

COMMISSION OF THE EUROPEAN COMMUNITIES

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FOURTH REPORT BY THE COMMISSION TO THE COUNCIL

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

Period covered by the report: 1 January to 31 December 1973

A. INTRODUCTION

1. Under Article 17 of Regulation (EEC) No 543/69 of the Council of 25 March 1969 the Commission is required to present to the Council an annual general report on the implementation of the Regulation by Member States. The Commission herewith presents the fourth general report (covering the period 1 January to 31 December 1973).

The period includes the accession to the Community of the new Member States, Denmark, the United Kingdom and Ireland¹. This factor not only extends the areas of application of the Regulation to these countries, beginning with international traffic, but also enlarges the field of experience by implementing the working conditions in road transport in the Community².

2. The information received from Member States for the purpose of drawing up this report still leaves something to be desired; some arrive very late at the Commission's departments and some should be more detailed as indicated by the model report. Denmark and Ireland were not yet in a position to make detailed information available. The prerequisite for normal application of the Community Regulation, namely the adoption of implementing regulations, had not been realized in these countries during the period covered by this report. The necessary implementing regulations in Denmark entered into force on the 21 February 1975.

The Irish Government has already transmitted two draft regulations to the Commission for approval (letters dated 28 March and 3 April 1973) concerning the implementation of the Community Regulation. The Commission, in its opinion of 16 May 1974, accepted these proposals with certain reservations.

The deficiencies in respect of detailed information and frequently late arrival of contributions at the Commission are partly due to the different types of authority responsible in the various Member States for making the data available, and partly due to the difficulties connected with these circumstances.

¹Coming into force of the Accession Treaty of 22 January 1972 on 1 January 1973.

²In the Case of the new Member States, Regulation (EEC) 543/69 is applicable from 1 April 1973 for international road traffic and from 1 January 1976 for domestic road transport.

³COM (74) 669 final O.J.L.160/74- The Irish implementing regulations will probably operate with effect from July 1975.

Again, the new Member States have still, to some extent, to adapt themselves to the situation created by the application of Regulation (EEC) No 543/69. More experience and mutual exchange of information should in future make for significant improvements.

B. SUMMARY OF INFORMATION RECEIVED FROM THE DIFFERENT MEMBER STATES ON THE IMPLEMENTATION OF REGULATION (EEC) No 543/69

I. Organization of control

1. Administrative machinery for checking implementation

Unfortunately the Member States did not subdivide their data according to

- (a) road checks
- (b) inspection of premises

and hence the results of both types of controls are given together.

Federal Republic of Germany: the authorities assigned by the Länder Governments are responsible for monitoring the social regulations concerning road transport in the Federal Republic of Germany. In addition the Bundesanstalt für den Güterfernverkehr (BAG = Federal institution for long-distance road haulage) is responsible for ensuring adherence to the provisions covering periods of activity for drivers and crew.

Compliance with the provisions of Regulation (EEC) No 543/69 is monitored by means of inspection of premises, and road and border checks. The national industrial inspection boards are responsible for inspection of premises. Road and border checks are carried out by the police, the BAG and to some extent also by the industrial inspection boards.

Belgium: in 1973 the supervisory system was administered in the same way as in 1972. This system has been adequately described in the first two reports.

France:

- (a) Road checks are carried out by the police and Gendarmerie as well as the industrial inspection boards for transport.

There are no figures for the numerous checks carried out by the police and Gendarmerie. The Gendarmerie in particular did not in 1973 continue with the types of inspections it carried out in 1972 (vehicles over ten metric tons).

- (b) Inspection of premises or companies comes under the jurisdiction of the industrial inspection boards for transport or the general industrial inspection boards, depending on whether the company is a transport company or another type of company (as is known many companies carry on transport for their own account).

Italy: Here checks to ensure compliance with the relevant Community regulations are the responsibility of several different administrative departments. In the case of road haulage and passenger transport companies they are carried out by the industrial inspection boards.

Luxembourg: On the basis of the Grand Ducal Regulation of 23 December 1972 in respect of the prosecution of offences against Regulation (EEC) No 543/69 of the Council of 25 March 1969 on the harmonization of social legislation relating to road transport, detectives and the Gendarmerie, policemen and customs officials, employees of the industrial and mines inspectorate and employees of the inspectorate for road transport are empowered to establish offences against Articles 5, 6, 7, 8, 9, 11, 12, 14 and 15 of Regulation (EEC) No 543/69.

Checks to ensure compliance with the EEC Regulation are chiefly carried out by the industrial inspection board where company premises are involved, and by the supervisory department for road transport where it is a matter of road checks.

Netherlands: the most important method of checking during inspections on the roads is the work log. This log consists of an "origin sheet" with the personal details of the crew members, a work sheet bearing the information referred to in Article 14 (7) and an individual log book. When checks are carried out the letter of authorisation for the vehicle is also examined in connection with the information given in point 2 of the daily sheet.

On the premises of undertakings a check is carried out on the log books and weekly reports handed in, the service timetable and duty roster mentioned

in Article 15 of the Regulation and, where appropriate, the register of individual control books, which contains various information about crew members.

United Kingdom: in the United Kingdom there are 11 Traffic Areas (and one sub-area) each under a Traffic Commissioner:

Northern; Yorkshire; The North West, North Western; West Midland ; East Midland ; Eastern ; South Wales ; Western ; The South East, South Eastern ; Greater London, Metropolitan (London) ; Scottish (Head Office) ; Scottish (sub-Office).

The Traffic Commissioners and their staff are responsible for issuing licences for passenger transport and road haulage. In Northern Ireland this is the province of the Department of the Environment (NI). Adherence to domestic and Community regulations concerning road haulage and passenger transport is monitored by traffic examiners who report to the Traffic Commissioners on offences against these regulations recorded during road checks. The Traffic Commissioners and the Department of the Environment of Northern Ireland submit these reports to the Department of the Environment in London which centralizes the appropriate data for the United Kingdom.

2. Authorized inspecting officers and their powers

The Federal Republic of Germany confirmed the figure given earlier under this heading, i.e. about 2 500 officers. 250 to 300 officers in the industrial inspection boards are employed on inspection duties.

Belgium :

(a) industrial inspection board

Checks were carried out by 129 authorized inspecting officers.

(b) Road Transport Administration

39 authorized inspecting officers took part in checks. In 1973 these inspecting officers had the same powers as in 1972; the powers have been adequately explained in the two first reports.

France: forty inspectors were authorised to carry out checks. In addition, numerous checks were carried out by police officers (the 6500 officers in the Gendarmerie Mobile). Reports were drawn up for each recorded case of breach of Regulation No 543/69 and the provisions adopted in order to implement that Regulation.

As a result of an amendment to the Highway Code (Code de la Route) by the Decree of 6 September 1972, police officers and traffic police may immobilise vehicles if their crew members have infringed the provisions concerning driving periods and rest periods.

Italy: Inspections of premises are carried out by one or more inspectorate staff; their powers are based on Law No 520 of 19 March 1955 and Law No 628 of 28 July 1961 concerning the responsibilities and areas of activity of the industrial inspection boards which sometimes act together with other bodies such as the road traffic police, the inspection authorities responsible for private motor traffic and the customs administration (guardia di finanza). From the information supplied by the appropriate departments it is not possible to deduce exact figures as to the the number of authorized inspecting officers since the industrial inspection boards are not the only bodies carrying out such checks.

Luxembourg: Checks are carried out by the authorized inspecting officer seconded by the industrial inspection board for rail and road haulage companies and four employees of the Supervisory Department for road transport.

The industrial inspection board official may at any time and without warning visit the premises of any company for which the board is responsible. The board official has the right to examine all books, lists and business papers concerning driving time, daily and weekly rest periods, annual leave, wages and salaries and any documents connected with statutory working conditions and safety regulations for drivers.

Where there are good grounds for suspecting that there has been an infringement of regulations, the officials of the Supervisory Department for road transport are empowered to check the transport company's vehicles and the documents required by the EEC Regulation at any time, including during the night.

Netherlands: there are 123 officials in the Inspection Department of the Transport Inspectorate (Rijksverkeersinspectie) in the Ministry of Transport and Waterways (Ministerie van Verkeer en Waterstaat). The Inspectorate of Labour (Arbeitsinspectie)- which has ten inspectors-, the gendarmerie and the national and local police also carry out checks.

These officials are authorised to immobilise vehicles in the event of serious breaches of the Decree concerning driving periods (Rijtijdenbesluit), in which case any costs are payable by the transport undertaking. After consultation with the public prosecutor's office they may also confiscate transport permits. They have the right of access at all times and in all places where this is necessary for the performance of their duties and may demand to examine all relevant information in order to check adequately whether the Rijtijdsbesluit is being observed.

United Kingdom :

the number of officials empowered to carry out road checks and inspect premises is given as 250 ; they have the same powers as police constables and may check the vehicle load, the vehicle itself, the documents carried in the vehicle, and the company premises. No figures was given for the number of checks carried out in 1973.

3. Checking procedures (place and frequency of checks)

Federal Republic of Germany: currently road checks are carried out partly within the general framework of traffic supervision, partly by means of special checks by the police and the BAG (federal institution for long distance road haulage), and by the industrial inspection boards.

At the periodic inspection of premises supporting documents for activities (individual control books, tachographed daily sheets) covering a fairly long period are checked. Any other documents showing proof of activities are evaluated at the same time. In addition to routine checks, special checks and specific inspections based on charges, complaints or information, are carried out. In such cases drivers and supervisory staff generally have to be questioned.

The Federal Republic included a report by the BAG on a special road check, and a publication by the Bavarian state ministry for work and social affairs concerning the industrial inspection boards and their activities in monitoring compliance with the social regulation in 1973.

Belgium :

(a) Industrial inspection

In 1973 there were 1 413 checks on companies and 316 road checks.

(b) The large number of company checks is due to two circumstances:

1. Most Auditeurs du Travail (counsel for the prosecution in matters involving industrial law) leave the industrial inspection boards to research the case basing themselves on road checks carried out by the other police departments of the kingdom; the further investigations are of course carried out on company premises.

2. An inspection of company premises is generally included with other duties falling within the normal field of activities of the industrial inspection board.

In this connection it should be pointed out that the industrial inspection board monitors not only compliance with the EEC regulations but also adherence to about thirty further penal laws.

The industrial inspection board also acts as an adviser to employers, employees and their professional organizations on all other matters of civil law, particularly those laws on the various employment contracts.

Therefore monitoring compliance with EEC Regulation No 543/69 is only a very minor part of the work of the industrial inspection board which is why this board is unable to carry out more frequent checks or to second a number of its employees to those duties arising out of Belgium's responsibility in the field of harmonization of road transport.

France.

- (a) Road checks. The supervisory department for road transport carried out 538 checks, of which 315 were made in cooperation with representatives of other departments, and 223 on their own authority.
- (b) Inspection of premises. Here the only figures available are those of the supervisory department for road transport which in 1973 examined 7 687 control documents during inspections of company or business premises.

This means that the number of road checks in which the supervisory department examined drivers has decreased by 7.5% compared with 1972, whereas the number of company checks has increased by 48%, with the result that the figure for drivers examined has increased overall by 9.3%.

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Luxembourg: Inspections of company premises are carried out at least two to three times a year at regular intervals. In addition there are regular border and road checks.

United Kingdom: the eleven Traffic Areas organize twice weekly checks on average on trunk roads and at least one check per week in each port of entry.

Netherlands: Except for the last paragraph, details given in the previous report are still valid.

From spot checks carried out (see IV.1 below) it may be assumed that at least 215 000 vehicles were stopped. In addition to inspections of premises following charges brought as a result of road checks, officials of the central transport inspection board carried out 82 detailed company inspections which led to charges being brought.

Italy: mostly large or family-type business engaged in road haulage throughout the whole Community area were checked; whilst very few passenger transport companies were inspected.

An evaluation of the data recorded by authorized inspecting officers confirmed the statements made in earlier reports, i.e. that large companies engaged in regular goods and passenger services satisfactorily observe the Community regulations whilst smaller, family-type companies continued to commit a large number of offences.

As a matter of principle checks are not carried out systematically but at random and on the basis of information received by the appropriate departments. In addition some of the industrial inspection boards carry out spot checks in accordance with a detailed programme. When premises are inspected, business documents on the employment of staff are examined and, as far as possible, company employees are interviewed.

However, there were no routine inspections of premises to be recorded since these are only undertaken when road checks show this to be necessary.

II. Infringements and prosecutions

1. Number of offences against the Regulation

Federal Republic of Germany: In 1973 there was a total of about 65 800 offences recorded and prosecuted. Of these 61 200 were in road haulage and 4 600 in passenger transport (see Annex I). Of these 65 800 infringements about 24 000 came under the heading of provisions governing hours worked and about 41 800 under provisions on proof of time worked.

The report states that it is very difficult to keep separate records for offences by nationals and foreigners. The Federal Government is to discuss with the Länder the possibility of keeping separate records without unduly increasing administrative costs.

Belgium :

(a) Preliminary comment

- (i) It is pointed out that there is a considerable discrepancy between the number of offences registered and the number of convictions. The immediate explanation is that one charge may include several infringements by an offender. But the real explanation lies in the procedure followed by the industrial inspection board in its supervisory activities.

The industrial inspection board supervises observance of EEC Regulation No 543/69 as well as other social provisions.

Officials of the industrial inspection board may issue warnings but are not bound to inform the appropriate court of each offence recorded.

This right is based on the law of 16 November 1972 concerning industrial inspection (published in the Belgian Gazette on 8 December 1972). Article 4 of this law states:

"Officials and employees within the meaning of Article 1 not only have the right to bring charges but may also issue warnings or require the person concerned to rectify the matter within a given time."

The right to issue warnings is based on Article 17(2) of International Agreement (No 81) adopted by the International Labour Organization in Geneva on 11 July 1947.

- (ii) Any charge brought by an official of the industrial inspection board or by an authorized inspecting officer is forwarded to the Auditeur du Travail (counsel for the prosecution in industrial law matters) who, without being bound by the proposed penalty, decides whether legal proceedings are to be initiated against the person concerned.

On the basis of the charges or additional investigations the Auditeur du Travail (counsel for the prosecution in industrial law matters) may propose a fine; the person concerned has the option of paying this fine, and thereby avoiding legal proceedings and the possibility of starting a criminal record, or accepting a further endorsement in an existing record, as appropriate.

However, if in the opinion of the prosecuting counsel the offence is more serious, or if the person concerned objects to the charges, legal proceedings are initiated.

A fairly long period may therefore elapse between charges being brought and sentence being handed down.

The record of charges brought and the results, if known, for one year which are appended to this report, give only an incomplete picture of the number of fines and penalties imposed.

(b) Road haulage

2 949 offences were registered in road haulage, 163 thereof committed by foreigners. The breakdown of these offences is given in the table in Annex IV.

Offences committed by nationals are shown in Annex V; a breakdown of charges brought is included in the Annex VII.

(c) Scheduled passenger services

In the course of 82 inspections of companies operating scheduled passenger services the following offences were noted:

- (Article 15) No timetable: 2
- No duty roster: 2
- 4

All the companies were Belgian and no charges were brought or penalties proposed (see preliminary comment above).

(d) Unscheduled passenger services

In the course of 84 inspections of companies operating unscheduled passenger services, the following offences were noted:

- (Article 14 and Annexes) No register kept 3
- Register badly kept 7
- Individual log book badly maintained 3
- Total 13

The industrial inspection board imposed no fines but took measures under Article 4 of the law of 16 November 1972 (see preliminary comment above).

The supervisory department of the road traffic administration brought six charges. So far the reaction of the persons concerned is not known.

The industrial inspectorate made 8 road checks covering:

- 6 vehicles registered in Belgium
- 1 vehicle registered in the Netherlands
- 1 vehicle registered in Germany

It was noted that the crew members of these eight vehicles had complied with the regulations.

The road transport administration carried out approximately one thousand inspections, in the course of which the offences shown in the Table (Annex VI) were recorded.

France: figures supplied for offences recorded exclusively by the supervisory department for road transport. There are no figures on the much more numerous road checks carried out by the police and gendarmerie.

In all 40 339 offences were noted for French vehicles, which is equivalent to an increase of 33% compared with 1972, the explanation being that there were many more inspections of premises than road checks (see Annex IX).

Out of a total of 40 339 offences, charges were preferred in over 24 028 instances (35% more than in 1972).

In the case of foreign vehicles, 134 offences were noted and 94 charges preferred (see Annex VIII). France noted that the percentage of foreign crew members complying with all regulations had decreased slightly (49% compared with 52%).

Italy : no figures for offences supplied.

Luxembourg; 10 797 offences reported, mainly in road haulage. The breakdown into the various types of inspections is given in Annex XI.

The Netherlands: a total of 47 364 offences indicated (Annex XII), of which 46 833 were committed in road haulage (Annex XII) and 531 in passenger transport (Annex XII). In all 21 202 charges were preferred (Annex XIII) and 471 inspection reports were written (see Annexes XII, XIII and XV).

United Kingdom: Complete figures for offences in breach of Regulation No 543/69 in international transport are available only for the last five months of the period from April to December 1973. It was not possible to centralize figures on infringements of this Regulation, which came into force in the United Kingdom on 1 April 1973 in respect of international transport, until after 1 August 1973. Now that the system has been introduced, annual reports will include figures for the whole year under review. From the attached table it can be seen that, in the course of 2 000 inspections, 182 offences were recorded for road haulage whilst there was 1 offence under Article 14 of the Regulation, and 1 under Article 7 involving occasional passenger services. During the reporting period no other offences in breach of Regulation No 543/69 were recorded.

As will be seen from the table (Annex XVI), the offences in road haulage largely consisted of individual log books not being entered up or being entered up inadequately. In all, 123 offences under Article 14(1) and 59 offences under Article 14(2) were recorded.

2. Number of offences committed by nationals and foreigners

For the Federal Republic of Germany the BAG, in its second report on a special inspection, noted that the following offences were committed most frequently:

- (a) no driver's mate or other driver to ensure a change-over after travelling a distance of 450 kilometres;
- (b) exceeding the permitted period of driving time;
- (c) not keeping to rest periods;
- (d) mistakes or contradictions in entries in the individual log book.

The breakdown of offences is given in the table in Annex II.

Belgium: of the 2 749 offences mentioned above under II(1), one offence was noted when a check was made on a vehicle registered outside the Community, and 163 offences by vehicles registered in other Member States of the Community.

This means that 2 785 offences were committed by drivers of vehicles registered in Belgium.

The 163 offences by foreigners are broken down in the table in Annex Va, whilst Annex V gives details on offences by nationals.

At a road check it was noted that the crew members of one vehicle registered outside the Community had no individual log book.

France: a breakdown of road checks and other inspections according to the countries of origin of foreign crew members was given (Annex VIII).

Italy: it was pointed out that offences in breach of Articles 14 and 15 of Regulation (EEC) No 543/69 were the most frequent, but no figures for offences committed, nor list of the respective countries of origin were given.

Luxembourg: it was stated that in addition to inspections of company premises which were carried out two or three times a year at regular intervals, there were regular border and road checks of foreigners.

The Netherlands: the offences were listed separately under the various Articles of Regulation (EEC) No 543/69 and the different countries of origin (see Annexes XII to XV).

United Kingdom: of the offences in breach of Article 14(1), 59 were committed by nationals, 41 by nationals of other EEC countries and 23 by foreigners from non-member countries. Of the offences in breach of Article 14(2), 19 were committed by nationals, 22 by nationals of other EEC countries and 8 by foreigners from non-member countries (see table in Annex XVI).

3. Number of charges brought

Federal Republic of Germany: In 1973 the BAG (federal institution for long distance road haulage), which is the authority responsible for fixed penalties imposed on foreign crew members, issued a total of 3 001 fixed penalty notices to foreign companies and crew members in road haulage. In addition, 689 warnings with cautionary fines were handed out. In respect of passenger transport, 26 penalty notices and 2 warnings were issued. Annexes II and III give details under the separate headings of road freight haulage, passenger transport and the country of origin of the persons concerned. In future the information will include a breakdown on the persons concerned into crew members and company owners.

The industrial inspection boards and other authorized departments issued a total of 18 709 fixed penalty notices in 1973 in connection with infringements of Regulation (EEC) No 543/69. A large number of these notices were issued to crew members who had kept inadequate records in their individual log books. In 18 cases charges were brought. Some high fines were imposed on company owners. Several fines were over DM 1 000.

During the period covered by the report, 13 822 crew members were given cautionary fines. These amounted on average to DM 10 to 20. 4 993 oral cautions, not accompanied by fines, were issued in 1973.

Belgium: no particular details given. The number of penalties imposed in road haulage can be deduced from the table in Annex IV.

France: a total of 11 788 fines of between FF 12 and 240 in road haulage and passenger traffic were imposed (Annex X).

Italy and Luxembourg: no figures supplied on fines imposed in the two countries in 1973. Evidently the cautions issued in these two Member States were mostly oral.

~~The Netherlands: the fines imposed in 1973~~ amounting to a total of Fl 763 117.50 were broken down - not only into road haulage and passenger transport, but also according to foreign companies with subsidiaries in the Netherlands (see Annexes XIII, XIV and XV).

United Kingdom: Offences in breach of Article 14(1) were prosecuted as follows:

| | |
|-------------------------|----|
| Summons for prosecution | 2 |
| Prohibitions | 23 |
| Written warnings | 12 |
| Oral warnings | 86 |

Offences in breach of Article 14(2) were prosecuted as follows:

| | |
|-------------------------|----|
| Summons for prosecution | 2 |
| Prohibitions | 2 |
| Written warnings | 5 |
| Oral warnings | 50 |

As the cases have not yet been heard, there are no figures on fines for cases where summonses were issued. In one case the prohibition was ignored and the driver subsequently brought to court. For ignoring the prohibition he was sentenced to a fine of £50 with £10 costs.

Once transport companies are more familiar with the aims and implementation of the Regulation, the proportion of written and oral warnings issued in respect of offences could decrease, whilst the proportion of summonses for prosecution could increase.

In the one case where the provisions of Article 7 of the Regulation were exceeded an oral warning was given. This was also the case in respect of a vehicle engaged in passenger transport which was in breach of Article 14(1).

III. Mutual assistance between Member States and notification of
infringements

Federal Republic of Germany :

Once again in 1973 the Federal Republic of Germany cooperated with the Netherlands and Austria to improve the monitoring and prosecution of offences. In order to ensure that foreign drivers are adequately informed and have individual log books in their own language at their disposal, States with which bilateral agreements on international traffic have been signed have been informed of the current provisions covering the territory of the Communities.

If the required information as to which central departments are responsible for cooperation with other Member States was supplied, the prosecution of offences could be rendered more effective. In the Federal Republic of Germany it is the BAG which is responsible for this type of cooperation.

Belgium :

Mutual assistance (Article 18(2)):

At the request of the French industrial inspection board, the Belgian industrial inspection board carried out an inspection of the premises of a Belgian company because a driver employed by this company did not have an individual log book on him and charges were brought; the driver alleged that his Belgian employer had not given him an individual log book.

The road traffic administration forwarded to the appropriate courts 10 charges by French authorized inspecting officers against Belgian crew members.

Notification of offences (Article 18(3)):

The road traffic administration forwarded to the appropriate authorities lists of charges against crews of vehicles registered in other Member States.

It was notified of offences by Belgian nationals committed on German and French territory.

Notification of prosecution:

No information on the prosecution of offences in the other Member States has been received.

The appropriate French authority has been informed of proceedings taken on the basis of charges brought by French authorized inspecting officers.

France:

France informed the five original Member States of offences committed in France. Belgium informed France of offences by French drivers; since French courts have no powers in respect of offences committed abroad, company inspections were carried out instead where this seemed appropriate.

Notification of prosecution: Italy forwarded the information that several international road haulage permits covering transport to France had been withdrawn. The Federal Republic of Germany stated that companies whose drivers had committed offences in France had been fined.

The Netherlands: 245 offences had been notified to the Federal Republic of Germany; similarly the Federal Republic of Germany had reported 34 offences to the Netherlands and Belgium reported 118.

Luxembourg, Italy and the United Kingdom supplied no information under this heading.

IV. Conclusions and proposals by Member States

1. Appraisal of the implementation of the Regulation

Most Member States stated that implementation of the Community Regulation was not entirely satisfactory.

The Federal Republic of Germany: Inspections carried out during 1973 showed that there was still no significant improvement with regard to compliance with the Regulation. The manner in which individual log books were kept was particularly unsatisfactory. This is partly due to the fact that company managers and drivers are not sufficiently willing to acquire a detailed knowledge of the provisions. Contraventions by small and medium-sized companies generally arise out of insufficiently detailed knowledge of the provisions. The explanation for offences by larger companies is insufficient in-company monitoring and lack of organization.

It is constantly pointed out that the provisions are difficult to follow by both company managers and crew members. The German transport association point out the obvious lack of monitoring and prosecution in the other Member States. When checks are carried out on German territory there are always complaints that Regulation (EEC) No 543/69 is applied less strictly in other Member States of the Community than is the case in Germany. The result, it is alleged, is that German companies are at a competitive disadvantage.

Belgium:

Belgium is of the opinion that the number of checks and offences recorded shows that the EEC Regulation is more closely observed in passenger traffic than in road haulage.

The number of recorded offences shows that there has hardly been an improvement in the observation of the EEC Regulation. But in this connection it should be remembered that, since the Regulation came into force, the authorized inspecting officers have gained considerable experience, so that they are now better able to detect infringements and offences.

France: Efforts to ensure closer observance of the Regulations have been stepped up particularly by increasing the number of company inspections.

Difficulties mentioned on previous occasions, particularly those arising out of lack of support by employers and employees, remain unchanged.

In addition an inquiry held at the request of an employers' association on a sample of drivers showed that the large majority of drivers objected to several important points of the EEC Regulation. The inquiry showed the following results.

- 95% of international drivers and 70% of other lorry drivers demand a permissible daily driving period of more than 8 hours;
- 83% of international drivers and 48% of other lorry drivers feel that a break in driving after 4 hours serves no useful purpose;
- 80% of drivers object to the double crew.

The administration is currently conducting an inquiry on a strictly scientific basis. However, it is anticipated that the results of the first inquiry will, on the whole, be confirmed.

Italy: the opinion is that the implementation of this Regulation, with the exception of rest periods and the duty roster, is, on the whole, unsatisfactory.

Luxembourg: since the previous report for the period 1 October 1971 to 31 December 1972 there have been significant improvements in the implementation of the EEC Regulation. This is largely due to the fact that the Grand Ducal Regulation No 23 of December 1972 introduced the appropriate provisions for penalties. However, it will not be possible to give a final verdict on the observance of EEC Regulation No 543/69 until there has been a two to three year period of experience in applying the abovementioned Grand Ducal Regulation.

The Netherlands: spot samples show that 10.3% of road checks resulted in charges being brought.

A total of 66% of all recorded infringements consisted in the driver not being able to produce the individual log book (Article 14(1)), or not having completed it (Article 14(2)), which meant that it was not possible to prove whether there had been any other infringements of that Article.

United Kingdom: Although the results given in this report apply to only two months of the period covered by the report, they do show that strenuous efforts have been made to ensure observation of Regulation No 543/69.

It is likely that in the course of a complete year at least 6 000 vehicles engaged in international transport, from all countries, would be checked. Approximately 2 000 checks were carried out between August and December 1973 and showed that about 94% of all drivers had an individual log book and that 91% maintained it absolutely accurately.

These figures indicate that the Regulation is generally observed. It is therefore to be hoped that the figures will in future be even higher. It was of particular interest that only one offence involving an Article other than Article 14 was recorded. This is particularly encouraging.

2. Difficulties in using the individual control book in international transport

Federal Republic of Germany: Significant difficulties are experienced particularly on the entry of vehicles from non-member states since drivers in many cases have no individual log book and it is therefore impossible to check on the length of time a driver has already been at the wheel.

The Federal Republic feels that further measures should be undertaken by all Member States to inform company managers and crew members involved. Efforts should be directed at making the social legislation relating to road transport clearer so that company managers and crew members can understand it more easily.

The Federal Republic plans to add a summary of the most important provisions to the individual log book. In addition, a standard information sheet on the social legislation relating to road transport in the EEC should be drawn up. This information sheet could also be used for drivers and crew from non-member countries.

The Federal Government once again points out that Regulation (EEC) No 543/69 should be uniformly applied and monitored with equal efficiency in all Member States. It regards this as an effective method of increasing safety in transport and raising the standard of protection at work. The harmonization of penalty regulations and prosecution procedures is particularly necessary.

France: the only difficulties involved the individual log book which a large proportion of drivers did not carry with them. Discussions on a joint statement in this connection are still continuing.

The Netherlands : comments under item (a) of the previous report concerning the use and advantages of the work dossier for Dutch drivers remain unchanged. In so far as automatic recording equipment is replacing the individual log book it does not seem appropriate to retain the comments made under item (b) of the previous report, where the general introduction of the work dossier by Member States is proposed, the work dossier system enabling the driver himself to carry the register of individual log books in the form of a "work sheet".

Belgium, Luxembourg and the United Kingdom listed no difficulties, whilst Italy referred to the previous report.

3. Proposals for amending the report model

The Federal Republic proposes listing offences in tabular form in order to ease the task of collating the information for the report.

France: The model could be further simplified. For instance the requirement to list offences committed in road haulage, regular passenger transport and unscheduled passenger transport separately could be eliminated. Experience shows that none of the Member States possesses the statistical backup for this type of detailed breakdown, and partial data supplied by some Member States can lead to unreliable conclusions.

Italy: made reference to previous report. The model has proved to be too complicated and detailed which means that it has not been possible to supply all the data required. It is to be hoped that it will prove possible to simplify the model and eliminate the superfluous.

Belgium, Luxembourg, the Netherlands and the United Kingdom did not put forward any proposals under this heading.

4. Proposals for increasing efficiency in the implementation of the Regulation

Federal Republic of Germany: in respect of offences in breach of the provisions the Member States should take joint action.

Belgium: except for large companies which belong to trade associations, large numbers of drivers and transport company managers are still insufficiently informed on the subject of the current Regulations. In order to ensure that those involved are familiar with the provisions, it would be appropriate if all countries of the Community issued licences for transport vehicles only on the strength of a test which proved that the individual knows the rules.

France: As stated in the report for the period 1 October to 31 December 1971, the efforts to ensure more efficient implementation of Regulation No 543/69 of 25 March 1969 would have been crowned with greater success much earlier if this Regulation were relaxed a little and thereby made more realistic so that both employers and employees would then be more prepared to cooperate.

The enquiry mentioned earlier shows that, if left in its present form, the Regulation will not win the cooperation of employees, in other words precisely those people whom the Regulation is designed to protect.

Italy: no specific proposals put forward.

Luxembourg: given the observations made under IV(1) above it would not at present be appropriate to make any proposals for amendments or improvements.

The Netherlands: the opinion is that the Regulation should be relaxed and simplified in order to make it easier to apply. In this connection they refer particularly to the statement made by the Secretary of State for Transport, Water Control and Construction at the meeting of the Council of Ministers on 27 June 1974 in Luxembourg in connection with the 450 kilometre rule, and the annex to the report drawn up under Article 13 of Regulation No 543/69 (document No V/VII/573/71-D, items 33(2), (3) and (4)).

The United Kingdom: the opinion is that monitoring and prosecution procedures should be harmonized (reinforced). Also, in addition to ensuring that transport company managers are well informed, the Member States should see to it that measures to make the provisions of the Regulation more effective are introduced.

C. SUMMARY AND EVALUATION

The data supplied by the Member States are still comparatively non-standardized and incomplete; therefore, although the various statistics are very useful, opportunities for a reliable evaluation and detailed comparison between the conditions obtaining in the various countries are still limited as in previous years.

The facts supplied by the United Kingdom to a large extent of course, apply only to international traffic since Regulation No 543/69 is not yet applicable to domestic traffic.

The most important results can be summarized as follows:

Provisions for checks, authorized inspecting officers and their powers

Provisions for road and company checks have been introduced in all Member States except Denmark and Ireland. In some countries, such as the United Kingdom, inspections of company premises are, however, infrequent and under certain conditions.

The United Kingdom being a new Member State gives exact figures for the total number of authorized inspecting officers and their powers, and in this respect it is therefore possible to estimate how thorough the checks are. The practice of other Member States to refer to earlier reports means that it is still not possible to gain more than an incomplete insight into conditions.

Checking procedures

The Federal Republic has worked out a system for checking foreigners and recording any data collected on these occasions.

There appears to be a certain trend towards fewer road checks and more company checks, it being easier to make the latter more effective. Thus, in France, in certain transport categories, the number of company checks has risen by 48% whilst road checks have decreased by 7%.

All in all, it can be seen that the organization, procedures and practical implementation of these checks are still not very standardized or comparable from one country to the next and that it is still not possible to estimate their effectiveness. Thus, in the United Kingdom it is accepted practice that company inspections are carried out only very infrequently and under certain conditions. In Italy the bodies responsible for carrying out the checks still do not operate systematically but rather take spot samples, when they act for specific reasons.

Infringement and prosecution

First of all it should be noted that the information supplied on the number of checks carried out, and offences and charges brought has considerably improved and is therefore more useful.

In a few countries certain factual and organizational prerequisites for quicker and more reliable recording of all offences and their prosecution will have to be created.

In all, however, it must be stated that the fact that there are still many gaps in the data supplied means that it is not possible to draw any reliable conclusions on the number of offences committed and charges brought or, therefore, to make satisfactory comparisons. Going on previous experience

it might be appropriate to draw up common rules for recording, evaluating and presenting the results in order to arrive at more comprehensible figures in future.

Offences by foreigners

From the Community point of view, offences committed by persons who are not nationals of Member States, and the prosecution of such offences, are an important item. In this field, too, the value of the data supplied by the various Member States is very uneven and the overall impression gained is that the extent of controls on international transport still leaves much to be desired.

Whereas Belgium, France, the United Kingdom, and the Netherlands indicate a certain division of infringements by nationals and by foreigners, such a division is not available for the Federal Republic of Germany nor Italy. The Federal Republic will examine the possibility of a systematic division. In addition, as in the previous report period, no overall picture can be gained of the apparently insufficient control of foreigners because the frequency of control in relation to the total of international traffic is not measured.

Charges brought

As far as can be judged, the difference between provisions and practices governing penalties in the various Member States has not altered significantly compared with the previous year. As already indicated in the previous report a certain alignment of penalties would, in this field, be a precondition for a solution which neither caused discrimination nor impaired competition.

Mutual assistance and notification of offences

In the field of mutual assistance there has been a slight improvement compared with the period covered by the previous report. In the meantime one important condition in this field, namely the communication by and to each Member State of the complete list of departments responsible for mutual assistance, has been fulfilled.

In this connection it should be emphasized that the prosecution of offences committed by foreigners (nationals of other Member States) is a particularly problematic and unsatisfactory matter because of the very varied legal and administrative provisions of the different Member States and the poorly organized procedure for legal and administrative assistance (double penalties, loopholes where no penalties exist). In spite of this, Belgium and

France for instance have increased the number of notifications of offences committed by foreigners.

What is needed is for Member States to develop joint practical procedures and rules which -- pragmatically and simply, and regardless of differences between the various legal and administrative procedures -- give more satisfactory results in the prosecution of offences by non-nationals and in the field of cooperation between the Member States.

Conclusions and proposals by Member States

Implementation of the Regulation

Most Member States note that there is a need for more effective application of the Regulation. By contrast, the United Kingdom regards the conditions applicable to international transport as sufficient. In this respect the Federal Republic particularly stresses the need for transport company managers and drivers to be better informed.

Individual log book

The information supplied once again shows that it would be appropriate to establish joint rules to be applied to drivers from non-member countries.

With the gradual introduction of compulsory automatic recording equipment from 1 January 1975¹, which is to replace the individual log book entirely, the whole question of the individual log book in Community traffic will become less important.

Report model

France and Italy are promoting the idea that the model used by Member States to communicate their information to the Commission should be simplified and made more practical.

¹ Regulation (EEC) No 1463/70 of the Council of 20 July 1970, OJ No L 164/70, p.1.

Proposals for increasing efficiency in the implementation of the Regulation.

The Netherlands suggest a reappraisal of certain provisions in the Regulation, particularly the provision concerning a second driver for distances of over 450 km (Article 6 of the Regulation), the aim being to achieve better implementation by easing and simplifying this provision to some extent.

Belgium, like the Federal Republic, particularly stresses better information for drivers and proposes to link the issuing of driving licences to a test of the driver's knowledge of the provisions of the Regulation.

The United Kingdom emphasizes that the greater harmonization of control measures and penalties throughout the Community is a prerequisite for the more effective application of the Regulation.

These proposals deserve close examination. The question of the harmonisation of control procedures and penalties was already the subject of the discussions at the meeting of Government Experts on 5 and 6 December 1974. The Belgian suggestion must be coordinated with the Commission action in respect of the harmonisation of driving licence regulations in the Member States¹.

The suggestion from the Netherlands concerning the re-examination of Article 6 of the Regulation has already been the subject of the exchange of views which has taken place in recent months in the Council Transport Group Working Party concerning a possible relaxation and amendment of Regulation (EEC) II° 543/69.

As a general comment on these results it can be said that Member States must put their weight behind efforts to achieve more efficient application of the Regulation, particularly by means of more effective checks and penalties and through procedures which are more suited to mutual assistance. The Commission, for its part, will do all within its possibilities to contribute hereto.

¹A first proposal for a Council Directive on the harmonisation of legislation concerning heavy goods vehicle driving permits was sent by the Commission to the Council on 17 August 1972 (COM (72) 862final 24.7.1972)

ANNEX I - (Federal Republic of Germany)
1973

| Infringements in the carriage of goods or passengers by road | Type of Infringement - Section II | | Type of Penalty |
|--|-----------------------------------|---|----------------------------------|
| Ref. II (1) 65.887 | a | Maximum distance | per II.3 13,822; 18,709 18 |
| 9.495 | b1 | Maximum driving period (carriage of goods by road) | |
| 3.243 | b2 | Maximum driving time (carriage of passengers by road) | |
| 2.281 | c | Breaks between driving periods | |
| 5.167 | d1 | Daily rest period - Carriage of goods | |
| 573 | d2 | Daily rest period - Carriage of passengers | |
| 466 | e | Total rest during the week | |
| 28.708 | f1 | (Individual log book) | |
| 13.140 | f2 | Completing the individual log book | |
| 299 | g1 | Regular services (Operators) | |
| 105 | g2 | Regular services (Crew members) | |
| 4.993 | | Oral warning | |
| | | Cautionary fine | |
| | | Fines | |
| | | Prison sentences | |

ANNEX II - Federal Republic of Germany
 Proceedings for Breaches of the Law Concerning Crew Members

Carriage of Goods by Road

| Country | No follow-up for information purposes | | | | | Warning without fine | | | | | Warning with fine | | | | | Fines | | | | | Total sum | | | | |
|----------------------|---------------------------------------|------------------------------|--------------|--------------|----------|----------------------|------------------------------|--------------|--------------|----------|--------------------------|------------------------------|--------------|--------------|----------|--------------------------|------------------------------|--------------|--------------|----------|--------------------------|------------------------------|--------------|--------------|----------|
| | measures | provisions violated | | | | measures | provisions violated | | | | measures Number and D.M. | provisions violated | | | | measures Number and D.M. | provisions violated | | | | measures Number and D.M. | provisions violated | | | |
| | | evidence required for checks | driving time | rest periods | distance | | evidence required for checks | driving time | rest periods | distance | | evidence required for checks | driving time | rest periods | distance | | evidence required for checks | driving time | rest periods | distance | | evidence required for checks | driving time | rest periods | distance |
| Fed. Rep. of Germany | 720 | - | - | - | - | 5 | 2 | 2 | 2 | - | 8 160 | 4 | - | 3 | 1 | 85 17.615 | 9 | 69 | 38 | 28 | 918 | 15 | 71 | 43 | 29 |
| Belgium | 195 | 179 | 12 | 5 | 27 | 44 | 42 | 2 | 2 | 2 | 354 7.070 | 326 | 17 | 3 | 21 | 156 13.176 | 153 | 2 | - | 4 | 749 | 100 | 33 | 10 | 54 |
| Switzerland | 15 | 9 | 1 | - | 5 | 32 | 23 | 6 | 1 | 5 | - | - | - | - | - | 87 10.045 | 37 | 32 | 5 | 43 | 134 | 69 | 39 | 7 | 53 |
| Denmark | 43 | 39 | - | - | 5 | 18 | 17 | - | - | - | 175 3.490 | 170 | 2 | 2 | 7 | 43 2.600 | 43 | 4 | 3 | 2 | 279 | 269 | 6 | 5 | 14 |
| Franca | 5 | 4 | 1 | - | - | 14 | 14 | - | - | 1 | 4 80 | 4 | - | - | - | 221 15.910 | 168 | 27 | 6 | 35 | 244 | 210 | 28 | 6 | 37 |
| United Kingdom | 2 | 2 | - | - | - | - | - | - | - | - | - | - | - | - | - | 1 50 | 1 | - | - | - | 3 | 3 | - | - | - |
| Greece | 3 | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | 3 | - | - | - | - |
| Italy | 66 | 14 | - | - | 5 | 16 | 15 | - | - | - | 59 1.160 | 59 | - | - | - | 362 20.700 | 353 | 8 | 4 | 4 | 502 | 441 | 8 | 4 | 9 |
| Luxembourg | 67 | 62 | 5 | 5 | 2 | 33 | 26 | 4 | 3 | 1 | 12 220 | 10 | 2 | 1 | 1 | 10 415 | 10 | 1 | - | - | 119 | 108 | 12 | 9 | 4 |
| Norway | 6 | 6 | - | - | - | - | - | - | - | - | 1 20 | 1 | - | - | - | 1 50 | 1 | - | - | - | 8 | 8 | - | - | - |
| Netherlands | 55 | 73 | 12 | 1 | 12 | 2 | 2 | - | - | - | 76 1.315 | 76 | - | - | - | 2.034 179.150 | 1.809 | 222 | 47 | 282 | 2.207 | 1.960 | 234 | 48 | 294 |
| Sweden | 17 | 15 | 2 | 1 | 1 | - | - | - | - | - | 1 20 | - | - | - | 1 | 1 50 | 1 | - | - | - | 19 | 15 | 2 | 1 | 2 |
| Finland | 8 | 8 | - | - | 1 | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | 8 | 8 | - | - | 1 |
| Turkey | 3 | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | 3 | - | - | - | - |
| Total sum | 1.245 | 411 | 33 | 12 | 58 | 161 | 142 | 14 | 8 | 9 | 669 13.535 | 21 | 9 | 31 | | 3.001 259.755 | 2.605 | 365 | 104 | 399 | 5.096 | 3.807 | 433 | 133 | 497 |

ANNEXE III - Federal Republic of Germany
 Proceedings for Breaches of the Law Concerning Crew Members - 1973

Carriage of Passengers by Road

| Country | No follow-up for information purposes | | | | | Warning without fine | | | | | Warning with fine | | | | Fines | | | | Total sum | | | | | | |
|----------------------|---------------------------------------|------------------------------|--------------|--------------|----------|----------------------|------------------------------|--------------|--------------|----------|--------------------------|------------------------------|--------------|--------------|----------|--------------------------|------------------------------|--------------|--------------|----------|-------------------|------------------------------|--------------|--------------|----------|
| | measures | evidence required for checks | driving time | rest periods | distance | measures | evidence required for checks | driving time | rest periods | distance | measures Number and D.M. | evidence required for checks | driving time | rest periods | distance | measures Number and D.M. | evidence required for checks | driving time | rest periods | distance | measures and D.M. | evidence required for checks | driving time | rest periods | distance |
| Red. Rep. of Germany | 1 | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | 1 | - | - | - | - |
| Belgium | 3 | 3 | - | - | - | 1 | 1 | - | - | - | 1 | 1 | - | - | - | - | - | - | - | - | 5 | 5 | - | - | - |
| Switzerland | - | - | - | - | - | 2 | 2 | - | - | - | - | - | - | - | - | 2 150 | 1 | 1 | - | - | 4 | 3 | 1 | - | - |
| Denmark | 2 | - | - | - | - | 1 | 1 | - | - | - | - | - | - | - | - | - | - | - | - | - | 3 | 1 | - | - | - |
| France | - | - | - | - | - | 1 | 1 | - | - | - | - | - | - | - | - | - | - | - | - | - | 1 | 1 | - | - | - |
| United Kingdom | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| Greece | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| Italy | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| Luxembourg | - | - | - | - | - | 1 | 1 | - | - | - | - | - | - | - | - | - | - | - | - | - | 1 | 1 | - | - | - |
| Norway | 1 | 1 | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | 1 | 1 | - | - | - |
| Netherlands | 2 | - | 2 | - | - | - | - | - | - | - | 1 20 | 1 | - | - | - | 18 840 | 17 | - | - | - | 21 | 18 | 2 | - | - |
| Sweden | 2 | 2 | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | 2 | 2 | - | - | - |
| Finland | 2 | 2 | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | 2 | 2 | - | - | - |
| Turkey | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| Total sum | 13 | 8 | 2 | - | - | 6 | 6 | - | - | - | 2 40 | 2 | - | - | - | 20 890 | 18 | 1 | - | - | 41 | 34 | 3 | - | - |

ANNEX IV (Belgium)

1. Number of breaches recorded for the carriage of goods

The breakdown for the 2.949 breaches recorded for the carriage of goods is as follows :

| | |
|--|-------|
| a) Maximum distance (450 km - Article 6) | 13 |
| b) Total period of driving time (Article 7) | |
| continuous driving | 29 |
| daily driving period | 33 |
| weekly driving period | 11 |
| c) Breaks in driving period (Article 8) | 7 |
| d) Daily rest period (Article 11) | 27 |
| e) Weekly rest period (Article 12) | 1 |
| f) Individual control book (Article 14 and Annexes) | |
| Article 14 (1), crew members not carrying log book | 1.728 |
| Article 14 (1) (Annexe), log books not issued | 18 |
| Article 14 (2), log books not entered up or entered up incorrectly | 474 |
| Article 14 (7), register not kept | 362 |
| Article 14 (7), registers not correct | 116 |
| Article 14 (8), log books not retained | 114 |
| g) Checks on regular services (Article 15) | |
| 1. no service timetable drawn up | 9 |
| no duty roster drawn up | 7 |
| 2. Each crew member obliged to carry a copy of the duty roster and service timetable | 0 |

TOTAL

2.949

ANNEX V (Belgium)

Offences Committed by Belgian Nationals

| | |
|---|-------|
| a) Maximum distances (450 km - Article 6) | 12 |
| b) Total period of driving time (Article 7) | |
| continuous driving | 23 |
| daily driving period | 30 |
| weekly driving period | 11 |
| c) Breaks in driving period (Article 8) | 7 |
| d) Daily rest period (Article 11) | 27 |
| e) Weekly rest period (Article 12) | 1 |
| f) Individual control book (Article 14 and Annexes) | |
| Article 14 (1), crew members not carrying log books | 1.584 |
| Article 14 (1) (Annex), log books not issued | 18 |
| Article 14 (2), log books not entered up or entered up incorrectly | 464 |
| Article 14 (7), register not kept | 362 |
| Article 14 (7), registers not correct | 116 |
| Article 14 (8), log books not retained | 114 |
| g) Checks on regular services (Article 15) | |
| 1. no service timetable drawn up | 9 |
| no duty roster drawn up | 7 |
| 2. Each crew member obliged to carry a copy of the duty roster and service timetable | 0 |

2.785

.../...

ANNEX Va (Belgium)

Offences committed by non-nationals

| | NL | Lux | G | I | F | DK | Total |
|---|-----|-----|----|---|----|----|-------|
| a) Maximum distance (450 km - Article 6) | 1 | - | - | - | - | - | 1 |
| b) Maximum driving period (Article 7) | | | | | | | |
| continuous driving period | 5 | - | 1 | - | - | - | 6 |
| daily driving period | 2 | - | - | - | 1 | - | 3 |
| weekly driving period | - | - | - | - | - | - | - |
| c) Driving breaks (Article 8) | - | - | - | - | - | - | - |
| d) Daily rest period (Article 11) | - | - | - | - | - | - | - |
| e) Weekly rest period (Article 12) | - | - | - | - | - | - | - |
| f) Individual log books (Article 14 and annex) | | | | | | | |
| crew members not carrying log books (Article 14 (1)) | 97 | 14 | 16 | 1 | 14 | 1 | 143 |
| log books not entered up (Article 14 (2)) | 7 | 1 | 1 | - | 1 | - | 10 |
| Total | 112 | 15 | 18 | 1 | 16 | 1 | 163 |

ANNEX VI (Belgium)

Breaches recorded for unscheduled passenger services :

| | |
|--|-----|
| a) Maximum distance (450 km, Article 6) | 0 |
| b) Maximum driving period (Article 7) (8 B and 1 F) | 9 |
| c) Breaks in driving period (Article 8) | 0 |
| d) Daily rest period (Article 11) | 0 |
| e) Weekly rest period (Article 12) | 0 |
| f) Individual log book (Article 14 and Annexes) | |
| - Article 14 (1) no log book (whereof 73 B, 11 G, 7 F, 15 N1, 5 Lux, 6 I) | 117 |
| - Article 14 (2), log book not entered up or incorrectly entered up (whereof 33 B, 2 G, 2 F, 11 N1, 1 Lux) | 49 |
| - Article 14 (7), registers not kept or incorrectly kept (6 B) | 6 |

181

ANNEX VII (Belgium)

Breakdown of written proceedings and follow up for 1973

Carriage of goods

| Written proceedings under Article number | Number of written proceedings | Subsequently dropped | Settled | Payments discharged | Convicted | Follow-up not known |
|--|-------------------------------|----------------------|---------|---------------------|-----------|---------------------|
| 7 (1) | 6 | - | - | - | - | 6 |
| 14 - 1 (2) | 1.687 | 186 | 273 | - | 56 | 1.172 |
| 14 - 2 (3) | 107 | 14 | 21 | - | 4 | 68 |
| 14 - 7 (4) | 103 | 11 | 26 | - | 1 | 65 |
| 14 - 8 (5) | 1 | 1 | - | - | - | - |
| 155- (6) | 1 | 1 | - | - | - | - |
| | 1.905 | 213 | 320 | - | 61 | 1.311 |

- (1) Article 7 : exceeding maximum continuous driving time
- (2) Article 14 (1) : crew members not carrying individual log book
- (3) Article 14 (2) : individual log book not entered up or incorrectly entered up
- (4) Article 14 (7) : no register of individual log books kept
- (5) Article 14 (8) : completed individual log books not kept by the undertaking for at least one year
- (6) Article 15 : no service timetable or duty roster drawn up (regular services).

ANNEX VIII (France)

Checks on non-French crew members

The figures for checks carried out on non-French crews are given in the table below (figures in brackets are for the period 1 October 1971 to 31 December 1972).

| | Number of crew members | | Percentage of crew members found to be in order | Number of | |
|-----------------------------|------------------------|-----------|---|-------------------|---------------------|
| | Checked | In order | | Offences recorded | Written proceedings |
| Total | 318 (540) | 156 (279) | 49 % (52 %) | 134 (362) | 94 (191) |
| Broken down into : | | | | | |
| Federal Republic of Germany | 108 (147) | 68 (94) | 63 % (64 %) | 38 (97) | 24 (39) |
| Belgium | 87 (191) | 37 (80) | 43 % (42 %) | 50 (137) | 33 (85) |
| Italy | 76 (79) | 34 (36) | 45 % (46 %) | 25 (57) | 16 (31) |
| Holland | 17 (97) | 7 (57) | 41 % (59 %) | 3 (56) | 3 (33) |
| Luxembourg | 4 (16) | 3 (9) | 75 % (56 %) | 1 (3) | 1 (3) |
| Non-member countries | 26 | 7 | 27 % | 17 | 17 |

ANNEX IX (France)

Breakdown of offences recorded

| | 1973 Number | 1973 % | 1972 figure | Increase Decrease % |
|---|----------------|-----------|----------------|---------------------------|
| Exceeding the daily driving period | 9682 | 24 % | 29 % | - 5 % |
| Individual log book not entered up correctly | 13716 | 34 % | 27 % | + 7 % |
| Exceeding the 450 km limit | 6858 | 17 % | 13 % | + 4 % |
| Exceeding the continuous driving period | 3630 | 9 % | 10 % | - 1 % |
| Non-compliance with provision for daily rest period | 3227 | 8 % | 10 % | - 2 % |
| Not carrying documents required at checks | 806 | 2 % | 4 % | - 2 % |
| Miscellaneous | 2420 | 6 % | 7 % | - 1 % |

As can be seen, the number of offences consisting in not carrying the documents required at checks continues to decrease, which would seem to be the result of continuous efforts in one specific field over several years.

ANNEX X (France)

Fines imposed by the French departments :

| Category of fine | Number of fines | % | Cumulative % | Cumulative percentage for 2nd and 3rd quarter of 1972 (for comparison) |
|--------------------------|-----------------|-------|--------------|--|
| Fines of less than FF 12 | 2080 | 18 % | 18 % | 22,8 % |
| " between FF 12 & 20 | 720 | 6 % | 24 % | 38 % |
| " " FF 21 & 30 | 1674 | 14 % | 38 % | 53,2 % |
| " " FF 31 & 60 | 3549 | 31 % | 69 % | 91,1 % |
| " " FF 61 & 100 | 1827 | 15 % | 84 % | |
| " " FF 105 & 150 | 745 | 6 % | 90 % | 93,5 % |
| " " FF 151 & 200 | 658 | 5 % | 95 % | 94,6 % |
| " " FF 201 & 240 | 133 | 1 % | 96 % | 94,6 % |
| " over FF 240 | 402 | 4 % | 100 % | 100 % |
| | 11788 | 100 % | | |

We would like to recall that in some cases low fines are imposed because the offender has been sentenced to several fines at once and the tribunals take this into account in fixing the amount of each one separately (although according to the letter of the law an accumulation of penalties imposed does not have any effect on the actual penalties).

.../...

ANNEX XI (Luxembourg)

Record of offences

- a) Exceeding the maximum distance (450 km) for certain categories of vehicle when the driver is not accompanied by another driver from the beginning or the journey (Article 6)

Number of offences : 3.147

- b) Maximum driving period (Article 7)

- Vehicles listed in Article 6 :

Daily driving period : 8 hours

Number of offences : 4.176

Weekly driving period : 48 hours

Number of offences : 135

- other vehicles : no records

- c) Breaks in driving period (Article 8)

Number of offences : 1.809

- d) Daily rest period (Article 11)

1. Carriage of goods :

- 11 hours during the preceding 24 with a reduction of 2 x 9 hours per week at the stopover point or 2 x 8 hours elsewhere than at the stopover point.

Number of offences : 1.301

2. Carriage of passengers :

No record

- e) Weekly rest period (Article 12)

Number of offences : 35

- f) Individual control book (Article 14 and annexes)

.../...

- 1) In the course of checks which were carried out it was noted that drivers employed by large haulage companies always carried with them the individual log book.
- 2) Entering up the log book in accordance with the provisions of the regulation :

Number of offences : 194

g) Checking regular services (Article 15)

- 1) and 2) From checks carried out on regular services it transpired that both the obligation for the employer to draw up a service timetable and duty roster, and the obligation for each crew member to carry a copy or an extract of these documents, was generally complied with.

ANNEX XII (Netherlands)

Offences and penalties

| 1. | <u>Articles</u> | <u>Carriage of goods by road</u> | <u>Carriage of passengers by road</u> | |
|--------------|-----------------|--------------------------------------|---------------------------------------|-------------------------|
| | | | <u>Cases closed</u> | <u>Cases still open</u> |
| a. | 6 | 3026 | - | - |
| b. | 7/1 | 2333 | - | 2 |
| | 7/2 | 6732 | - | 38 |
| | 7/3 | 451 | - | 3 |
| | 7/4 | 334 | - | - |
| c. | 8 | 3 | - | - |
| d. 1) | 11/1 | 2616 | - | - |
| | 2) | - | 5 | 101 |
| e. | 12 | 40 | - | 27 |
| f. 1) | 14/1 | 11973 | 5 | 208 |
| | 2) | 19325 | 11 | 131 |
| g. | 15/1 | - | - | - |
| | 15/5 | - | - | - |
| Total | | 46833 | 21 | 510 |

| 2. | <u>Articles</u> | <u>Netherlands</u> | <u>Belgium</u> | <u>Federal Republic of Germany</u> | <u>France</u> | <u>Italy</u> | <u>Luxembourg</u> | <u>Non-member countries</u> |
|--------------|-----------------|--------------------|----------------|--|---------------|--------------|-------------------|---------------------------------|
| a. | 6 | 2984 | 15 | 23 | 2 | - | - | 2 |
| b. | 7/1 | 2326 | - | 9 | - | - | - | - |
| | 7/2 | 6723 | 31 | 12 | 2 | - | - | 2 |
| | 7/3 | 454 | - | - | - | - | - | - |
| | 7/4 | 332 | 1 | 1 | - | - | - | - |
| c. | 8 | 3 | - | - | - | - | - | - |
| d. | 11/1 | 2587 | 16 | 11 | 2 | - | - | - |
| | 11/2 | 104 | 2 | - | - | - | - | - |
| e. | 12 | 67 | - | - | - | - | - | - |
| f. 1. | 14/1 | 11825 | 203 | 143 | 5 | 3 | 2 | 5 |
| | 2. | 14/2 | 19157 | 117 | 152 | 2 | 37 | - |
| g. | 15/1 | - | - | - | - | - | - | - |
| | 15/5 | - | - | - | - | - | - | - |
| Total | | 46562 | 385 | 351 | 13 | 40 | 2 | 11 |

3. As required by Article 6 of the Law on driving periods (Dutch Official Journal 1936, 802) the maximum penalty for offences is Fl 300 or one months' imprisonment and, in the case of a second offence within two years of the first, the maximum penalty is Fl 600 or two months' imprisonment.

ANNEX XIII (The Netherlands)

Total number of written proceedings and inspection reports concerning
the carriage of goods and persons by road in the Netherlands

| | Written proceedings | Inspection reports | Offences | Penalties | Details |
|-----------------------------|---------------------|--------------------|----------|----------------|---|
| Netherlands | 21.093 | | 46.562 | Fl. 761.437,50 | 210 written proceedings dropped 21 written proceedings dropped * |
| Belgium | 72 | 224 | 385 | - 1.195,- | 23 written proceedings dropped |
| Federal Republic of Germany | 36 | 209 | 351 | - 475,- | 18 written proceedings dropped |
| France | - | 9 | 13 | - - | |
| Italy | - | 22 | 40 | - - | |
| Luxembourg | 1 | 1 | 2 | - 10,- | |
| Non-member countries | | 6 | 11 | - - | |
| Total | 21.202 | 471 | 47.364 | Fl. 763.117,50 | |

* Not giving rise to any penalties

ANNEX XIV (Netherlands)

II. Breakdown of penalties imposed on Dutch road haulage companies

Carriage of goods by road

| Article of Regulation | Number of written proceedings | Total number of offences mentioned in written proceedings | Total sum of fines imposed |
|--|-------------------------------|---|----------------------------|
| 6 | 40 | 218 | Fl. 3.760,- |
| 7.1 | 13 | 142 | " 1.230,- |
| 7.2 | 84 | 753 | " 6.540,- |
| 7.3 | 22 | 68 | " 1.245,- |
| 11.1 | 66 | 204 | " 10.340,- |
| 12 | 5 | 7 | " 340,- |
| 14.1 | 11.519 | 11.519 | " 330.545,- |
| 14.2 | 8.206 | 18.144 | " 279.052,50 |
| Articles other than those listed above | 839 | 15.017 | " 116.385,- |
| | 20.794 | 46.072 | Fl. 749.437,50 |
| Regular passenger services | | | |
| 14.1 | 4 | 4 | " 115,- |
| 14.2 | 1 | 1 | " 30,- |
| Articles other than those listed above | 1 | 16 | " 500,- |
| | 6 | 21 | Fl. 645,- |
| Unscheduled passenger services | | | |
| 14.1 | 185 | 185 | " 5.555,- |
| 14.2 | 82 | 108 | " 2.375,- |
| Articles other than those listed above | 26 | 176 | " 3.425,- |
| | 293 | 469 | Fl. 11.355,- |

ANNEX XV (Netherlands)

Dutch road haulage companies with subsidiaries in Belgium

| Carriage of goods by road | Number of written proceedings | Total number of offences mentioned in written proceedings | Total sum imposed in fines |
|---|----------------------------------|--|-------------------------------|
| Article of Regulation | | | |
| 14.1 | 73 | 73 | Fl. 2.375,- |
| 14.2 | 36 | 44 | " 1.125,- |
| Articles other than those listed above | 3 | 41 | " 425,- |
| <u>Unscheduled passenger services</u> | 112 | 158 | " 3.925,- |
| 14.1 | 3 | 3 | " 95,- |
| 14.2 | 3 | 3 | " 90,- |
| | 6 | 6 | Fl. 185,- |

Belgian road haulage companies with subsidiaries in the Netherlands

| Carriage of goods by road | Number of written proceedings | Number of inspection reports | Total number of offences mentioned in written proceedings and inspection reports | Total sum imposed in fines |
|---|-------------------------------------|------------------------------------|--|-------------------------------|
| 14.1 | 58 | 142 | 200 | Fl. 1.195,- |
| 14.2 | 14 | 56 | 98 | " - |
| Articles other than those listed above | - | 19 | 68 | " - |
| | 72 | 217 | 366 | Fl. 1.195,- |
| <u>Unscheduled passenger services</u> | | | | |
| 14.1 | - | 3 | 3 | |
| 14.2 | - | 3 | 8 | |
| Articles other than those listed above | - | 1 | 8 | |
| | - | 7 | 19 | |

German road haulage company with subsidiaries in the Netherlands

| <u>Carriage of goods by road</u> | Number of | | Total number of offences mentioned in written proceedings and inspection reports | Total sum imposed in fines |
|---|------------------------|-----------------------|--|----------------------------------|
| | Written proceedings | Inspection reports | | |
| 14.1. | 27 | 97 | 124 | Fl. 360,- |
| 14.2. | 9 | 80 | 145 | " 115,- |
| | 36 | 177 | 269 | Fl. 475,- |
| <u>Unscheduled passenger services</u> | | | | |
| 14.1. | - | 19 | 19 | |
| 14.2. | - | 7 | 7 | |
| Articles other than those listed above | - | 6 | 56 | |
| | - | 32 | 82 | |

French road haulage
companies with
subsidiaries in the
NetherlandsCarriage of goods
by road

| | | | | |
|---|---|---|----|--|
| 14.1. | - | 5 | 5 | |
| 14.2. | - | 2 | 2 | |
| Articles other than those listed above | - | 2 | 6 | |
| | | 9 | 13 | |

Italian road haulage companies with subsidiaries in the Netherlands

| Articles of Regulation | Number of Written proceedings | Inspection reports * | Total number of offences mentioned in written proceedings and inspection reports | Total sum imposed in fines |
|------------------------|-------------------------------|----------------------|--|----------------------------|
| 14.1. | - | 3 | 3 | |
| 14.2. | - | 19 | 37 | |
| | - | 22 | 40 | |

Luxembourg road haulage companies with subsidiaries in the Netherlands

| | | | | |
|-------|---|---|---|----------|
| 14.1. | 1 | 1 | 2 | Fl. 10,- |
|-------|---|---|---|----------|

Road haulage companies from non-member countries with subsidiaries in the NetherlandsCarriage of goods by road

| | | | | |
|--|---|---|----|--|
| 14.1. | - | 3 | 3 | |
| 14.2. | - | 1 | 2 | |
| Articles other than those listed above | - | 2 | 6 | |
| | - | 6 | 11 | |

* Not giving rise to any penalties.

ANNEX XVI (United Kingdom)

LIST OF OFFENCES

For the period 1 August 1973 to 31 December 1973 only

Total number of offences recorded : 184

- a. (Article 6) non
b. (Article 7) (1) none
(2) United Kingdom - 1 (goods) - oral caution
c. (Article 8) none
d. (Article 11) none
e. (Article 12) none
f. (Article 14 and annexes)

CARRIAGE OF GOODS BY ROAD - NUMBER OF OFFENCES

| | UK | F | NL | G | B | DK | It | Ir | LUX | NON-MEMBER COUNTRIES | TOTAL |
|--------|----|----|----|---|---|----|----|----|-----|----------------------|-------|
| 14 (1) | 59 | 4 | 12 | 2 | 2 | 13 | 1 | 7 | - | 23 | 123 |
| 14 (2) | 19 | 27 | 2 | 1 | - | 2 | - | - | - | 8 | 59 |
| | | | | | | | | | | TOTAL | 182 |

Whereof :

CARRIAGE OF GOODS BY ROAD - PENALTIES

- 14 (1) United Kingdom's SUMMONS : 2
PROHIBITION : UK - 5, NL - 2, DK - 10, Ir - 3, NON-MEMBER COUNTRIES - 3
WRITTEN CAUTIONS : UK - 5, F - 1, NL - 4, NON-MEMBER COUNTRIES - 2
ORAL CAUTIONS : UK - 47, F - 3, NL - 6, DK - 2, B - 2, DK - 3, I - 1, Ir - 4, NON-MEMBER COUNTRIES - 18.
- 14 (2) United Kingdom SUMMONS : - 2
PROHIBITIONS : UK - 2
WRITTEN CAUTIONS : F - 2, NL - 1, DK - 1, NON-MEMBER COUNTRIES - 1
ORAL CAUTIONS : UK - 15, F - 25, NL - 1, DK - 2, NON-MEMBER COUNTRIES - 7
- CARRIAGE OF PASSENGERS BY ROAD - NUMBER OF BREACHES AND PENALTIES

14 (1) UNITED KINGDOM - 1 - ORAL CAUTION

g. (Article 15) none.