (1)				
Denmark (2)	- faulty - incorrectly applied				
Finland	- faulty - incorrectly applied	52 52			
France (3) (4)	- faulty - incorrectly applied	} 426 }			} 105 }
Germany	- faulty - incorrectly applied	77 20	270 19	69 118	339 137
Greece (2)	- faulty - incorrectly applied				
Ireland	- faulty - incorrectly applied	0 17	0 4		0 4
Italy (5)	- faulty - incorrectly applied	508 561	2 105	7	2 112
Luxembourg	- faulty - incorrectly applied	1 10	- -	- -	
Netherlands	- faulty - incorrectly applied	- -	- -	- -	
Portugal	- faulty - incorrectly applied	37 45	3 14	- 7	3 21
Spain (2)	- faulty - incorrectly applied				
Sweden (4)	- faulty - incorrectly applied	} 72 }	} 2 }	} 1 }	} 3 }
United Kingdom	- faulty - incorrectly applied	7 4	- -	- -	

Note:

- (1) Belgium supplied data, which referred to offences recorded according to Regulation (EEC) No 3821/85. Therefore, these figures (6,173 offences) have not been included in this Table.
- (2) Data were not supplied.
- (3) France distinguishes between residents and non-residents instead of nationals and non-nationals.
- (4) No disaggregated figures were provided.
- (5) Figures provided are not complete as it was impossible to locate 2,040 offences registered in 1997 and 3,385 in 1998. However, these figures are included in the total number of the recorded offences (see Table 5.2).