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Annex to the

REPORT FROM THE COMMISSION

**On the implementation in 2001-2002 of Regulation (EEC) 3820/85 on the harmonisation
of certain social legislation relating to road transport
(22nd report from the Commission on the implementation of the social legislation
relating to road transport)**

{COM(2006) 321 final}

**Further information and annexes concerning the implementation in 2001-2002 of
Regulation (EEC) 3820/85 on the harmonisation of certain social legislation relating to
road transport
(22nd report from the Commission on the implementation of the social legislation
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1. NATIONAL INITIATIVES

1.1. Regulatory measures

Germany submitted current versions of followings documents *Fahrpersonalgesetz* (Law on driving personnel) and *Fahrpersonalverordnung* (Regulation on driving personnel). The Order of 6 June 1990 pursuant to Council Directive 88/599/EEC of 23 November 1988 on checking procedures for the implementation of Regulation (EEC) No 3820/85 and Regulation (EEC) No 3821/85 has not yet been adjusted to take account of the introduction of digital recording equipment. Drivers of vehicles exceeding 3.5 t. are required to keep records of driving times and rest periods. This is a procedural requirement which is governed by §6 of the above Regulation on driving personnel and which applies both to German and foreign drivers. Failure to comply with this legislation is punishable by a fine. National driving times and rest periods correspond to those in Regulation (EEC) No 3820/85.

The Netherlands pursues an enforcement policy which emphasises prevention through the conclusion of agreements for improving an undertaking's levels of compliance. Data gathered from roadside checks may lead inspectors to a particular undertaking – following investigation, agreements are concluded to improve compliance. Failure to abide by such agreements results in legal action being taken.

The year 2000 saw the introduction of a system of administrative random checks to monitor compliance with the rules laid down in the Working Time (Transport) Decree. Such monitoring previously took the form of random roadside checks, known as NCM checks. Beginning in 2000, these random roadside checks were completely replaced by administrative checks. Every quarter, a number of authorisation holders are selected from the records of authorisations granted. They are selected in such a way to ensure a reasonable spread with regard to the size of the undertakings, but selection is otherwise random. A total of 2600 undertakings which transport goods for hire or reward were contacted, 2342 of them responded by sending in their tachograph discs, 413 undertakings were, for a variety of reasons, excluded from further checks, (e.g. owing to bankruptcy or because they were not required to use tachographs), leaving 1929 undertakings which were subjected to more detailed investigation. Altogether, 65122 record sheets were processed, relating to 14320 drivers. 6.2 % of the undertakings were found to have misused the tachographs. 1 % of drivers were found to have had extremely short rest periods, i.e. less than 50% of the statutory daily rest period (also referred to as a 'double offence'). It must be borne in mind that a double offence owing to excessively short rest periods automatically results in an offence with regard to daily driving periods.

In the case of own account operators, the investigations were carried out by the Labour Inspectorate of the Ministry of Social Affairs and Employment, following on from offences detected as a result of roadside checks carried out by the Transport Division of the Transport, Public Works and Water Management Inspectorate (IVW) and the police. In all, 500 undertakings were visited and a total of 48260 record sheets were checked, relating to 2826 drivers.

In the **United Kingdom**, under the Transport Act 2000, a new power was introduced in February 2001 enabling enforcement authorities to prohibit drivers of UK

registered vehicles from continuing their journey where these drivers exceeded the permitted driving time, or had taken insufficient rest. An equivalent measure was already in place for drivers of foreign registered vehicles.

1.2 Administrative measures

In **France**, the number of people carrying out checks on the roads has increased from 440 inspectors in 2001 to 450 controllers in 2002. The efforts to equip the enforcement services with special purpose vehicles have continued. At the end of 2002 the fleet consisted of 174 vehicles.

In the case of **Finland**, during 2001-2002 the number of breaches leading to indictment was 1923 according to the statistics of the National Traffic Police. During both years, a small number of minor infringements were observed, for which the Police issued a written notice but did not include them in the statistics. These breaches included in most cases erroneous use of the time zone selector or omission of its use.

Current enforcement practice involves infringements observed by the Occupational Safety Authorities being registered in the form of a notice. The infringements observed by the Occupational Safety Authority are, if appropriate, submitted for criminal instruction by the Occupational Safety Administrative District to the Public Prosecutor, as the Occupational Safety Authorities do not have the competence to order fines. The Customs Department and the Border Guard Department have not recorded the sanctions they have given. The sanctions for breaches against the provisions on driving time and rest periods in most cases consist of oral or written notices, or else the driver was ordered to take his minimum rest period.

Under the **United Kingdom's** operator licensing system, all operators undertake to carry out regular checks of drivers' hours and to have relevant administrative systems in place. Operators who frequently breach the rules and/or do not carry out adequate checks to ensure compliance, risk having their operator's licence suspended, curtailed or revoked.

The main enforcement agency, the Vehicle Inspectorate (known since April 2003 as the Vehicle and Operator Service Agency) has continued to refine its enforcement activity. In addition to routine checks for drivers' hours' compliance, it targets enforcement activity at particular locations and suspected drivers and operators. To improve further the effectiveness of this targeting activity, a new initiative, known as Performance Gain was introduced in 2001. This looks at outcomes of vehicle inspections – for example, offences detected and/or prosecutions – rather than number of inspections carried out. Its purpose is to highlight offenders and to target non-compliant operators and those drivers who habitually breach road safety legislation. This lifts the burden of enforcement from those who are normally compliant, though occasional checks are still made on the latter to ensure their standards have not slipped. The effectiveness of this initiative is reflected in the ratio of offences recorded against the number of charts checked. In 2001 – 2002, enforcement authorities' recorded 1 offence for every 103 charts checked, compared with 1 offence for every 243 charts checked in 1999-2000.

The Vehicle Inspectorate carried out 13 large-scale roadside checks during 2001-2002 – eight of these were specifically targeted at passenger vehicle operations; four were carried out in combination with other enforcement agencies and one was a European check, carried out in combination with other EU Member States and specifically targeted at dangerous goods vehicles.

Another initiative introduced in 2001, involves examiners visiting all new operators to advise and educate them to help prevent offences being committed through ignorance or misunderstanding. The visit also includes a check of the systems operators have in place to ensure that drivers do not breach the rules.

2. PENALTIES

2.1 Scales

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

Belgium has reported changes to the level of the penalties for 2001-2002. They published the Royal decree of 7 May 2002 (B.M, 30 May 2002) and the Ministerial decree of 8 May 2002 (B.M, 30 May 2002). An important change in relation to earlier law is the introduction of co-liability for the consigner, the loader, the freight forwarder.

In the case of **France**, the administrative sanctions commissions asked the municipal authorities to take necessary administrative measures against national companies whose record is particularly sub-standard. These sanctions consist of the temporary withdrawal or permanent withdrawal of the community licence copy or withdrawal of transport authorisations. Since 30 August 1999, there has also been the possibility in certain cases, to immobilise one or more of the company's vehicles.

In the case of the **Netherlands**, the total amount of penalties handed down amounted to 790492 EUR (exclusively transactions undertaken by inspectors in connection with offences found to have been committed by foreign drivers).

Austria applies penalties ranging from 36 to 2180 EUR. The sanction of imprisonment for up to 6 months is available for infringements concerning driving time and breaks, with additional limitations arising from Title no 102, paragraph 12 of the law concerning circulation of the Heavy Goods vehicles (*Kraftfahrgesetz*). The date of last modification *Arbeitszeitgesetz* BGB1, no 461/1969 was published in BGB1. I no. 122/2002.

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

the “day-fine” varies, based on the person’s income and the number of dependants they have. **Sweden** imposes a 1200 Swedish kronor fine for primary offences and a 600 Swedish kronor fine for secondary or similar offences.

In the **UK**, the maximum fines for drivers’ hours and tachograph offences and for those who cause or permit them range from 200 GBP to 5000 GBP. In addition to a fine, the offences of falsifying a chart and altering or forgoing a seal on a tachograph carry a penalty of up to two years imprisonment.

3. TABLE OF PENALTIES

Member State	Type of penalty	
	Minor offences	Serious offences
Austria ¹	€ 36	€ 2,180
Belgium ²	€ 62	€ 248
Denmark	Fine of at least € 54 for the driver ³ and € 135 for the company, the amount depending on the nature and gravity of the offence.	
Finland	The violations are punished using the “day-fine” criterion. The sum of one day-fine depends on the defendant’s income and the number of their dependants. The number of day-fines imposed respects the severity of the offence and varies between 4 and 12.	
France ⁴	€ 1517 maximum	The Law 95-96 of 1 February 1995 created new offences and raised the penalties for others. Severe infringements may attract a fine up to € 30,489 and one year of imprisonment.
	Serious or repeated infringements can lead to the temporary or permanent revocation of the Community licence or of the transport authorisation. The immobilisation of the vehicle is also an administrative sanction.	
Germany	The infringements are punished according to the type of offences and persons involved. Fines for infringements of the provisions on driving times, rest periods and breaks range from € 15 to € 31 for the driving personnel and by a fine of € 61 (minimum) for the employer. Fines for drivers who do not respect the provision on recording of driving times range from € 15 to € 153 and for employer’s range from € 153 to € 1,534. Breaches of provisions on the service time table and duty roster are punished with a fine ranging from € 51 to € 128 for the driver and by a fine of € 511 (minimum) for the employer.	
Greece ¹		
Ireland ¹		
Italy ²	€ 16 minimum	€ 4,447

¹ Member State did not supply these data.

² Data for Belgium, Italy and Spain are based on figures supplied by national experts from these countries in 1995 and data from the previous report.

³ From 1 September 2001 the level for drivers was raised to € 67.

⁴ Figures for France and the Netherlands are those registered in the previous report as these countries did not communicate any change in their legislation.

Luxembourg ¹		
Netherlands ⁴	There are set fines for each breach of a provision of the Regulation ranging from € 45 to € 1,365. (Penalties has amounted to 790492 EUR – exclusively transactions in the hands of inspectors in connection with offences found to have been committed by foreign drivers who were stopped)	
Portugal ¹		
Spain ²	€ 30 – 284	€ 284 – 1,388 (First Category) € 1,388 – 2,414 (Second Category)
Sweden	1200 Swedish kronors for primary offences, 600 Swedish kronor for secondary offences	
United Kingdom	The fines imposed for drivers and those who cause or permit drivers' hours and tachograph offences range from € 200 to € 5,000. In addition to a fine, the offences of falsifying a chart and altering or forging a seal on a tachograph carry a penalty of up to two years imprisonment.	

4. ADDITIONAL INFORMATION ON PENALTIES

Germany provided the following additional statistics:

	Passenger transport	Goods transport
Cautions with exemplary fines	9 573	173 387
Fines imposed (including decisions that may be open to appeal)	3 810	210 536
Total	13 383	383 923
Drivers prevented from continuing their journey	2 397	59 461

France forwarded the following table:

Numbers of companies sanctioned in France		2001	2002
		325	358
Certified copies	Complete withdrawal	232	162
	Suspensions	531	341
Authorisations	Complete withdrawal	0	1

	Suspensions	102	0
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5. COMMENTS FROM THE MEMBER STATES

Belgium notified that the number of written warnings and on the spot fines decreased from 11 110 in 2000 to 9537 in 2001. Infringements of Regulations (EEC) 3820/85 and 3821/85 comprised 52 % of the total number of offences detected. A serious problem still exists. During 3141 checks at the premises of the undertakings (tachograph sheets) 1225 written warnings were given and 1335 notifications were given. **Here as well, there were no improvements in comparison to previous years.**

While fewer offences were detected at the roadside, over 200 more offences overall were noted than the previous year (10.686 to 9837). More than half of the offences detected were against the driving time and rest period rules, of which 33 % related to the driving time and rest periods, and 24 % to the incorrect use of the tachograph. (+ fraud). The Belgian authorities underlined their concern particularly in terms of road safety.

Nationally and internationally (through Euro Control Route) the basis has been established to work together and to exchange information between enforcement agencies as quickly as possible in cases of serious infringements. During 2001-2002, in 3503 checks on the premises (record sheets) 1358 warnings were given and 1555 notifications given.

In the case of **Germany**, the actual overall check is over 4 %. The number of drivers/vehicles from “other Member States” and “third countries” checked in the goods transport sector exceeded that for German nationals. This is due to Germany having by far the highest volume of transit traffic. Fewer German vehicles (-8.8%), more vehicles from other Member States (+4.4%), but fewer vehicles from third countries (-3.3%) were checked compared with the two preceding years. This may mainly be due to the sharp increase in transport within the EU area. Checks on working days at the roadside have been stepped up.

Despite the lower number of vehicles, the number of offences committed by German drivers within the passenger transport sector increased by 9.8%, whereas that for the goods transport sector remained almost unchanged.

The number of offences committed by drivers in the passenger transport sector from other EU/EEA States remained almost unchanged, but in the goods transport sector the number rose considerably by 24.6%.

The number of offences committed by drivers from third countries rose by 21.3%, and in the goods transport sector by 18.2%. Here it should be noted that in total fewer vehicles were checked in this category.

It is very clear from the checks for infringements of the requirement to use recording equipment that the number of detected offences by German drivers has increased by almost 100%. Offences by drivers from third countries increased by 23.5%. The

number of fines/cautions with exemplary fines decreased significantly in the passenger transport sector (13 383 compared with 18 559 = a reduction of 27.9%); however, the number of drivers prevented from continuing their journey rose by 86.1% (from 1 288 to 2 397). There were no major changes in the goods transport sector.

In summary, it is noted that the situation regarding driving times and rest periods has not changed significantly.

The German authorities view the situation in the passenger transport sector with concern. As the observed rise in the number of offences for this sector is not reflected by a higher number of prosecutions, they surmise that the number of multiple offenders has risen. (Drivers had to be prevented from continuing their journey far more frequently (+86%).

The scope for proving that an offence has been committed by a company/freight forwarder continues to be unsatisfactory. The Commission proposal of 17 October 2001 on the harmonisation of social legislation and improvement of the protection of dependent drivers is warmly welcomed.

The Netherlands concluded that in the reporting period, the Transport Division of the IVW (previously the RVI) took further steps to develop a preventive approach aimed at promoting compliance with the Regulation 3820/85, based on concluding as many agreements as possible with transport operators concerning the way in which their undertakings are to comply with the rules. Failure to abide by these agreements results in criminal proceedings. Under this system, each undertaking has to undergo checks at least once during an agreed period. If such checks reveal serious offences, criminal proceedings are initiated immediately. In cases where offences are detected during roadside checks, criminal proceedings are initiated immediately. In cases where reportable offences are detected during roadside checks, criminal proceedings are initiated immediately. The details of such offences are also used in order to carry out selective checks on undertakings. **In 2002, the first steps were taken towards devising a way of measuring compliance levels.**

In **Austria**, checking data concerning driving time and rest periods is carried out partially on an automatic basis. Two systems – ADAS and DAKO – are used. This automatic check aims to guarantee a common working method.

In 2001 – 2002, the number of registered vehicles coming within the scope of the Regulation declined. This drop could be caused by company relocation to new Member States. Inspections on the rules stemming from Regulations 3820/85 and 3821/85 have been moved gradually to checkpoints at motorway lay-bys and to the external borders of the Union. Training of officers responsible for checking driving time and rest periods has been intensified as has training concerning the detection of tachograph fraud.

Finland reported that during 2001-2002 the number of inspections clearly exceeded the minimum level set by Directive 88/599/EEC. **The collection of statistics has been made more efficient** and the inspection statistics provided by the occupational health and safety inspectors can be accessed directly from a computer terminal.

The **United Kingdom** shows a significant increase (166 %) in the number of offences recorded despite the decrease in the number of checks carried out. The authorities believe this is due to two factors. First, the effectiveness of the targeting policy. Second, the figures now include drivers prohibited from proceeding. Previously, these types of offences would have resulted in formal or oral warnings not included in the figures.

The increase in the number of goods vehicle offences recorded for third country drivers is due to the increased number of such drivers operating within the UK and hence increased likelihood of their being subject to a check. Whilst the increase is large in percentage terms (665 %), this was from a low base and the offences for third countries represent only 2.54 % of the total number of offences recorded.

The UK authorities, like the German authorities, consider that a significant gap in the return is the lack of a requirement to provide any information about tachograph offences – for example, failing to produce tachograph charts, incorrect completion (centre field/ wrong mode switch etc.) defective and fraudulent use of tachograph. There is a clear relationship between these offences and infringements of the rules themselves, because the motive for tachograph offences is to mask drivers' hour's offences. In the UK, there were 12629 goods vehicle and 1403 passenger vehicle tachograph related offences during 2001-2002.

OTHER STATISTICAL DATA

1. REFERENCE PERIOD

From 1 January 2001 to 31 December 2002.

2. ANNEX B CALCULATION OF MINIMUM CHECKS TO BE CARRIED OUT

(Article 2 of Directive 88/599/EEC)

Member state	(a)	(b)	(c)	(d)
	Number of working days per driver during the reference period	Total number of vehicles subject to Regulation (EEC) No 3820/85 (annual average)	Total number of working days (a x b)	Minimum checks (1 % of c)
Austria	480	91 477	43 908 960	439 090
Belgium	440	163 700	72 028 000	720 280
Denmark	440	47 500	20 900 000	209 000
Finland	440	61 400	27.016 000	270 160
France	480	521 875	250 500 000	2 500 000
Germany	480	722 925	347 004 000	3 470 040
Greece *	560	1 744	488 320	4 883
Ireland	460	127 184	58 504 604	585 046
Italy	390	561 449	218 965 110	2 189 651
Luxembourg	450	18.089	8 139 825	81 398
Netherlands	433	126.310	54 692 230	546 922
Portugal	430	272.129	58.507.735	585.077
Spain	480	420.000	201.600.000	2.016.000
Sweden	440	100.000	44.000.000	440.000
United Kingdom	465	443.415	206.187.975	2.061.880

* Revised data provided by Greece, following queries by Commission, and set out as given.

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	3 347	1 587	1 791	3 378
	carriage of goods	86 783	24 988	41 054	66 042
	total number	90 130	26 575	42 845	69 420
Belgium	carriage of passengers	5 250	3 728	532	4 260
	carriage of goods	83 532	61 824	10 333	72 157
	total number	88 782	65 552	10 865	76 417
Denmark	carriage of passengers				
	carriage of goods				
	total number	75 769	8 542	852	9 394
Finland	carriage of passengers	2 292	315	340	655
	carriage of goods	52 290	11 749	4 744	16 493
	not distinguished	17			
	total number	54 899	12 064	5 084	17 148
France	carriage of passengers	62 282	24 467		24 467
	carriage of goods	1 233 488	321 063		321 063
	total number	1 295 770	345 530		345 530
Germany	carriage of passengers	89 658	27 906	25 552	53 458
	carriage of goods	2 601 138	1 402 255	1 432 353	2 834 608
	total number	2 690 796	1 430 161	1 457 905	2 888 066
Greece	carriage of passengers	1 036	17	885	902
	carriage of goods	1 752	17	1 653	1 670
	total number	2 788	34	2 538	2 572

Ireland	carriage of passengers	10 381	1 195	334	11 910
	carriage of goods	41 769	4 966	568	47 303
	not distinguished	2 090	539	278	2 907
	total number	54 240	6 700	1 180	62 120
Italy	carriage of passengers	88 242	9 764	959	10 723
	carriage of goods	657 873	60 787	7 471	68 258
	not distinguished	2 896	898	401	1 299
	total number	749 011	71 449	8 831	80 280
Luxembourg	carriage of passengers	41	860	6	866
	carriage of goods	4 526	9 788	610	10 398
	total number	4 567	10 648	616	11 264
Netherlands	carriage of passengers	2 175	535	88	623
	carriage of goods	50 849	22 053	5 630	27 683
	total number	53 024	22 588	5 718	28 306
Portugal	carriage of passengers				
	carriage of goods	1 216			1 216
	not distinguished	647 510			647 510
	total number	648 726			648 726
Spain	carriage of passengers	217 925	38 078	5 309	43 387
	carriage of goods	1 177 918	185 043	15 361	200 404
	total number	1 395 843	223 121	20 670	243 791
Sweden	carriage of passengers	5 130	389	161	550
	carriage of goods	89 118	20 840	7 191	28 031
	total number	94 248	21 229	7 352	28 581
United Kingdom	carriage of passengers	27 851	976	327	1 303
	carriage of goods	322 361	48 486	8 966	57 452
	total number	350 212	49 462	9 293	58 755

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	1 054	15 650	1 783	14 759
Belgium	181	3 414	751	5 712
Denmark**				
Finland	1 151	4 401	580	4 980
France	13 969	113 624	5 416	122 177
Germany	10 901	89 232	14 576	0
Greece	392	276	7	
Ireland	510	10 445	2 596	8 260
Italy	2 344	14 138	3 075	16 411
Luxembourg	593	3 353		1 296
Netherlands	4 928	21 686	2 826	18 860
Portugal *				
Spain	12 100	44 282	5 727	50 655
Sweden	1 292	4 746	90	4 177
United Kingdom	1 563	9 229	1 479	9 313

* Portugal only provided an overall figure: 9324

** Data not provided by the MS

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	14 741	5 778	9 643	15 421
	carriage of goods	255 641	78 044	138 013	216 057
	total number	270 382	83 822	147 656	231 478
Belgium	carriage of passengers	18 416	15 231	2 091	17 322
	carriage of goods	280 706	240 118	40 471	280 589
	total number	299 122	255 349	42 562	297 911
Denmark	carriage of passengers				
	carriage of goods				
	total number	227 998	25 634	2 559	28 193
Finland	carriage of passengers	7 690	658	966	1 624
	carriage of goods	167 853	35 283	13 871	49 154
	not distinguished	74			
	total number	175 617	35 941	14 837	50 778
France	carriage of passengers	195 744	71 178		71 178
	carriage of goods	3 861 502	1.105.510		1.105.510
	total number	4 057 246	1 176 688		1 176 688
Germany	carriage of passengers	199 389	61 557	54 119	115 676
	carriage of goods	6 030 293	3 271 754	3 471 527	6 743 281

	total number	6 229 682	3 333 311	3.525.646	6 858 957
Greece	carriage of passengers	3 784	305	867	1 172
	carriage of goods	16 966	2 710	1 630	4 340
	total number	20 750	3 015	2 497	5 512
Ireland	carriage of passengers	10 843	868	137	11 848
	carriage of goods	52 509	818	215	53 542
	total number	63 352	1 686	352	65 390
Italy	carriage of passengers	116 181	10 484	1 801	12 285
	carriage of goods	2 225 369	95 314	9 477	104 791
	not distinguished	94 760	13 556	266	13 822
	total number	2 436 310	119 354	11 544	130 898
Luxembourg	carriage of passengers	100	3 038	22	3 060
	carriage of goods	16 539	32 160	2 142	34 302
	total number	16 639	35 198	2 164	37 362
Netherlands	carriage of passengers	4 350	1 070	176	1 246
	carriage of goods	101 698	44 160	11 260	55.420
	total number	106 048	45 230	11 436	56 666
Portugal	carriage of passengers	360	11		11
	carriage of goods	3 300	156	19	175
	total number	647 510	167	19	186
Spain	carriage of passengers	408 062	66 872	10 732	77 604
	carriage of	2 366 032	339 706	28 562	368 268

	goods				
	total number	2 774 094	406 578	39 294	445 872
Sweden	carriage of passengers	16 670	1 175	415	1 590
	carriage of goods	278 468	65 436	22 691	88 127
	total number	295 138	66 611	23 106	89 717
United Kingdom	carriage of passengers	106 263	3 319	1 033	4 352
	carriage of goods	1 373 657	147 161	31 717	178 878
	total number	1.479.920	150 480	32 750	183 230

3.4 Number of working days checked at premises of undertaking

Member state	Carriage of passengers	Carriage of goods	Carriage on own account	Carriage for hire or reward
Austria	12 731	194 042	21 804	183 663
Belgium	7 285		16 767	232 213
Denmark	8 702	43 895	2 514	41 381
Finland	15 441	121 252	16 462	120 458
France	231 610	1 710 174	61 741	1 880 043
Germany	153 973	1 307 697	193 288	
Greece	3 686	10 180	570	890
Ireland	1 260	808 511		
Italy	419 442	1 335 279	402 130	1 583 221
Luxembourg	12 640	110 288	6 288	116 640
Netherlands	140 400	294 982	48 260	246 722
Portugal *				
Spain	262 011	1 195 697	129 070	1 328 638
Sweden	21 242	148 076	3 537	96 184
United Kingdom	250 027	2 255 298	368 857	1 886 441

* Portugal provided only an overall figure of 2714

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				Total P & G	
		Nationals	EEC	Third countries	Total non-nationals	Nationals	EEC	Third countries	Total non-nationals	Nationals	Non-nationals
Austria	- daily driving period	691	312	340	657	8476	3328	1772	5100	9167	5757
	- six days maximum	2	2	2	4	373	118	72	190	375	194
	- fortnight	2			0	44	1	1	2	46	2
Belgium	- daily driving period	36	24	17	41	1411	1960	247	2207	1447	2248
	- six days maximum				0				0	0	0
	- fortnight				0				0	0	0
Denmark	- daily driving period	3			0	301			0	304	0

	- six days maximum				0				0	0	0
	- fortnight				0				0	0	0
Finland	- daily driving period	140		3	3	3717	4	12	16	3 857	19
	- six days maximum	6			0			1	1	6	1
	- fortnight	1			0				0	1	0
France	- daily driving period	55427	11122		11122				0	55 427	11 122
	- six days maximum	848	45		45				0	848	45
	- fortnight				0				0	0	0
Germany	- daily driving period	6157	747	425	1172	218573	34410	17672	52082	224 730	53 254
	- six days maximum	295	73	1	74	2066	1809	388	2197	2 361	2 271
	- fortnight	111	6	27	33	2871	83	37	120	2 982	153
Greece	- daily driving				0				0	0	0

	period										
	- six days maximum				0				0	0	0
	- fortnight				0				0	0	0
Ireland	- daily driving period	116	13		13	1692	67		67	1 808	80
	- six days maximum	12				378	11		11	390	11
	- fortnight	16	1		1	92	17		17	108	18
Italy	- daily driving period	1485	129	4	133	14548	228	3	231	16 033	364
	- six days maximum	15			0	2189			0	2 204	0
	- fortnight				0	1419			0	1 419	0
Luxembourg	- daily driving period				0	2				0	2
	- six days maximum	1	9		9	83	52	2	54	84	63
	- fortnight				0				0	0	0
Netherlands	- daily driving	35	3	1	4	574	182	43	225	609	229

	period										
	- six days maximum				0				0	0	0
	- fortnight				0	9			0	0	0
Portugal	- daily driving period				0				0	0	0
	- six days maximum				0				0	0	0
	- fortnight				0				0	0	0
Spain	- daily driving period	373	15	12	27	16224	1440	127	1567	16 597	1 594
	- six days maximum				0	49				0	49
	- fortnight				0	769				0	0
Sweden	- daily driving period	111	41	1	42	564	232	11	243	675	285
	- six days maximum		1		0				0	1	0
	- fortnight				0				0	0	0
United	- daily driving	115	0	3	3	3906	685	141	826	4 021	829

Kingdom	period											
	- six days maximum				0				0	0		0
	- fortnight	10	0	0	0	229	91	88	197	239		197

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

Member state	Type of offence	PASSENGERS				GOODS				TOTAL P&G	
		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	878	252	293	545	6.455	2.665	1.986	4.651	7.333	5.196
	- breaks too short	96	12	8	20	3.250	405	164	569	3.346	589
Belgium	- driving for more than 4.5 hours without a break	41	30		30	133	141	52	193	174	223
	- breaks too short	12			0	136	60	18	78	148	78
Denmark	- driving for more than 4.5 hours without a break	19			0	833	6		6	852	6
	- breaks too short				0				0	0	0
Finland	- driving for more than 4.5 hours	123			0				0	2.133	0

	without a break										
	- breaks too short	85			0	998			0	1.083	0
France	- driving for more than 4.5 hours without a break								0	33.618	5.564
	- breaks too short				0				0	0	0
Germany	- driving for more than 4.5 hours without a break	3.039	231	480	711	95.509	13.193	8.918	22.111	98.548	22.822
	- breaks too short	4.760	553	314	867	86.868	11.805	5.793	17.598	91.628	18.465
Greece	- driving for more than 4.5 hours without a break				0				0	0	0
	- breaks too short				0				0	0	0
Ireland	- driving for more than 4.5 hours without a break	16	4		4	1 221	66		0	0	0

Italy	- breaks too short	10	3		3	1 095	12		0	0	0
	- driving for more than 4.5 hours without a break	724	41		41	12.987	78	17	95	13.711	136
	- breaks too short	67			0	2.628	8	1	9	2.695	9
Luxembourg	- driving for more than 4.5 hours without a break				0	69	33	1	34	69	34
	- breaks too short				0				0	0	0
Netherlands	- driving for more than 4.5 hours without a break	960	1		1	578	42	3	45	1.538	46
	- breaks too short	1			0	167			0	168	0
Portugal	- driving for more than 4.5 hours without a break				0				0	0	0
	- breaks too short				0				0	0	0
Spain	- driving for more than 4.5 hours without a break	414	20	14	34	5.970	521	46	567	6.384	601

	- breaks too short				0				0	0	0
Sweden	- driving for more than 4.5 hours without a break	172			37	879	131	12	143	1.051	180
	- breaks too short				0				0	0	0
United Kingdom	- driving for more than 4.5 hours without a break	983	0	0	0	10.914	534	115	649	11.897	649
	- breaks too short				0				0	0	0

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

Member state	Type of offence	PASSENGERS				GOODS				TOTAL P&G	
		Nationals	EEC	Third countries	Total non-nationals	Nationals	EEC	Third countries	Total non-nationals	Nationals	Non-nationals
Austria	- daily	576	436	450	886	7.478	3.114	2.426	5.540	8.054	6.426
	-weekly	6	2	2	4	460	141	58	199	466	203
Belgium	- daily	36	30	2	32	604	1.058	107	1.165	640	1.197
	-weekly				0				0	0	0
Denmark	- daily	118	2		2	1.498	21		21	1.616	23
	-weekly				0				0	0	0
Finland	- daily	255			0	6.078	6	44	50	6.333	50
	-weekly	45			0	114		5	5	159	5
France	- daily	61.115	8.897		8.897				0	61.115	8.897
	-weekly	980	111		111				0	980	111
Germany	- daily	4.513	319	458	777	198.066	29.597	21.266	50.863	202.579	51.640
	-weekly	1.582	297	27	324	5.581	419	501	920	7.163	1.244

Greece	- daily				0				0	0	0
	-weekly				0				0	0	0
Ireland	- daily	35	31		31	1 993	2		0	0	0
	-weekly	24	14		14	230	2		0	0	0
Italy	- daily	661	7	1	8	7.964	12		12	8.625	20
	-weekly	251		0	0	1.827	70		70	2.078	70
Luxembourg	- daily	1	9		9	92	52	2	52	93	63
	-weekly				0				0	0	0
Netherlands	- daily	1.319	12	6	18	4.302	726	204	930	5.621	948
	-weekly	0	0	0	0	4	0	0	0	4	0
Portugal	- daily				0				0	0	0
	-weekly				0				0	0	0
Spain	- daily	997	40	28	68	11.234	870	78	948	12.231	1.016
	-weekly	67	0	0	0	267	0	0	0	334	0
Sweden	- daily	313	100	9	109	1.098	231	41	272	1.411	381
	-weekly	115	3		3	52	3	3	6	167	9
United	- daily	721	10	14	24	14.483	2.196	547	2.743	15.204	2.767

Kingdom	-weekly	818	4	0	4	2.523	1.030	134	1.164	3.341	1.168
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4.4 Article 14 of Regulation (EEC) No 3820/85: Service timetable and Duty roster

Member state	Type of offence	PASSENGERS			
		Nationals	EEC	Third countries	Total non-nationals
Austria	- faulty	22	112	25	137
	-incorrectly applied	4	1	3	4
Belgium	- faulty				
	-incorrectly applied				
Denmark	- faulty	10			
	-incorrectly applied				
Finland	- faulty	16			
	-incorrectly applied				
France	- faulty	470	156		156
	-incorrectly applied				
Germany	- faulty	131	21	443	464
	-incorrectly applied	38	9	51	60
Greece	- faulty				
	-incorrectly applied				
Ireland	- faulty				
	-incorrectly applied	14			
Italy	- faulty	5584			
	-incorrectly	116			

	applied				
Luxembourg	- faulty -incorrectly applied				
Netherlands	- faulty -incorrectly applied				
Portugal	- faulty -incorrectly applied				
Spain	- faulty -incorrectly applied	507	57	39	0 96
Sweden	- faulty -incorrectly applied	11 10		2	2
United Kingdom	- faulty -incorrectly applied	2	4	0 10	4 10