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**Accompanying the Report from the Commission
on the implementation in 2003-2004 of Regulation (EEC) No 3820/85 on the
harmonisation of certain social legislation relating to road transport
(23rd report from the Commission on the implementation of the social legislation
relating to road transport)**

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1.	National initiatives	3
1.1.	Regulatory measures	3
1.2.	Administrative measures	3
1.3.	Other measures	4
2.	Penalties	5
2.1.	Scales	5
2.2.	Table of penalties	7
2.3.	Additional information on penalties	8
3.	Comments from the Member States	9
4.	Other statistical data	13
4.1.	Reference period	13
4.2.	Annex B Calculation of minimum checks to be carried out	13
4.3.	Checks	14
4.3.1.	Number of checks at the roadside	14
4.3.2.	Number of drivers checked at the premises of undertaking	17
4.3.3.	Number of working days checked at the roadside	18
4.3.4.	Number of working days checked at premises of undertaking	21
4.4.	Offences; Number of offences recorded	22
4.4.1.	Article 6 of Regulation (EEC) No 3820/85: driving period	22
4.4.2.	Article 7 of Regulation (EEC) No 3820/85: breaks	27
4.4.3.	Article 8 of Regulation (EEC) No 3820/85: rest periods	31
4.4.4.	Article 14 of Regulation (EEC) No 3820/85: Service time table and Duty roster	34

1. NATIONAL INITIATIVES

Regulatory measures

Germany informed Commission that the relevant national legislation consists of the following acts: *Fahrpersonalgesetz* (Law on driving personnel), *Fahrpersonalverordnung* (Regulation on driving personnel) and *Verordnung über die kontrollen gemäss der Richtlinie 88/599/EWG des Rates vom 23.11.1988 zur Anwendung (EWG) Nr 3820/85 und 3851/85 vom 06.06.2006* (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.) Drivers of vehicles between 2.8 and 3.5 tons are required to keep records of driving times and rest periods. This is a procedural requirement which is governed by §1 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.

In **Denmark** Regulation 688 from 29.7.2005 on driving and rest times in road transport came in force 15.7.2005. It repealed Employ ministry's Regulation 1018 from year 1993.

Austria informed about the following national regulatory initiatives: *Arbeitszeitgesetz* BGBl Nr461/1969 idF BGBl, I NR 122/2002 (Working time Act), *Arbeitsruhegesetz* BGBl Nr 144/1983 idF BGBl I Nr 48/2003 (Act on rest times) and *Kraftfahrzeuggesetz* 1967 §134 Abs(1) (Vehicles Act).

Finland informs that no national initiatives were launched.

United Kingdom reports that no regulatory measures have been introduced since the 2001 when the enforcement authorities were enabled to prohibit from continuing their journey the drivers of UK registered vehicles who exceeded permitted driving times, or who had taken insufficient rest (an equivalent measure was already in place for drivers of foreign registered vehicles).

Malta informs about national regulatory measures: Motor Vehicles (Weights, Dimensions and Equipment) Regulations, Motor Vehicles (Carriage of Goods by Road) Regulations and (Motor Vehicles (Carriage of Passengers by Road) Regulations.

1.1. Administrative measures

In **France**, the number of people carrying out checks on the roads has increased from 440 inspectors in 2002 to 450 in 2004. The efforts to equip the enforcement services with special purpose vehicles have continued. At the end of 2004 the fleet consisted of 193 vehicles.

In **United Kingdom** the operator licensing regime requires all operators to undertake to carry out regular checks of drivers' hours and to have administrative systems for such purposes. Operators who fail to keep this undertaking and frequently breach the rules, risk having their operator's licence suspended, curtailed or revoked.

1.2. Other measures

In **United Kingdom** the main operator agency - The Vehicle and Operator Services Agency (VOSA) – practices a risk-based approach to enforcement with the aim of minimising the burden of compliant operators. During the reporting period VOSA carried out 11 large scale roadside checks – four of these specially targeted passenger vehicle operations; six were carried out in combination with other enforcement agencies and concentrated on traffic on international journeys; and one Pan-European Check, carried out in combination with other Member States, specifically focused on vehicles carrying dangerous goods.

In addition, VOSA routinely targeted vehicles on long distance or international journeys. This was in response to relatively high level of involvement by these vehicles in serious road accidents. The results indicate a high level of non-compliance by foreign drivers, and this is reflected in the significant increase in offences reported against drivers from other Member States.

In July 2003, VOSA took delivery of eight vehicles fitted with automatic number plate equipment (ANPR). This equipment consists of one or more cameras linked to a computer processor which in turn is linked to several databases that provide information on, for example, the annual test history of the vehicle in question. This equipment has been used as a tactical targeting tool for increasing effectiveness at roadside checks.

Chief police officers, using powers granted to them under the Police Perform Act 2002, are now able to accredit certain VOSA staff with the power to stop vehicles. Previously, VOSA had to rely on police support as only they had the power to stop vehicles. But following a successful trial involving six police forces during the reporting period, certain VOSA staff has now been specially trained to undertake stopping activities and to drive specially adapted vehicles. This is a major step forward as it allows VOSA to take more control of its roadside check activity and direct resources in a more flexible way. As well as continuing to visit all new operators to advise and educate them to help prevent offences being committed through ignorance or misunderstanding (this includes a check of the systems in place to ensure that drivers do not breach the rules), VOSA published the “The Safe Operators Guide” in December 2004 which provides advice on the procedures and systems that operators should have in place for monitoring compliance with all aspects of road safety legislation, including drivers’ hours.

In **Ireland** enforcement of the regulations is carried out jointly by the Gardai (police) and Transport Officers (inspectors) of this Department. Responsibility for enforcement will be transferred shortly from this Department to a new Road Safety Authority (RSA) as a focused and well-resourced body with an independent and high profile Board. The RSA will provide an opportunity for the recruitment of additional Transport Officers to strengthen enforcement.

Netherlands informed national initiative in passenger transport. Inspectors want to promote self-regulation whenever possible. That was also the case with the Touringcar certificate introduced in 1994. Nevertheless expectations over self-regulation cannot be held too high as initially applied lighter monitoring over certificated drivers has been reversed because they do not follow the rules better than non-certificated drivers.

2. PENALTIES

2.1. Scales

France, Austria, Hungary, Finland, 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.

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. Since 30 August 1999, there has also been the possibility to immobilise one or more of the company's vehicles.

Austria applies penalties ranking from 36 to 2180 euro. The sanction of imprisonment for up to 6 weeks 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 to *Arbeitszeitgesetz* BGBl, no 461/1969 was published in BGBl, I no 122/2002 and to *Arbeitsruhegesetz* BGBl No 144/1983 was published in BGBl, I no 48/2003.

Germany informed the applied sanctions are contained in the Penalty fare catalogue (*Buß- und Verwarnungsgeldkatalog*).

Denmark made sanctions stricter in 2005.

Hungary informed that minor offences are penalised by fine ranking from 1000 to 10000 HUF (4-40 euro) and serious offences by fine of 100000 HUF (400 euro).

In **Finland** penalties are imposed either on the driver or the employer depending on the offence. A day fine is imposed for an offence, the number of day fines depending on the gravity of the offence. In the case of driving and rest periods offences, the penalties range from 4 to 12 day fines per offence. For example, 8 day fines are imposed for failure to use the tachograph, and 6 day fines for non-compliance with the provisions regarding its use. The value of one day fine in euros varies depending on the income and the number of dependants of the person.

In the **United Kingdom** there has been no change during reporting period to the maximum fine for drivers' hours and tachograph related offences and for those who cause or permit them – these fines continue to range from £200 to £5000. Similarly, in addition to a fine, the offences of falsifying a chart and altering or forging a seal on a tachograph continue to carry a prison sentence of up to two years.

The most recent change was increasing the maximum fines in Great Britain in October 1992. In Northern Ireland, the maximum £5000 fine came into effect in June 1996.

The power of prohibition for drivers' hours and tachograph offences by drivers of UK registered vehicles was introduced in February 2001.

The Criminal Justice Act 1991 lays down the maximum amount for each level of fine in Great Britain. Reference to the level of fine appropriate to each category of drivers' hours offence (i.e. Level 1 or Level 2) is contained in Part VI of the Transport Act 1968, as amended.

In Northern Ireland the fine levels in operation in 2001 and 2002 are contained in the Road Traffic (Northern Ireland) Order and the European Communities Road traffic and Vehicles – Passenger and Goods Vehicles – (Recording Equipment) Regulations (Northern Ireland) 1996.

The Transport Act 2000 inserted a new section 99A into the Transport Act 1968, which empowers an authorised person to prohibit the driving of a vehicle where it appears to him that there has been a contravention of the requirements in Regulation (EEC) 3820/85.

Malta

Fixed penalty 60 euros per offence.

Greece informed about the number of Greek drivers penalised in other Member States.

2.2. Table of penalties

Member State	Type of penalty	
	Minor offences	Serious offences
Austria	€36 - € 2180 or arrest up to 6 weeks; € 72 - € 1815 working time Act and € 36 - € 2180 Working Break Act	
Belgium ¹	€ 62	€ 248
Denmark ²	Fine of at least € 67 for the driver 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 ²	€ 1517 maximum	Severe infringements may attract a fine up to € 30489
	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 up to three months is also an administrative sanction.	
Germany ²	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 employer. Fines for drivers who do not respect the provisions on recording of driving times range from € 15 to € 53 and for employer’s range from € 153 to € 1534. 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 ³		

¹ 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

² Figures for France, Denmark and Germany are those registered in the previous report as these countries did not communicate any change in their legislation

³ Member State did not supply these data.

Hungary	1000-10000 HUF (€ 4 - € 40)	100000 HUF (€ 400)
Ireland ³		
Italy ¹	€ 16 minimum	€ 4447
Luxembourg ³		
Malta	Fixed penalty €60 per offence	
Netherlands ⁵	There are set fines for each breach of a provision of the Regulation ranging from € 45 to € 1365. (Penalties has amounted to € 740255 – exclusively transactions in the hands of inspectors in connection with offences found to have been committed by foreign drivers who were stopped.)	
Portugal ³		
Spain ²	€ 30 – 284	€ 284 – 1388 (First Category) € 1388 – 2414 (Second Category)
Sweden ⁵	1200 Swedish kronor 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 related offences range from £ 200 to £ 5000. In addition to fine, the offences of falsifying a chart or forging a seal tachograph carry a penalty of up to two years imprisonment.	
Norway		
Switzerland		

2.3. Additional information on penalties

Germany provided the following additional statistics:

	Passenger transport	Goods transport
Cautions with exemplary fines	9842	222186

⁵ Figures for Sweden and Netherlands are those registered in the previous reports as they communicate that there were no changes to penalties during reference period.

Fines imposed (including decisions that may be open to appeal)	4280	207984
Total	14122	430170
Drivers prevented from continuing their journey	1636	59561

France forwarded the following table:

Number of undertakings sanctioned in France		2003	2004
			307
Certified copies	Complete withdrawal	33	29
	Suspension	414	81
Authorisations	Complete withdrawal	1	1
	Suspension	90	0
Number of immobilised vehicles		192	67

Finland reported that police filed 114 reports of offences and issued 2937 summary penal orders, of which three were imposed on drivers from other Member States and eight on third-country drivers.

3. COMMENTS FROM THE MEMBER STATES

Sweden informs that controls have been made together with the control authorities in the other Nordic countries.

Ireland reported that the enforcement of the regulations is carried out jointly by the Gardai (police) and Transport Officers (inspectors). Responsibility for enforcement will be transferred shortly to a new Road Safety Authority (RSA) as a focused and well-resourced body with an independent and high profile Board. The RSA will provide an opportunity for the recruitment of additional Transport officers to strengthen enforcement.

In **Belgium** control officers monitoring premises of the undertaking was reduced from 21 to 19 and control officers performing road checks was increased from 41 to 42 in 2004.

Number of road checks declined from 215443 disks to 154677 disks (in 2004) in goods transport and from 16837 disks (in 2002) to 11266 disks (in 2004) in passenger transport.

At the same time checks in undertakings rise from 3605 disks (in 2002) to 8923 disks (in 2004) in passenger transport and rise from 135716 disks (in 2002) to 460311 disks (in 2004) in goods transport.

In the year of 2004 the control of own account transport has been intensified on the basis of risk analysis and the complaints received.

3. Percentage of vehicles with infringements rise in 2003 and 2004

Goods transport:

Belgian citizens from 15.68% to 18.65%

EU-citizens from 13.41% to 23.06%

Third country citizens from 12.55% to 18.96%

Passenger transport: Belgian citizens from 15.10% to 16.41%

EU-citizens from 13.08 % to 14.35%

Third country citizens from 12.94 % to 19.66%

4. Infringements concerning driving and rest times

More than half of the established infringements concerned driving times and rest periods rules, on which 29.36 % related to the driving times and rest periods and 28.82% to the incorrect use of tachograph in the year of 2004.

In **France** there was a fall in the number of offences detected in checks performed at the premises of undertakings.

Germany provided following statistics on minimum checks and the actual checks made.

Minimum control	Number of actual checks	Controls in %
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	Nationals	Other EEC citizens	Third country	Total	
2987237	6633246	3563858	3224019	13421123	4,49

Germany informed that the amount of vehicles to be counted into the minimum controls have decreased by 13,9% in comparison to period 2001-2002.

Following picture can be drawn from detected offences against Regulations 3820/85 and 3821/85 and AETR agreement in Germany:

- Despite the lower number of vehicles, the number of offences committed by German drivers within passenger transport has increased by 44,8 % and within goods transport by 4 %.
- The number of offences committed by drivers from other Member States has risen in passenger transport by 38,5% and has decreased by 17,5 % in goods transport.
- The number of offences committed by drivers from third countries has risen by 37,2% in passenger transport and has decreased by 25,4 % in goods transport.

The number of fines and cautions with exemplary fines has increased in passenger transport by 5,5 %, but the number of drivers prevented from continuing their journey has decreased by 31,7%; in goods transport there has been an increase by 14 % and 0,2 % respectively.

The situation concerning compliance with driving times and rest period rules has not changed: in the light of detected offences road safety is still endangered and impaired. The situation is especially worrying in passenger transport.

In **Austria** compliance with Regulations 3820/85 and 3821/85 is controlled in motorway lay-bys and at EU external borders. Training of officers responsible for checking driving times and rest periods has been continued, with special attention in recognising manipulation of control devices. Checking data concerning driving time and rest periods was partially carried out on an automatic basis. Austria reported also joint check with the German authorities.

Finland reported that during the reference years the number of checks exceeded the minimum lever required in Directive 88/599/EEC and that the collection of statistics became more

efficient as the statistics on the labour inspectors' control data in each district can be obtained directly from a computer terminal connected to the control data system.

United Kingdom reported that it is possible to see a modest increase (6,3%) in the number of offences recorded despite a slight decrease in the number of working days (tachograph charts) checked at the roadside and at the premises. The authorities believe that the increase in the number of offences recorded can be attributed to the effectiveness of the targeting policy. In 2003-2004, enforcement authorities recorded 1 offence for every 89 charts checked, compared with 1 every 103 chats in 2001-2002 and 1 in every 243 charts in 1999-2000.

The UK experience show a sharp growth in non-compliance by drivers from other Member States. These offences represent 27,6% of the total number of offences recorded.

As well as directing enforcement effort in this direction, the UK is developing a graduated fixed penalties and deposit system similar to that used in some other Member States. This will allow VOSA and the Police to issue Fixed Penalty tickets to all offenders. Those with a UK address, where legal proceedings can be safely served will be given 28 days to pay the penalty amount. Those without such address will need to pay a deposit equal to the level of penalty immediately and can ask to have the case brought before a court. This is currently passing through the legislative process and should be introduced in 2007.

The UK authorities consider that the lack of requirements to provide information about tachograph offences continues to represent a significant gap – for example, failing to produce tachograph charts, incorrect completion, defective and fraudulent use of tachographs. There is a clear relationship between these offences and infringements of the rules themselves because the motive for tachograph offences is to mask offences of drivers' hours. In the UK, there were 9050 goods vehicle and 831 passenger vehicle tachograph offences during 2003-2004.

The Netherlands reported that because of the break-out of the avian flu in 2003, during the period of 1.4.2003-27.6.2003, a substantial number of inspectors from Transport and Water inspection were used for the support of the responsible Ministry for the prevention of the avian flu. As a result of this commitment fewer controls took place in goods transport by road. For the regular controls this means a reduction of 4500 controls in comparison to year 2002.

Malta informs that Regulation 3820/85 only applies to a small number of Maltese registered (goods carrying) vehicles that operate internationally, as Malta applies to the whole national territory the exemption for small islands. It should also be noted that there are no Maltese registered passenger transport vehicles that operate internationally.

Roadside checks were in practise carried out at the quayside at the Port of Valletta, as the volume of international goods and passenger transport vehicles entering Malta is very small.

4. OTHER STATISTICAL DATA

4.1. Reference period

From 1 January 2003 to 31 December 2004.

4.2. Annex B Calculation of minimum checks to be carried out

(Article 2 of Directive 88/599/EEC)

Member State	(a) Number of working days per driver during the reference period	(b) Total number of vehicles subject to Regulation 3820/85 (annual average)	(c) Total number of working days (a x b)	(d) Minimum checks (1 % of c)
Austria	480	96 855	46 490 400	464 904
Belgium	440	165 000	72 600 000	726 000
Denmark	440	50 000	22 000 000	220 000
Finland	440	67 500	29 700 000	297 000
France	480	521 875	250 500 000	2 505 000
Germany	480	622 341	298 723 680	2 987 237
Greece	505,42	2 118	1 070 480	10 705
Hungary	480	116 667	56 000 160	560 002
Ireland	460	156 853	72 152 380	721 524
Italy	390	722 692	281 849 685	2 818 497
Luxembourg	450	10 990	4 945 500	49 455
Netherlands	432	125 975	54 421 200	544 212

Malta	160	80	12 800	128
Portugal*			58 507 735	585 077
Spain	480	452 000	216 960 000	2 169 600
Sweden	440	110 000	48 400 000	484 000
United Kingdom	465	473 774	220 304 910	2 203 049
Norway				320 000
Switzerland	309	66148	20439732	204 397

4.3. Checks

4.3.1. 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	5 125	3 414	4 413	7 827
	Carriage of goods	82 741	35 391	35 324	70 715
	not distinguished	26 478	5 484	5 167	10 651
	total number	114 344	44 289	44 904	89 193
Belgium	Carriage of passengers	2 856	3 028	327	3 355
	Carriage of goods	55 423	48 378	7 098	55 476
	total number	58 279	51 406	7 425	58 831
Denmark	Carriage of passengers				
	Carriage of goods				
	total number	76 537	8 637	855	9 492
Finland	Carriage of passengers	2 639	358	377	735

* These data was missing for the Portugal's report for 2003-2004. Therefore, the general figure on minimum number of working days checked was taken from the previous report.

	Carriage of goods	61 260	11 125	5 566	16 691
	not distinguished	1	20	94	114
	total number	63 900	11 503	6 037	17 540
France	Carriage of passengers	63 338	25 511		25 511
	Carriage of goods	1 242 485	334 435		334 435
	total number	1 305 823	359 946		359 946
Germany	Carriage of passengers	117 495	43 784	44 932	88 716
	Carriage of goods	2 726 089	1 426 061	1 348 864	2 774 925
	total number	2 843 584	1 469 845	1 393 796	2 863 641
Greece	Carriage of passengers	1 183	29	474	503
	Carriage of goods	1 563	53	851	904
	total number	2 746	82	1 325	1 407
Hungary	Carriage of passengers	3 946	781	4 445	5 226
	Carriage of goods	76 832	8 005	87 101	95 106
	total number	80 778	8 786	91 546	100 332
Ireland	Carriage of passengers	13 384	1 371	370	1 741
	Carriage of goods	73 298	6 973	724	7 697
	not distinguished	2 502	598	326	924
	total number	89 184	8 942	1 420	10 362
Italy	Carriage of passengers	124 819	15 224	3 070	18 294
	Carriage of goods	992 459	92 732	16 536	109 268
	not distinguished	161 472	11 551	710	12 261
	Total number	1 278 750	119 507	20 316	139 823
Luxembourg	Carriage of passengers	205	609	9	618
	Carriage of goods	3 516	9 975	496	1 0471

	total number	3 721	10 584	505	11 089
Netherlands	Carriage of passengers	3 314	769	94	863
	Carriage of goods	42 009	16 887	3 666	20 553
	total number	45 323	17 656	3 760	21 416
Malta	Carriage of passengers				
	Carriage of goods	5	4		
	total number				
Portugal	Carriage of passengers	224	7	0	7
	Carriage of goods	4652	98	4	102
	not distinguished	51	0	3	3
	total number	4927	105	7	112
Spain	Carriage of passengers	274 069	38 499	6 252	44 751
	Carriage of goods	1 193 419	178 590	19 270	197 860
	total number	1 467 488	217 089	25 522	242 611
Sweden	Carriage of passengers	4 531	424	79	503
	Carriage of goods	70 710	18 484	5 062	23 546
	total number	75 241	18 908	5 141	24 049
United kingdom	Carriage of passengers	28 204	1 465	55	1 520
	Carriage of goods	254 623	46 954	5 212	52 166
	total number	282 827	48 419	5 267	53 686
Norway	Carriage of passengers	6 776	2 268	455	2 723
	Carriage of goods	162 064	28 903	2 495	31 398
	total number	168 840	31 171	2 950	34 121
Switzerland	Carriage of passengers				
	Carriage of goods				

	Total number	53 226	51 084	1 607	52 691
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4.3.2. *Number of drivers checked at the premises of undertaking*

Member State	Carriage passengers	of	Carriage goods	of	Carriage for own account	Carriage for hire and reward
Austria	1 102		16 165		2 595	14 517
Belgium	1 062				1 640	78 949
Denmark						
Finland	2 118		6 264		1 061	7 284
France	12 582		113 078		1 833	123 829
Germany	20 044		80 568		11 084	
Greece	395		259		14	42
Hungary	657		2 589		308	2 938
Ireland	602		6 773		1 362	7 312
Italy	1 426		20 854		2 708	41 788
Luxembourg	613		2 573			
Netherlands	2 330				1 800 (goods)	20 381 (goods)
Malta			32			
Portugal	289		5 101		20	5 390
Spain	7 530		36 665		5 323	38 872
Sweden	855		4 238			
United Kingdom	1 353		16 932		2 365	15 059
Norway	739		7 741		314	7 640
Switzerland					2 295	

4.3.3. 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	7 083	7 119	8 289	
	Carriage of goods	266 370	123 950	124 216	248 166
	not distinguished	76 499	17 536	18 167	35 703
	total number	349 952	148 605	150 672	299 277
Belgium	Carriage of passengers	9 482	10 900	1 342	12 242
	Carriage of goods	136 989	162 909	25 491	188 400
	total number	146 471	173 809	26 833	200 642
Denmark	Carriage of passengers				
	Carriage of goods				
	total number	232 263	26 059	2 565	28 624
Finland	Carriage of passengers	7 929	1 074	752	1 826
	Carriage of goods	191 726	21 528	16 447	37 975
	not distinguished	2	0	0	0
	total number	199 657	22 602	17 199	39 801
France	Carriage of passengers	198 372	80 060		80 060
	Carriage of goods	3 892 847	1 135 143		1 135 143
	total number	4 091 219	1 215 203		1 215 203
Germany	Carriage of passengers	266 715	97 825	94 876	192 701
	Carriage of goods	6 366 531	3 466 033	3 129 143	6 595 176
	total number	6 633 246	3 563 858	3 224 019	6 787 877
Greece	Carriage of passengers	5 682	825		825

	Carriage of goods	21 316	4 330		4 330
	total number	26 998	5 155	0	5 155
Hungary	Carriage of passengers	9 090	2 966	14 126	17 092
	Carriage of goods	218 183	27 070	103 993	131 063
	total number	227 273	30 036	118 119	148 155
Ireland	Carriage of passengers	15 251	1 184	302	1 486
	Carriage of goods	112 141	6 273	704	6 977
	not distinguished	2 393	516	269	785
	total number	129 785	7 973	1 275	9 248
Italy	Carriage of passengers	360 732	25 113	3 003	28 116
	Carriage of goods	2 975 780	107 914	25 608	133 522
	not distinguished	559 282	31 600	1 327	32 927
	Total number	3 895 794	164 627	29 938	194 565
Luxembourg	Carriage of passengers	565	2 127	3	2 130
	Carriage of goods	14 394	27 374	1 700	29 074
	total number	14 959	29 501	1 703	31 204
Netherlands	Carriage of passengers	9 942	2 307	282	2 589
	Carriage of goods	126 027	50 661	10 998	61 659
	total number	135 969	52 968	11 280	64 248
Malta	Carriage of passengers				
	Carriage of goods	37	16		16
	total number				
Portugal	Carriage of passengers	824	21	0	21
	Carriage of goods	16 414	810	33	843
	not distinguished	134	0	2	2

	total number		17 372	831	35	866
Spain	Carriage passengers of		549 899	67 421	11 345	78 766
	Carriage of goods		2 517 814	306 570	34 518	341 088
	total number		3 067 713	373 991	45 863	419 854
Sweden	Carriage passengers of		10 931	1 097	307	1 404
	Carriage of goods		231 231	58 971	15 487	74 458
	total number		242 162	60 068	15 794	75 862
United kingdom	Carriage passengers of		115 481	8 414	392	8 806
	Carriage of goods		1 063 047	204 342	23 558	227 900
	total number		1 178 528	212 756	23 950	236 706
Norway	Carriage passengers of		14 832	5 601	938	6 539
	Carriage of goods		421 711	73 776	14 473	88 249
	total number		436 543	79 377	15 411	94 788
Switzerland	Carriage passengers of					
	Carriage of goods					
	total number		159 678	153 252	4 821	158 073

4.3.4. *Number of working days checked at premises of undertaking*

Member State	Carriage of passengers	Carriage of goods	Carriage for own account	Carriage for hire and reward
Austria	16 096	245 742	38 347	222 581
Belgium	20 656		36 472	824 495
Denmark	1 712	50 979	6 041	44 938
Finland	13 589	127 639	18 942	121 936
France	190 892	1 864 868	14 089	2 038 671
Germany	365 785	1 326 866	180 764	
Greece	8 995	18 218	1 100	1 430
Hungary	139 564	302 982	21 440	421 106
Ireland	74 352	648 030		
Italy	200 181	1 025 628	200 434	1 710 910
Luxembourg	25 216	126 207		
Netherlands	87 430		16 087 (goods)	259 315 (goods)
Malta	0	758	0	0
Portugal	8 055	98 437	1 495	106 492
Spain	185 508	840 125	127 988	897 645
Sweden	21 156	135 415		
United Kingdom	216 846	2 191 427	414 650	1 776 777
Norway	15 524	181 215	5 679	184 674
Switzerland			686 322	

4.4. Offences; Number of offences recorded

4.4.1. Article 6 of Regulation (EEC) No 3820/85: driving period

Member State	Type of offence	Passengers				Goods				Total passenger and goods	
		Nationals	EEC	Third countries	Total non-nationals	Nationals	EEC	Third countries	Total non-nationals	Nationals	Non-nationals
Austria	Daily driving period	378	205	278	483	7 671	3 129	1 384	4 513	8 049	4 996
	six days maximum	7	5	9	14	1 537	570	239	809	1 544	823
	fortnight	1	2	1	3	116	1	0	1	117	4
Belgium	Daily driving period	55	53	22	75	1 740	2 982	325	3 307	1 795	3 382
	six days maximum										
	fortnight										
Denmark	Total	14				954	3		3	968	3
	Daily driving period										
	six days maximum										
	fortnight										

Finland	Daily driving period	223	0	0	0	4 344	7	7	14	4 567	14
	six days maximum	0	0	0	0	17	0	0	0	17	0
	fortnight	0	0	0	0	0	0	0	0	0	0
France	Daily driving period									34 422	11 288
	six days maximum									929	102
	fortnight										
Germany	Daily driving period	6 751	572	418	990	127 827	22 666	4 260	26 926	134 578	27 916
	six days maximum	278	0	8	8	3 649	666	125	791	3 927	799
	fortnight	224	0	1	1	4 694	500	21	521	4 918	522
Greece	Daily driving period										
	six days maximum										
	fortnight										
Hungary	Daily driving period	54	10	234	244	1 288	225	811	1 036	1 342	1 280
	six days	15	2	44	46	140	24	106	130	155	176

	maximum fortnight	8	0	12	12	34	1	13	14	42	26
Ireland	Daily driving period	183	15		15	3 689	84		84	3 872	99
	six days maximum	24	1		1	464	35		35	488	36
	fortnight	39	4		4	146	61		61	185	65
Italy	Daily driving period	2 058	246	24	270	27 588	785	166	951	29 646	1 221
	six days maximum	477	243	1	244	1 772	342	9	351	2 249	595
	fortnight	745	480	0	480	2 736	600	0	600	3 481	1 080
Luxembourg	Total	2	5	0	5	51	57	0	57	53	62
	Daily driving period										
	six days maximum fortnight										
Malta	Daily driving period						6		6		6
	six days maximum						8		8		8
	fortnight						0		0		0

Netherlands	Daily driving period	17		1	1	669	168	27	195	686	196
	six days maximum									0	0
	fortnight					9				9	0
Portugal	Daily driving period	19	0	0	0	524	6	0	6	543	6
	six days maximum	0	0	0	0	14	1	0	1	14	1
	fortnight	1	0	0	0	5	0	0	0	6	0
Spain	Daily driving period	220	14	31	45	11 349	1 276	111	1 387	11 569	1 432
	six days maximum	0	0	0	0	9	0	0	0	9	0
	fortnight	9	0	0	0	550	0	0	0	559	0
Sweden*	Daily driving period										
	six days maximum										
	fortnight not separated	87	30	0	30	257	244	27	271	344	301
United kingdom	Daily driving period	158	15	0	15	4 527	1 810	99	1 909	4 685	1 924

	six days maximum										
	fortnight	1	0	0	0	216	76	3	79	217	
Switzerland	Daily driving period									533	374
	six days maximum									17	7
	Fortnight									36	37

* Only offences from 2003 are included as Member State did not separate the data from 2004 with necessary detail.

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

Member State	Type of offence	Passengers				Goods				Total passenger and goods	
		Nationals	EEC	Third countries	Total non-nationals	Nationals	EEC	Third countries	Total non-nationals	Nationals	Non-nationals
Austria	driving more than 4,5 hours without breaks	829	322	285	607	6 017	2 912	1 975	4 887	6 846	5 494
	breaks too short	45	10	71	81	3 938	1 148	307	1 455	3 983	1 536
Belgium	driving more than 4,5 hours without breaks	43	23	13	36	498	557	62	619	541	655
	breaks too short										
Denmark	driving more than 4,5 hours without breaks	35				2 417	5		5	2 452	5
	breaks too short										
Finland	driving more than 4,5 hours without breaks	348	0	0	0	2 864	10	0	10	3 212	10
	breaks too short	56	0	0	0	703	0	1	1	759	1
France	driving more than 4,5 hours without breaks									23 945	5 713
	breaks too short										

Germany	driving more than 4,5 hours without breaks	5 119	242	502	744	131 197	10 929	4 759	15 688	136 316	16 432
	breaks too short	6 611	702	339	1 041	131 510	9 045	3 943	12 988	138 121	14 029
Greece°	driving more than 4,5 hours without breaks										
	breaks too short										
Hungary	driving more than 4,5 hours without breaks	94	11	114	125	2 260	263	756	1 019	2 354	1 144
	breaks too short	109	9	51	60	1 264	217	518	735	1 373	795
Ireland	driving more than 4,5 hours without breaks	92	2		2	1 769	77		77	1 861	79
	breaks too short	46	4		4	1 255	14		14	1 301	18
Italy	driving more than 4,5 hours without breaks	2 753	78	0	78	24 412	593	102	695	27 165	773
	breaks too short	37	9	1	10	2 447	105	25	130	2 484	140
Luxembourg	driving more than 4,5 hours without breaks	0	0	0	0	35	36	0	36	35	36
	breaks too short										
Malta	driving more than 4,5 hours without breaks						30				30
	breaks too short										

Netherlands	driving more than 4,5 hours without breaks	307	1	0	1	596	26	4	30	903	31
	breaks too short	0	0	0	0	538	3	0	3	538	3
Portugal	driving more than 4,5 hours without breaks	28	2		2	313	9		9	341	11
	breaks too short	12	0		0	20	1		1	32	1
Spain	driving more than 4,5 hours without breaks	339	14	23	37	4 757	465	43	508	5 096	545
	breaks too short										
Sweden*	driving more than 4,5 hours without breaks										
	breaks too short										
	Total	56	21	8	29	388	156	18	174	444	203
United kingdom	driving more than 4,5 hours without breaks	763	79	2	81	16 273	6 467	316	6 783	17 036	6 864
	breaks too short										
Switzerland	driving more than 4,5 hours without breaks									971	234
	breaks too short									872	128

° Member State did not supply these data

* Only offences from 2003 are included as Member State did not separate the data from 2004 with necessary detail.

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

Member State	Type of offence	Passengers				Goods				Total passenger and goods	
		Nationals	EEC	Third countries	Total non-nationals	Nationals	EEC	Third countries	Total non-nationals	Nationals	Non-nationals
Austria	Daily	394	265	452	717	6 418	2 578	2 175	4753	6 812	5 470
	Weekly	10	3	11	14	915	158	66	224	925	238
Belgium	Daily	63	159	2	161	1 194	2 694	394	3 088	1 257	3 249
	Weekly										
Denmark	Daily	136				2 944	21		21	3 080	21
	Weekly										
Finland	Daily	320	0	3	3	7 087	1	57	58	7 407	61
	Weekly	24	0	0	0	111	0	5	5	135	5
France	Daily									40 620	10 235
	Weekly									1 080	170
Germany	Daily	7 952	1 123	562	1 685	227 286	28 841	18 809	47 650	235 238	493 35
	Weekly	1 048	231	105	336	5 063	599	161	760	6 111	1 096
Greece	Daily										
	Weekly										

Hungary	Daily	102	21	171	192	1 915	363	1 123	1 486	2 017	1 678
	Weekly	91	8	32	40	529	103	285	388	620	428
Ireland	Daily	129	36		36	4 086	17		17	4 215	53
	Weekly	87	15		15	1 853	13		13	1 940	28
Italy	Daily	1 865	31	6	37	12 841	310	82	392	14 706	429
	Weekly	1 493	80	0	80	5 082	92	7	99	6 575	179
Luxembourg	Daily	1	3	0	3	38	31	0	31	39	34
	Weekly										
Malta	Daily										
	Weekly						1				
Netherlands	Daily	560	11	17	28	4 720	536	117	653	5 280	681
	Weekly	0	0	0	0	72	0	0	0	72	0
Portugal	Daily	15	2		2	355	1		1	370	3
	Weekly	11			0	17			0	28	0
Spain	Daily	945	87	207	294	9 099	1 114	121	1 235	10 044	1 529
	Weekly	64	0	0	0	239	0	0	0	303	0
Sweden*	Daily										
	Weekly										

	Total	108	50	5	55	450	474	50	524	558	579
United kingdom	Daily	824	77	2	79	4 514	2 235	255	2 490	5 338	2 569
	Weekly	1 079	104	3	107	1 888	977	94	1 071	2 967	1 178
Switzerland	Daily									1 082	782
	Weekly									361	261

* Only offences from 2003 are included as Member State did not separate the data from 2004 with necessary detail.

4.4.4. Article 14 of Regulation (EEC) No 3820/85: Service time table and Duty roster

Member State	Type of offence	Passengers				
		Nationals	EEC	Third countries	Total nationals	non-nationals
Austria	faulty	42	9	7		16
	incorrectly applied	6	2	2		4
Belgium	faulty					
	incorrectly applied					
Denmark	faulty	10				
	incorrectly applied					
Finland	faulty	32	0	0		
	incorrectly applied	0	0	0		
France	faulty	612				190
	incorrectly applied					
Germany	faulty	188	32	56		88
	incorrectly applied	189	20	300		320
Greece	faulty					
	incorrectly applied					
Hungary	faulty	19	2	8		10
	incorrectly applied	6	0	2		2
Ireland	faulty					
	incorrectly applied					
Italy	faulty	357	2	0		2
	incorrectly applied	1 692	48	3		51

Luxembourg	faulty incorrectly applied	0	0	0	
Malta	faulty incorrectly applied				
Netherlands	faulty incorrectly applied	0 0	0 0	0 0	0 0
Portugal	faulty incorrectly applied	4 1			
Spain	faulty incorrectly applied	482	179	186	365
Sweden	faulty incorrectly applied				
United kingdom	faulty incorrectly applied	0 0	0 0	0 0	
Switzerland	faulty incorrectly applied	562	592	11	603