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## NINTH 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 1979

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A. INTRODUCTION

1. This is the ninth General Report on the implementation by the Member States of Council Regulation (EEC) No 543/69 of 25 March 1969. Under Article 17 of this Regulation, the Commission is required to present such a report to the Council yearly. The ninth Report covers the period 1 January to 31 December 1979.

2. In 1979, the "European Communities (Road Transport) Regulation 1979" entered into force in Ireland as part of a gradual process of applying Regulation (EEC) No 543/69. This process will continue during the period up to 31 December 1980.

3. Most Member States were once again very slow in submitting their reports to the Commission. In some cases, the delay was considerable, while some reports were either incomplete or contained no statistics. Moreover, the figures were not presented in a uniform fashion. All these factors make it very difficult for the Commission to draw up a supplementary report.

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B. COMPARATIVE ANALYSIS OF INFORMATION SUPPLIED BY THE MEMBER STATES

I. ORGANIZATION OF CONTROL

1. Administrative organization of inspection

Administrative arrangements in Belgium, Denmark, the Federal Republic of Germany, Ireland, Luxembourg, the Netherlands and the United Kingdom were described in the 1978 report. France reported that various measures had been adopted in order to help the authorities to recruit more staff and obtain necessary equipment. They will be implemented in stages throughout the duration of the Seventh Five-Year Plan (1 January 1976 to 31 December 1980). The ability to carry out inspections, which had been increased in June 1978 through the use of a semi-automatic device for analyzing tachograph discs, improved still further in 1979 with the introduction of a second machine. It was planned to put a further machine into service early in 1980.

The Italian Government had nothing to add to the sparse information it provided in 1977 and 1978.

2. Authorized inspecting officers and their powers

In Belgium, checks were carried out by 193 factory inspectorate officials (inspectors and assistant inspectors) (i.e. 84 fewer than in 1978). These officials were invested with the same powers as in 1978.

There has been no change in Denmark and the Netherlands since the last report as regards inspecting officers and their powers.

In the Federal Republic of Germany, as in 1978, some 2 500 officials (police, the BAG, factory inspectors) were responsible for monitoring the employment and activities of road haulage drivers as part of their wide-ranging duties.

The factory inspectorate employs some 250-300 officials. The inspectors have the power to conduct investigations and to report offenders with a view to the imposition of penalties. The factory inspectorate can impose fines for breaches committed in long-distance road transport. The BAG alone can impose fines in relation to infringements by foreign drivers and operators on the roads of the Federal Republic.

In France, 49 factory inspectors (transport) (6 more than in 1978) and 280 traffic examiners and deputy examiners (contrôleurs et adjoints de contrôle des transports terrestres) (20 more than in 1978) were responsible for monitoring the implementation of Regulation 543/69 in 1979.

These government officials carry out checks both on the roads and at the firms' premises. In addition, some 6 500 police and Gendarmerie motor cyclists carry out roadside checks. Any infringements are reported to the relevant authorities for further action. The "police judiciaire" (Criminal Investigation Department) and officials authorized to record road traffic offences may immobilize vehicles if their drivers have breached the rules on driving and rest periods in road transport.

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The Irish Government reported that roadside checks and checks at ports are carried out by Traffic Corps officers (250 in all). One of their main tasks is to monitor the implementation of social legislation relating to road transport. Moreover, in addition to their normal duties, customs and excise officers stationed at frontiers and ports are also responsible for ensuring that Regulation 543/69 is observed. Finally, four Departments of Labour Inspectors are engaged solely in carrying out inspections at transport operators' premises. The Irish Government reported that the powers of officers and inspectors were unchanged compared with previous years.

The Italian Government stated that checks are carried out by traffic police officers and the factory inspectorate, but could not give figures as to the number of officers involved.

The Luxembourg Government reported that there had been no changes in its checking system, details of which were given in the 1973 report.

The United Kingdom Government stated in its last report (1978) that steps had been taken to fill the vacant posts referred to in the 1977 report. At 31 December 1978 the total strength was 226 officers; a year later, the figure was only 221. The powers of traffic examiners and police remain unchanged and are as stated in the previous report.

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3. Methods of inspection (place and frequency)

In Belgium, the "inspection sociale" (factory inspectorate) was responsible for the bulk of the checks made at operators' premises; 560 inspections were conducted (430 relating to road haulage operations and 130 to passenger transport). The Belgian Government reported that transport department officers conducted about 7 800 roadside checks (6 800 on road haulage vehicles and 1 000 on passenger transport vehicles). It should be noted that, compared with 1978, the number of checks fell by 1 838. There were no figures available for roadside checks carried out by the Gendarmerie, Customs and other departments, but the number amounted to several thousand.

The Danish Government reported that since 1978 the Factories Inspectorate, in conjunction with the police, had carried out a large number of wide-ranging and systematic checks to determine whether the provisions on driving time and rest periods were being observed. These operations took the form of spot checks at major intersections. In addition, the police were able to ensure that the rules were being observed in the course of checks carried out in connection with road traffic legislation. Unfortunately, the Danish Government omitted to supply any figures relating to the number of checks carried out.

Checks in Germany were carried out in the manner described in previous reports. Some 60 000 checks were made in 1979, of which 14 620 were at operators' premises and the rest on the road. It is not possible to give precise figures concerning checks carried out on the road. The figure of about 45 000 is an estimate based on the number of fines imposed, warnings issued and infringements detected.

In France, the inspection methods used were the same as in 1978. Roadside checks were carried out primarily to ensure that documentary records and mechanical instruments were properly used and that standards

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directly affecting road safety were being observed. The number of checks carried out at operators' premises was 27 799 in 1979 as against 24 928 in 1978. A total of 255 961 record sheets were analysed.

A total of 282 302 checks were carried out on the road, but checks carried out by the Gendarmerie, for which no figures are available, also led to the detection of infringements and should be added to this total.

The Irish Government provided figures for the first time. In 1979, 300 checks were made at operators' premises. The checks were carried out primarily to ensure that documentary records and mechanical instruments were properly used. The Irish Government stated that the frequency and methods of roadside checks would be given in the next report.

Monitoring of the implementation of the Community rules in Italy consists mainly of inspections at operators' premises to check whether the control book and duty rosters have been drawn up and used and whether the tachograph has been installed in vehicles where this is required. In addition, a constant check was kept on vehicles on the road by traffic police officers. These checks were carried out for the most part on a random basis as part of the general control measures carried out by the factory inspectorate. The Italian Government stated that it was unable to supply figures relating to the number of firms at whose premises inspections were carried out.

The Luxembourg Government reported that there have been no changes in inspection methods but as in the past it omitted to provide figures relating to the actual number of checks made.

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In the Netherlands, officials of the National Transport Inspectorate (see above) carry out regular roadside checks; the police often help with checks on motorways by stopping vehicles. Frequent border checks are also made. As for checks on heavy vehicles, the police are responsible for technical matters and the National Inspectorate deals with the administrative aspect. The number of checks made during the period under review exceeded 160 000, an improvement on 1978. In addition to checks at firms' premises following the detection of infringements during roadside checks, National Transport Inspectorate officials conducted 391 in-depth investigations into certain operators' activities.

As in 1978, inspection in the United Kingdom took the form of vehicle checks on trunk roads (twice a week) organized by the Ministry of Transport traffic areas in conjunction with the police. Checks on about 10 to 15% of incoming vehicles at ports of entry into the United Kingdom were made and 55 530 so-called "silent" checks also took place. In 1979, 156 965 goods vehicles were inspected, 21 616 fewer than in 1978. The figures refer solely to the activities of Ministry of Transport officials responsible for checking as there is no complete register of the measures taken by the police. No figures were given for checks on passenger-carrying vehicles.

In the table below, the Commission has attempted to indicate the number of checks carried out in each Member State in order to give an idea of the scale of inspection operations in the various countries. The most detailed information was supplied by France and Belgium, both from the point of view of the place and number of checks made. However, the result would suggest that the figures relating to the number of checks carried out do not, unfortunately, present a ready basis for comparison as some countries (such as Belgium and the Federal Republic) do not indicate clearly whether they relate to the number of inspection operations or the actual number of crews checked.

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The Commission regrets that for the first time the German Government feels unable to provide a figure for the actual number of roadside checks, although the German report itself states that there has been no change in the way roadside checks are organized and carried out.

The Commission also regrets that the number of checks carried out in Belgium and the United Kingdom is lower than in the previous year and that the United Kingdom gives no information on inspections at firms' premises or checks on passenger vehicles.

In any case, as for 1978, comparison on this point is impossible since Luxembourg and Italy failed to supply figures and Ireland supplied no information whatsoever on roadside checks.

NUMBER OF CHECKS CARRIED OUT IN 1979 (1)			
Member State	Road side	Operators' Premises	Comparisons between 1978 and 1979
Belgium	7800 (2)	560	fewer checks in 1979
Denmark	no information	no information	-
Germany	45380 (3)	14620	more checks in 1979
France	282302 (4)	27799	more checks in 1979
Ireland	no information	300	-
Italy	idem	no information	-
Luxembourg	idem	idem	-
Netherlands	160000	391 in depth checks	more checks in 1979
United Kingdom	156964 (5)	no information	fewer checks in 1979

- (1) To judge the extent to which checks are comparable, cf. page 19
- (2) Checks carried out by the Gendarmerie should be added (figures not supplied)
- (3) The figure given is an estimate based on the number of fines imposed, warnings issued and infringements detected.
- (4) Checks carried out by the Gendarmerie should be added (figures not supplied).
- (5) No figures available on measures taken by the police.

REGULATIONS

Number of Breaches of the Regulation

Breaches of Regulation 543/69 in Belgium (2)						
Article	Goods Transport		Passenger Transport			
			Regular Services (1)		Occasional Services	
	National	Foreign	National	Foreign	National	Foreign
6	2	-				
7/1	6	-				
7/2	18	-				
7/4	7	-				
7/1 )	vehicles not referred to					
7/2 )	in Article 6 are not					
7/4 )	specified in the report					
8	4	-				
11/1	15	-				
11/2	-	-				
12	5	-				
14/1	220	3			23	7
14/2	-	-				
14/7	-	-				
14/8	-	-				
Annex 4	-	-				
15/1	-	-				
15/2	-	-				
16	-	-				
Reg.						
1463/70	182	12			194	116
Total	465	15			217	123

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- (1) As regards this type of transport, 94 checks were carried out at operators' premises. One infringement was detected but no prosecution was brought.
- (2) The table gives the infringements detected by the transport department and the Factory Inspectorate. The Gendarmerie was able to provide only the number of official reports made under each heading, with no breakdown by type of transport and nationality. These figures are given in the following table.

Infringements detected by the gendarmerie

1. Distance restriction (Article 6) :	32
2. Driving periods (Article 7) :	488
3. Breaks (Article 8) :	318
4. Daily rest period (Article 11) :	233
5. Weekly rest period (Article 12) :	39
6. Individual control book (Article 14 and annex) :	479
7. Checks on regular services (Article 15) :	17
	<hr/>
Total :	1 606

For the first time, the Gendarmerie provided data on the number of official reports made. The Belgian Government hopes to include this information in the standard form of report in future.

In 1979, the Transport Department and the Factory Inspectorate made 8 360 (- 9%) checks which uncovered 819 (- 9%) infringements. The Belgian Government considers that the fact that these figures are lower than those for 1978 (when 9 195 checks revealed 896 infringements) is due to a reduction in the number of staff carrying out checks (97 fewer than in 1978).

The Belgian Government also points out that increase in the number of breaches of Regulation (EEC) No 1463/70 (from 52 to 310) was counterbalanced by a fall in the number of infringements of Regulation (EEC) No 543/69 under which the individual control book is gradually being replaced by the tachograph.

BREACHES OF REGULATIONS 543/69 IN DENMARK						
Article	Goods Transport		Passenger Transport			
			Regular Services		Occasional Services	
	National	Foreign	National	Foreign (1)	National	Foreign (1)
6						
7/1						
7/2						
7/4						
7/1 )	68 (2)					
7/2 )						
7/4 )						
8						
11/1 )	59		3			
11/2 )						
12						
14/1 )	181 (2)					
14/2 )						
14/7 )						
14/8 )						
annex 4						
15/1						
15/2						
16						
Reg.						
1463/70						

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- (1) In view of the fact that all the breaches recorded were committed by Danish nationals, the Commission would like to know whether and to what extent checks are carried out by foreigners.
- (2) In its report, the Danish Government does not specify whether the infringements were detected in connection with goods transport or passenger transport operations. It should be noted that most breaches were committed in conjunction with infringements of other Articles of the Regulation.

In the Federal Republic of Germany, there was a 7% increase in the number of infringements detected (63 567 against 54 200) with 33% more checks being carried out in 1979 (60 000 against 45 000). Of these 63 567 infringements, 61 266 related to goods transport and 2 301 to passenger transport.

As regards Regulation (EEC) No 1463/70 and the AETR, 312 and 56 infringements respectively were detected, e.i. a very sharp increase to a total of 368. About 33 600 of the 63 867 infringements concerned rules on working time, and about 30 000 concerned rules regarding the records to be kept.

The table below gives a breakdown :

BREACHES AT REGULATION 543/69 IN THE FEDERAL REPUBLIC OF GERMANY

Article	Goods Transport		Passenger Transport			
			Regular Services		Occasional Services	
	National	Foreign	National	Foreign	National	Foreign
6	72	4				
7/1	4611	866	4	-	96	11
7/2	10556	1153	2	-	58	8
7/4	76	26	-	-	-	2
7/1) vehicles not referred to	1437	772	15	3	236	26
7/3) referred to	793	680	52	6	392	32
7/4) in Art. 6	623	12	-	2	5	1
8	2468	192	4	6	103	21
11/1	7609	276	no information	no information	no information	no information
11/2	no information	no information	52	13	786	28
12	469	8	12	6	56	6
14/1	20470	48	6	-	32	12
14/7						
14/8						
annex 4						
15/1	8	-	6			
15/5	14	4	42	8		
16						
Reg. 1463/70						
14.2 Reg. 543/69						

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BREACHES OF REGULATION 543/69 IN FRANCE (1)				
Article (2)	Roadside checks		Article	Checks at operators' premises
	National	Foreign		
	108622	5058	6 7/1 7/2 7/4 8 11/1) 11/2) 12 14/1 14/2 14/3 14/7 14/8 annex 4 15/1 15/2 16 Reg. n° 1463/70	18940 35090 5683  50828          7146

- (1) The French Government did not specify whether the infringements detected related to goods transport or passenger transport operations.
- (2) In the case of infringements by foreigners detected in roadside checks, only the nationality of the offender is specified, not the type of infringement.

While the Irish Government gave no information whatsoever on the number and type of infringements, the Italian Government stated that it was unable to supply figures on the infringements recorded.

BREACHES OF REGULATION 543/69 IN LUXEMBOURG (1)						
Article	Goods Transport		Passenger Transport			
	National	Foreign	Regular Services		Occasional Services	
			National	Foreign	National	Foreign
6	1224					
7/1	1875					
7/2	157					
7/4						
7/1	vehicles not referred to in art. 6 are not specified in the re- port					
7/2						
7/4						
8	835					
11/1	)	9				
11/2			463			
12	14					
14/1	)					
14/2		157				
14/7						
14/8						
annex 4						
15/1						
15/2						
16						
1463/70						

(1) The infringements detected and specified above were committed mainly by Luxembourg nationals in the course of international goods transport operations using vehicles referred to in Article 6 of Regulation (EEC) No 543/69. In a recent letter the Luxembourg Government informed the Commission that no official report had been made against foreign nationals. It therefore does not seem unreasonable to assure that no checks were made on foreign nationals. A fall in the number of infringements of the Community Regulation was recorded in Luxembourg (from 6966 in 1978 to 4734 in 1979). The Luxembourg Government informed the Commission that checks on regular services showed that the main obligations on the operator and each crew member were respected in general.

BREACHES OF REGULATION 543/69 IN THE NETHERLANDS						
Article	Goods Transport		Passenger Transport			
			Regular Services		Occasional Services	
	National	Foreign	National	Foreign	National	Foreign
6	-	-	-	-	-	-
7/1	1869	46	-	-	14	3
7/2, 7/3	4718	63	20	-	89	4
7/4	11	-	-	-	1	-
7/1 )	-	-	-	-	-	-
7/2 )	-	-	-	-	-	-
7/4 )	-	-	-	-	-	-
8	-	-	-	-	-	-
11/1 )	-	60	43	-	177	11
11/2 )	-	-	-	-	-	-
12	20	-	7	-	16	-
14/1	443	1	10	-	17	3
14/2	195	-	7	-	3	-
14/7	-	-	-	-	-	-
14/8	-	-	-	-	-	-
annex 4	-	-	-	-	-	-
15/1	-	-	2	-	-	-
15/2	-	-	3	-	-	-
16	25654	108	219	-	785	20
1463/70	-	-	-	-	-	-

The figures available for the Netherlands showed that 66.8% of all infringements detected relate to the use of the individual control book (1.6%) and the tachograph (65.2%) (Article 14(4) and 16).

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BREACHES OF REGULATION 543/69 IN THE UNITED KINGDOM (1)						
Article	Goods Transport		Passenger Transport			
			Regular Services		Occasional Services	
	National	Foreign	National	Foreign	National	Foreign
6	21	-				
7/1 )						
7/2 )						
7/4 )	2864	12				
7/1 )						
7/2 )						
7/4 )						
8	299	6				
11/1 )	251	21				
11/2 )						
12	159	-				
14/1	2365	174				
14/2	7721	55				
14/7	221	-				
14/8						
annex 4						
15/1						
15/2						
16						
Reg.						
1463/70						

(1) The United Kingdom does not specify whether the infringements detected relate to goods transport or passenger transport.  
The figures contained in the table relate only to the activities of Ministry of Transport traffic controllers and do not include those of the police.

A study of the various tables provided by the Member States can only lead to the conclusion that the scope and quality of the information provided and the terms used in the tables varies to such an extent that any valid comparison is almost impossible.

2. Infringements by nationals and foreigners respectively : comparative figures

In Belgium, 15 of the 480 infringements reported in the goods transport sector related to vehicles registered in other Member States of the Community and 465 to vehicles registered in Belgium. The following table gives a breakdown of these 480 infringements.

Goods transport										
Breaches of regulation No 543/69 in Belgium, by nationality										
Article	E	UK	D	F	IRL	I	L	NL	UK	TOTAL
6	2									2
7	31									31
8	4									4
11	15									15
12	5									5
14/1	220					1		2		223
14/2	6									6
14/7	0									0
14/8	0									0
Reg. No. 1463/70 (various articles)	182		5	3		1		3		194
TOTAL	465		5	3		2		5		480

Table II gives the infringements committed in the passenger transport sector, with a breakdown by nationality. About 16.9 % of those detected were committed by non-Belgians.

Passenger transport										
Breaches of regulation 543/69 in Belgium, by nationality										
Article	B	DK	D	F	IRL	I	L	NL	UK	TOTAL
6	0									
7	0									
8	0									
11	0									
12	0									
14/1	21		1	3				2		27
14/2	2							1		3
14/7	0									0
14/8	0									0
Reg. No 1463/70 (various articles)	190	1	33	22		28	1	26	5	306
	213	1	34	25		28	1	29	5	336

Denmark did not distinguish between nationals and non-nationals in its figures.

In contrast, the Federal Republic of Germany supplied very detailed figures showing that non-German drivers and transport operators accounted for about 8.4 % of all infringements detected. In 1979, the responsible authorities detected 58.206 infringements by German crews and 6.361 by foreign crews.

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Nevertheless, these figures do not make it possible for infringements by non-Germans to be broken down by nationality. The German Government points out that such a breakdown would require additional administrative resources. In this context, it should be noted that Germany has provided very detailed tables giving a breakdown of penalties imposed by nationality, but this did not permit a similar breakdown to be made of infringements committed by foreigners.

In France, a total of 254.241 French crews and 28.061 foreign crews were checked on the road in 1979. These checks led to the detection of 108.622 infringements by French crews and 5.058 by non-French crews. Non-French drivers and transport operators accounted for about 4.4 % of all infringements detected on the road.

Breaches of Regulation N° 543/69 in France, by nationality											
Article <sup>(1)</sup>	B	DK	D	F <sup>(2)</sup>	IRL	I	L	NL	UK	Non-member countries	TOTAL
?											
TOTAL	724	7	409	108.622	50	1.833	15	303	597	1.120	113.680

(1) The French standard form of report does not specify the Articles involved, nor whether the figures relate to goods transport or passenger transport.

(2) Roadside checks are included in the table.

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Ireland and Italy did not supply information, while Luxembourg failed to distinguish between nationals and non-nationals.

The detailed table sent in by the Dutch authorities shows that 40.788 infringements were committed by Dutch crews and 320 (0.7 %) by foreign crews.

Goods transport											
Breaches of Regulation No 543/69 in the Netherlands, by nationality											
Article	B	DK	D		IRL	I	L	NL	UK	Non-member countries	TOTAL
6	-	-	-	-	-	-	-	-	-	-	0
7/1	10	1	3	27	-	9	-	1.883	-	5	1.932
7/2 (	16	2	11	15	-	9	-	4.827	1	13	4.894
7/3 (											
7/4	-	-	-	-	-	1	-	12	-	-	13
8	-	-	-	-	-	-	-	-	-	-	0
11/1	12	2	10	16	-	8	-	6.455	1	11	6.515
11/2	-	-	-	-	-	-	-	220	3	8	231
12	-	-	-	-	-	-	-	43	-	-	43
14/1	-	1	-	-	-	-	-	470	-	3	474
14/2	-	-	-	-	-	-	-	205	-	-	205
14/4/16	26	2	20	2	-	44	-	26.658	16	18	26.786
15/1	-	-	-	-	-	-	-	2	-	-	2
15/5	-	-	-	-	-	-	-	3	-	-	3
16	-	-	-	-	-	-	-	-	-	-	0
TOTAL	64	8	44	54	-	71	-	40.778	21	58	41.098

Fairly detailed figures were supplied by the United Kingdom Government. The responsible authorities checked 4.486 foreign vehicles and detected 268 infringements (+ 5.9 %). A total of 152.478 UK vehicles were checked and the number of infringements revealed was 13.901 (around 9.1 %).

Goods transport											
Breaches of Regulation N° 543/69 in the United Kingdom											
Article	B	DK	D	F	IRL	I	L	NL	UK	Non member countries	TOTAL
6	-	-	-	-	-	-	-	-	21	-	21
7	-	-	1	6	2	-	-	2	2.864	1	2.876
8	-	-	1	1	2	1	-	-	299	1	305
11	-	-	1	4	8	2	-	5	251	1	272
12	-	-	-	-	-	-	-	-	159	-	159
14/1	1	1	-	6	152	5	-	-	2.365	9	2.539
14/2	-	-	2	7	33	4	-	2	7.721	7	7.776
14/7	-	-	-	-	-	-	-	-	221	-	221
15	-	-	-	-	-	-	-	-	-	-	0
<b>TOTAL</b>	<b>1</b>	<b>1</b>	<b>5</b>	<b>24</b>	<b>197</b>	<b>12</b>	<b>-</b>	<b>9</b>	<b>13.901</b>	<b>19</b>	<b>14.169</b>

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The Commission has attempted to draw up a number of comparative tables of the infringements detected. To evaluate the number of infringements, it is necessary to consider them in relation to the number of checks carried out :

Country	Number of road-side checks	Infringements	Infringements as percentage of number of checks carried out
Belgium	7.800	465	4
Denmark	no figure supplied	307	cannot be calculated
Germany	+ 158.830	63.600	40
France	282.302	108.622	38
Ireland	no figure supplied	no figure supplied	cannot be calculated
Italy	no figure supplied	no figure supplied	cannot be calculated
Luxembourg	no figure supplied	4.734	cannot be calculated
Netherlands	160.000	41.098	26
United Kingdom	156.964	14.169	9

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The table shows how far the figures are from being comparable. In the first place, the percentage cannot be calculated for four Member States. In the remaining cases, the figures for the number of checks carried out are overall figures only and in most cases relate only to checks carried out by special inspectors, i.e. they do not include checks carried out by the police or Gendarmerie.

Germany supplied a figure of 34.450 roadside checks and 10.930 special frontier checks. It is not clear whether these figures relate to the number of crews checked or the number of control operations. In the latter case, each operation could involve an unknown number of crews checked. When asked by the Commission, however, the German Government stated that the figure involved relates to control operations and that the figures should be multiplied by 3 to 4 to give the number of crews checked. Accordingly, the table gives the figure of 158.830 ( $3.5 \times (34.450 + 10.930)$ ).

Moreover, the following reservations should be made as regards the number of infringements detected :

- this number depends on the intensity or strictness of checks,
- in France, where the control standards differ from those laid down in Regulation n° 543/69, the number could as a result be lower than in a Member State in which the standards laid down in the Regulation are used to determine infringements,
- the fact that it is still not compulsory to install and use tachographs in the United Kingdom could have a considerable effect on the percentage in that country,
- the percentages show improbable differences. At first sight, there is no reason to believe that there are such differences in respect for the law in the various Member States. It is more reasonable to assume that the differences are due to the reasons given above.

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Under these circumstances, the table in question should be used with the greatest reservations. This also applies to the following table.

The main value of these tables is in showing that the report referred to in paragraphs 17 cannot fulfil its purpose if the Member States do not supply genuinely comparable figures established on the basis of comparable checks.

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INFRINGEMENTS

Number of infringements detected

Member States	By nationals of the Member States concerned			By foreigners			TOTAL
	Goods	Passenger		Goods	Passenger		
		Regular	Occasional		Regular	Occasional	
Belgium	465		213	15		123	816
Denmark		307					307
Federal Republic of Germany	56.188	195	1.850	5.105	44	212	63.594
France		226.309 <sup>(3)</sup>			5.058 <sup>(2)</sup>		231.367
Ireland			no information supplied				-
Italy			no information supplied				-
Luxembourg		4.734 <sup>(4)</sup>					4.734
Netherlands	39.425		1.673				41.098 <sup>(5)</sup>
United Kingdom	13.901			268			14.169

1. Figures for nationals only; no distinction is made between goods and passenger transport.
2. These figures relate to infringements detected on the road - no distinction between goods and passenger transport operations.
3. All infringements detected in the course of checks at operators' premises are by nationals; no breakdown into goods and passenger transport.
4. According to the Luxembourg Government, this figure relates mainly to nationals engaged in international goods transport operations using vehicles referred to in Article 6 of Regulation (EEC) No 543/69; however, the Commission has found that in some cases the figures making up this total also relate to passenger transport operations. This does not alter the fact that it is not possible to make a reliable distinction between goods transport and passenger transport.

The Commission has also established from other information received from the government in question that Luxembourg makes no checks on foreign vehicles.

5. The Netherlands detected 39.425 infringements concerning goods transport, 311 infringements concerning regular passenger transport and 1.362 infringements concerning occasional passenger transport. Although the Netherlands supplied detailed statistics, these figures do not allow a reliable breakdown to be made into nationals of the Member State in question and foreigners for each category of transport. It is possible to make this breakdown only for the total number of infringements covering both goods and passenger transport operations : Dutch nationals : 4.778 infringements; foreigners : 320 infringements.

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3. Penalties imposed

As far as Belgium is concerned, previous reports have already set out the reasons for the considerable time-lag between the institution of proceedings and the passing of sentences. These reports show that the list of official reports made over the year and the action known to have been taken by the time submissions for this report were due only give a partial picture of the actual situation as regards penalties imposed. In the goods transport sector, for example, 480 infringements gave rise to 348 official reports but penalties were imposed in only one case. In passenger transport, 336 official reports were made but no penalties were imposed by the courts.

Official reports and action taken - goods transport operations						
Article	Number of official Reports	No further action	Out of Court settlements	Acquittals	Penalties imposed by courts	Follow-up unknown
5	2	-	-	-	-	2
7/1	1	-	-	-	-	1
11	3	-	-	-	-	3
14/1	223	16	16	-	-	191
14/2	0	-	-	-	-	0
14/8	1	-	1	-	-	0
Annexe	0	-	-	-	-	0
	0	-	-	-	-	0
ment /70	118	10	16	-	-	91
	348	26	33	0	0	288



Official reports and action taken - passenger transport operations						
Article	Number of official reports	No further action	Out of Court settlements	Acquittals	Penalties imposed by courts	Follow-up unknown
7/1	0	-	-	-	-	0
11/1	2	-	2	-	-	0
14/1	27	1	4	-	-	22
14/2	3	-	-	-	-	3
14/7	0	-	-	-	-	0
14/8	0	-	-	-	-	0
16	22	3	5	-	-	14
Regulation 1463/70	282	12	14	-	-	256
Total	336	16	25	0	0	295

The Commission regrets that extremely few penalties were imposed in Belgium in 1979.

Denmark reported that the bulk of penalties consisted of warnings and fines of up to DKR 2.000, ie DKR 1.000 less than in 1978.

Official reports and action taken - goods transport operations						
Articles (1)	No ground for prosecution		Warning		Fine	
	Employer	Employee	Employer	Employee	Employer	Employee
7			1		16	14
11			1		15	7
7 + 11	1			2	15	18
14	1		4	1	99	76
Total	2		6	3	145	115

Official reports and action taken - passenger transport operations						
Articles (1)	No ground for prosecution		Warning		Fine	
	Employer	Employee	Employer	Employee	Employer	Employee
11						2
7 + 11						1
Total						3

(1) For Articles 7 and 14 the Danish report does not specify the extent to which the official reports relate to goods transport or passenger transport operations.

The table below illustrates the situation in the Federal Republic of Germany in 1979:

Penalties imposed on German crew members in the Federal Republic of Germany			
Type of penalty	Number		Comparison with 1978
	1978	1979	
Oral warning (without fine)	7543	3942	fewer warnings
Written warning (without fine)	414	2541	
	7957	6483	
Warning and cautionary fine	3805	7257	more warnings
a) operators	6862	4448	
b) crew members	10.667	4705	
Written notice	53	44	more notices
a) operators	177	1777	
b) crew members	230	1821	
Administrative order fine	4781	4617	more fines
a) operators	12369	15225	
b) crew members	17150	19842	
Court proceedings instituted	one	seven	more court proceedings instituted

In addition, as a result of checks carried out on the road or at frontiers, the police prevented the crews of 31 coaches and 278 lorries from continuing their journey until they had had the required daily rest period.

Penalties imposed on foreign crew members in the Federal Republic of Germany											
Administrative order imposing fine			Written notice			Warning with cautionary fine			Warning without fine		
1978	1979	trend	1970	1979	trend	1978	1979	trend	1970	1979	trend
17483	16016	↘	1027	1302	↗	17696	22161	↗	823	763	↘

The BAG is alone responsible for imposing fines on foreign crew members and operators when infringements occur on the road in the Federal Republic of Germany. The penalties imposed by the BAG are given in the table above.

The Commission notes that there has been an increase in the more severe fines and warnings. Another positive aspect in its view is the fact that in 191 cases penalties were imposed for failure to respect the ban on bonuses.

In France, a total of 21.027 special fines were imposed as a result of official reports drawn up by Factory Inspectors (Transport) and Road Traffic Controllers.

Penalties imposed by the courts in 1979 Fines				
Amount (FF)	Number		Percentage	
	1979	1978	1979	1978
Less than FF 40	6014	4086	28,6 %	28 %
FF 41 to FF 100	6173	4317	29,4 %	29,6 %
FF 101 to FF 160	2976	2587	14,1 %	17,8 %
FF 161 to FF 220	2623	2088	12,5 %	14,3 %
More than FF 220	3241	1500	15,4 %	10,3 %
Total	21027	14573	100 %	100 %

The Commission is pleased to note the increase in the percentage of more severe penalties.

In Ireland, "the European Communities (Road Transport) Regulation 1979" entered into force in January 1979. Under these regulations, a fine of a maximum of IRE 200 or up to six months' imprisonment or both may be imposed for breaches of Regulation (EEC) No. 543/69.

The Irish Government stated that although breaches of Regulation (EEC) No. 543/69 were detected, it was not possible at present to supply figures which meet the Commission's reporting requirements.

The Italian Government reported that it was still unable to give the number and nature of the penalties imposed, as the automated data-handling system is not yet operational. The preparations for this system are still in progress in the Ministry of Transport.

As in previous years, the Luxembourg Government failed to supply the Commission with figures regarding penalties. Luxembourg confined itself to listing the various types of penalty imposed.

The Netherlands once again supplied a very detailed list of the fines imposed in 1979 (HFL 1.837.545, up on 1978). The Commission feels that this table could serve as a model when the standard form of report is drawn up.

Official reports and penalties in respect of goods and passenger transport operations					
Country	Official reports	Inspection reports	Infringements	Total of fines in Florins	Official reports on which no action was taken
Belgium	19		64	525,-	15 PV
Denmark	3		8	-	3
Federal Republic of Germany	16		44	650,-	10
France	10		54	375,-	8
Italy	13		71	-	13
Netherlands	10.555		40.778	1.835.995,-	635
United Kingdom	8		21	-	8
Non-member countries	20		58	-	20
<b>Total</b>	<b>10.644</b>		<b>41.098</b>	<b>1.837.545</b>	<b>712</b>

The United Kingdom supplied the following table:

Penalties imposed in the United Kingdom road transport sector					
Article	Oral warnings	Written warnings	Injunctions	Cases prosecuted	Total (fines £)
6	7	14	-	-	-
7/1	15	220	-	229	2367
7/2	55	1182	6	782	8120
7/4	10	173	4	198	2851
8	15	131	5	153	1578
11	31	112	16	100	1144
12	8	53	-	98	1345
14/1	165	229	162	1971	37540
14/2	389	1733	37	5599	101086
14/7	9	131	-	81	2474
<b>Total:</b>	<b>704</b>	<b>3978</b>	<b>230</b>	<b>9219</b>	<b>157705</b>

The Commission departments noted an increase in the number of penalties imposed in the United Kingdom.

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

In Belgium, the Transport Department took note of 579 official reports on Belgian crew members by German inspecting officers. Lists of official reports on crew members of vehicles registered in other Member States were sent to the relevant authorities for information purposes.

Unfortunately no details were received of measures applied in other Member States.

The Danish authorities did not provide any assistance to other Member States, but received assistance from the Dutch Ministry of Justice (3 cases) and the labour tribunal in Mons, Belgium (2 cases). The assistance involved reports on the infringements concerned.

As in previous years, the Government of the Federal Republic of Germany took steps to discuss the implementation of Regulation No. 543/69 with neighbouring states. Bilateral talks were held with representatives of the Austrian, Danish, Dutch and French Governments.

In 1979, the French authorities kept the other Member States regularly informed of infringements committed by their nationals in France.

The Irish Government reports that a delegation from the Institute for Industrial Research and Studies visited the United Kingdom in August 1979 to study the British system for applying Regulation No. 543/69. During that visit, the delegation took note of the roadside inspection procedure in the United Kingdom and discussed the organization and registration systems of the Ministry of Transport at a national registration centre.

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No information is available for Italy.

Luxembourg notified several serious infringements to the Member States concerned.

The Dutch authorities reported that no assistance had been received or given during the period under review. However, 16 infringements ( a decline of 50 %) were reported to the Federal Republic of Germany and a number of infringements reported by the Federal Republic and Belgium amounted to 3.368 and 103 respectively. The Federal Republic itself reported that penalties had been imposed in 3.368 cases.

In the United Kingdom repeated infringements continued to be reported every three months, in standard form, to the authorities of the Member States concerned. The United Kingdom Government received only occasional reports of infringements committed by UK operators in other Member States.

IV. SUGGESTIONS AND COMMENTS BY THE MEMBER STATES

1. Overall assessment of the application of the Regulation

In 1979, in Belgium, the Transport Department carried out 8.360 checks and recorded 819 infringements. This decrease in the number of infringements (as against 1978) is probably due to a cut in the number of inspectors.

For the first time, the police provided data on the number of reports drawn up. The Belgian Government hopes to include them in the standard form in future.

The Danish Government reported that there had been a sharp decline in the number of penalties applied in respect of infringements of Article 14 of the Regulation in 1979 following the installation and utilization of tachographs made compulsory by Council Regulation (EEC) No. 1483/70.

In the Federal Republic of Germany the checks carried out in 1979 showed that it was essential to keep an eye on the observance of the provisions of social legislation in this field to ensure job protection, road safety and fair competition.

Although the heads of many firms endeavour to observe the provisions - and this attitude filters down to the crews - nevertheless in general observance of the social provisions is still far from satisfactory.

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There are heads of firms and drivers, who, even though enforcement procedures are not relaxed, repeatedly contravene the legislation. Roadside checks have shown that many drivers infringe the social provisions by extending their driving time and shortening their rest time. Some drivers stay at the wheel too long to earn more money or have more free time at the end of the week. Frequently drivers will take on long journeys if their pay is increased.

France and Ireland supplied no information.

Although the Italian Government supplied no statistics it reported that from all the available evidence the Regulation is being satisfactorily applied throughout the country.

The Luxembourg Government reported a promising trend in the application of Regulation No. 543/69 as shown by the decline in the number of infringements committed in Luxembourg.

Figures available for the Netherlands show that 6.7% of the roadside checks led to the drawing up of an official report. In addition, it is interesting to note that 66.8% of all infringements concerned the use of control equipment.

The United Kingdom reported that operators from all Member States continued to comply to a large extent with the Community Regulation.

2. Difficulties in the use of individual control books in international transport operations - possible remedies

In Belgium, the decline in the number of infringements of Regulation No. 543/69 was counterbalanced by the increase in the number of infringements of Regulation No. 1463/70 now that the tachograph has gradually replaced the individual control book.

The Federal Republic of Germany had no comment to make on this subject in its report for 1979.

Denmark observed that problems encountered in connection with provisions on the use of the individual control book had declined sharply in 1979 following the compulsory installation and utilization of the tachograph.

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The Governments of France, Italy, Ireland, Luxembourg and the Netherlands had nothing to add to their previous reports.

The United Kingdom reported that it had not experienced any difficulties in this respect.

3. Proposals for changes in the standard form of report

The Member States had no proposals to make regarding changes to the standard form of report.

4. Proposals for measures to facilitate the application of Regulation (EEC) No. 543/69

The Belgian Government emphasized the need for uniform application of the provisions of Regulations No. 543/69 and No. 1463/70 in all Member States.

The Danish Government drew attention to the discussions being held in the Council Working Party on transport questions.

The German Government again called for the standardization of inspection and prosecution procedures in the Member States. The aims of the social provisions, that is road safety, social protection of drivers and fair competition between transport firms would not be achieved unless compliance with the obligations incorporated in the provisions is checked and penalties imposed for infringement.

France and Ireland had no suggestions to make.

The Italian Government reported that there were some deficiencies in the application of specific provisions regarding the use of the tachograph, **partly** due to the considerable number of vehicles which had to be equipped with this instrument. In any event, the competent authorities were seeking to introduce more effective measures for the enforcement of the above provisions.

The Luxembourg and Dutch Governments referred to information contained in previous reports.

The United Kingdom felt that the application of Regulation No. 543/69 could be improved by relatively minor amendments, e.g. clearer definitions.

V. Comments by the Commission on information supplied by the Member States

1. Member States' contributions to the annual report

As noted under IV.3 the Member States have no proposals to make as regards changes to the standard form of report. Nevertheless, use of the standard reports sent by the Member States to the Commission has caused problems in recent years due to different ways of completing them, the lack of comparability of the statistics and long delays in dispatch.

The Commission emphasizes that information provided in the reports must be comprehensible and precise and must be submitted promptly. This is essential to obtain the necessary information regarding the application and observance of social regulations in the road transport sector. The Commission notes that due to their failure to apply Article 17 of Regulation (EEC) No. 543/69, formal notice had had to be sent to three Member States.

The Commission proposes to discuss possible changes to the standard report with the representatives of the Member States to devise a better model. Following this, the Commission would take steps to ensure that the necessary information was submitted in time.

2. Number and powers of the inspectors

The number of inspectors is on the decline in some Member States. This trend has had repercussions on the number of checks and penalties imposed, both of which are down on previous years. More complete information is needed on inspectors' powers so that an assessment can be made of the scope of the rules in force in their respective areas.

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### 3. Inspection methods

In connection with checks it has been noted that :

- there is very little uniformity ; some Member States carry out checks at the roadside and none at operators' premises or vice-versa ;
- there are differences in the checks carried out according to whether the crews concerned are assigned to national or international transport services ;
- checks are limited to certain forms of transport ; in some Member States checks are restricted to certain categories only.

For all these reasons it is impossible to compare the situation in all the Member States. From the data available it is only possible to conclude that the extent of the checks varies from one country to another and that in most cases the number of checks should be increased.

### 4. Infringements by nationals and non-nationals

Satisfactory conclusions can only be drawn from the information supplied if a relationship is established between the number of checks and the number of infringements detected. The table drawn up by the Commission staff and their attached comments show that it is impossible to adequately determine this ratio in respect of all the Member States. The quantitative data relating to infringements by non-nationals can serve no purpose unless a relationship can be established firstly between infringements committed and penalties applied and secondly between penalties applied to nationals and non-nationals respectively.

In this connection, the Commission feels bound to express its astonishment that in the absence of figures the Italian Government can state that "on the whole the regulation in question is applied in a satisfactory manner throughout the country".

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## 5. Penalties

The lack of uniformity as regards penalties is to be deplored. Some Member States provide information regarding the amounts of the fines imposed while others give no quantitative information at all. There is also a lack of information regarding the severity of the penalties imposed on persons at fault.

To improve the situation it would be advisable if the Member States were to consult the Commission with a view to bringing national legislation into line to some extent as regards the penalties to be imposed.

## 6. Mutual assistance

The mutual assistance provided for in Article 18(2) of Regulation (EEC) No. 543/69 is in most cases inadequate and sometimes non-existent.

## C. Final conclusions by the Commission

In general, the findings outlined in this report differ little from those for 1978. The situation as it appeared in 1979 and 1980 cannot be considered satisfactory ; improvements have been slight and in some cases, the trend has even been for the worse.

The above comments lead to the conclusion that although the necessary legal measures have been adopted, their application in practice falls short of what might reasonably be expected.

This is not the first time such a conclusion has been reached. As noted in previous reports the number of checks varies from one Member State to another and in many cases must be considered insufficient. The situation as regards penalties imposed is still obscure owing to divergencies in the information supplied by the Member States ; however, the annual reports clearly show that in many cases no penalties are applied. Furthermore, a long period of time elapses before penalties are imposed and differences in treatment between nationals and non-nationals persist.

The Commission is giving considerable attention to these problems and is quite aware that objections have been raised with respect to the complexity of Regulations Nos. 543/69 and 1463/70 and their lack of flexibility, which makes efficient implementation almost impossible. The Commission intends to put forward proposals to contribute to the solution of these problems and improve the application of Regulation (EEC) No. 543/69.

Clearly, as an instrument of Community law, Regulation No. 543/69 cannot be fully effective, throughout the Community unless it is applied in identical fashion to all nationals concerned, whether resident or not.

Accordingly, on 4 December 1980 the Council of Ministers, referring to previous annual reports, adopted a resolution concerning the implementation of Regulation No. 543/69. In that resolution, the Council noted that the application of social legislation in road transport was still encountering difficulties in various Member States and had not yet given satisfaction, and that if the legislation was to be applied uniformly and correctly the Member States must check on the application of the provisions in force as effectively and thoroughly as possible.

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At that time the Commission urged that action be continued to harmonize the measure adopted by the Member States to ensure effective application of the rules in cases of infringement. At a meeting with government experts in the Member States, problems connected with the application of Regulation No. 543/69, the penalties and possibilities for cooperation between the Member States were examined ; Member States were requested to draw up lists of their present systems of checks and penalties and put forward proposals on ways of improving the implementation of Regulation No. 543/69.

The Member States, apart from France and Italy, have given the Commission further information on the present situation and current problems. In the light of this information the Commission staff is at present preparing a working paper which will contain a number of specific proposals to improve the application of Regulation No. 543/69. These proposals, which will cover the questions of inspection, the implementation of Regulation No. 543/69, and the requisite cooperation in this area will be examined with experts from the Member States' Governments. Following this examination, the Commission will incorporate specific proposals in a draft resolution which it plans to present to the Council before its next meeting in 1982.

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