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**COMMISSION STAFF WORKING DOCUMENT**

**Report on the implementation in 2009-2010 of Regulation (EC) No 561/2006 on the harmonisation of certain social legislation relating to road transport and of Directive 2002/15/EC on the organisation of the working time of persons performing mobile road transport activities**

**(26th report from the Commission on the implementation of the social legislation relating to road transport)**

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## I. INTRODUCTION

This report looks at the Member States' implementation of four interrelated and complementary legislative acts establishing social rules in road transport. These four legislative acts are: Regulation (EC) No 561/2006<sup>1</sup>, which establishes rules on driving times, breaks and rest periods for professional drivers; Directive 2006/22/EC<sup>2</sup>, which determines minimum requirements for enforcement of these rules; Regulation (EEC) No 3821/85<sup>3</sup> on recording equipment; and Directive 2002/15/EC<sup>4</sup>, which sets out complementary provisions on the organisation of the working time of persons performing mobile road transport activities. Article 17 of Regulation (EC) No 561/2006 provides that Member States must communicate every two years the necessary information to enable the Commission to draw up a report on the application of that Regulation and developments in the fields in question.

This report covers the two-year period 2009-2010. Its scope is determined predominantly by the type of data that Member States are obliged to collect and provide in accordance with Directive 2006/22/EC and Commission Decision 2009/810/EC<sup>5</sup> establishing the standard reporting form. This standard form combines the reporting requirements of Regulation (EC) No 561/2006 and Directive 2002/15/EC (Road Transport Working Time Directive), which makes things easier for Member States and allows them to submit in one single report the required information on the implementation of the social legislation in the field of road transport. To further facilitate the reporting process, an interactive reporting format was used for the first time, making electronic submission of the data easier and providing an initial quality control check of the reported figures.

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<sup>1</sup> Regulation (EC) No 561/2006 of the European Parliament and of the Council of 15 March 2006 on the harmonisation of certain social legislation relating to road transport and amending Council Regulations (EEC) No 3821/85 and (EC) No 2135/98 and repealing Council Regulation (EEC) No 3820/85, OJ L 102, 11.4.2006, p. 1-14.

<sup>2</sup> Directive 2006/22/EC of the European Parliament and of the Council of 15 March 2006 on minimum conditions for the implementation of Council Regulations (EEC) No 3820/85 and (EEC) No 3821/85 concerning social legislation relating to road transport activities and repealing Council Directive 88/599/EEC, OJ L 102, 11.4.2006, p. 35-44 .

<sup>3</sup> Council Regulation (EEC) No 3821/85 of 20 December 1985 on recording equipment in road transport, OJ L 370, 31.12.1985, p. 8-21.

<sup>4</sup> Directive 2002/15/EC of the European Parliament and of the Council of 11 March 2002 on the organisation of the working time of persons performing mobile road transport activities, OJ L 80, 23.3.2002, p. 35-39.

<sup>5</sup> Commission Decision of 22 September 2008 drawing up the standard reporting form referred to in Article 17 of Regulation (EC) No 561/2006 of the European Parliament and of the Council (notified under document C(2008) 5123), OJ L 289, 5.11.2009, p. 9-15 .

## II. DATA SUBMISSION

All Member States provided the necessary information, which was in most cases complete. The new interactive electronic reporting tool prepared by the Commission services was used for almost all the reports, which improved the quality and consistency of the data, and significantly facilitated the analysis and compilation of the figures. Although some Member States<sup>6</sup> failed to submit their reports on time, overall the timeliness of submissions was greatly improved compared to the last reporting period. Switzerland sent a report but the data were submitted in an unsuitable format which made their evaluation impossible.

The Commission services seek to encourage Member States' authorities to continue providing high-quality data within the time limit set out in Regulation (EC) No 561/2006, which is indispensable for proper assessment of the implementation of the social legislation relating to road transport.

## III. IMPLEMENTATION OF REGULATION (EC) No 561/2006 — DATA ANALYSIS

### 1. Checks

According to Directive 2006/22/EC, the minimum number of checks in 2009 should have covered at least **2%** of days worked by drivers of vehicles falling within the scope of Regulations (EEC) No 3821/85 and (EC) No 561/2006. From 2010 onwards the corresponding percentage of minimum checks should have been raised to **3%**. Six Member States (Belgium, Bulgaria, the Czech Republic, Italy, Latvia and Sweden) submitted separate reports for 2009 and 2010. The remaining Member States submitted a single report for both years and an average of 2.5% was used to calculate the minimum number of checks required.

**Figure 1: Total number of working days checked per Member State**

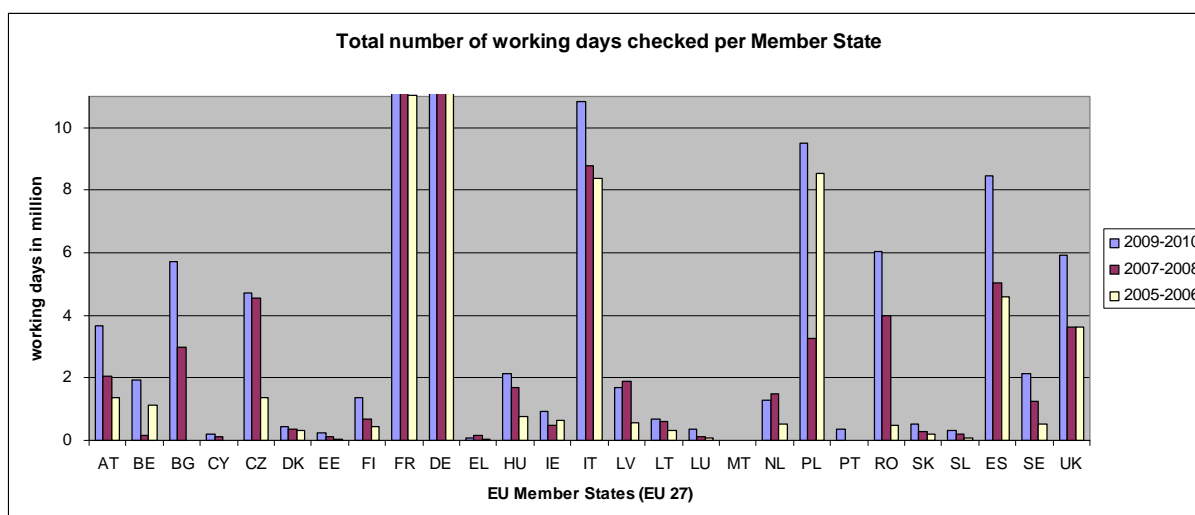


Figure 1 provides an overview of the working days checked per Member State. The Member States generally exceeded the minimum number of checks required, except for Greece, which reached only 2% of the obligatory threshold for a minimum number of working days to be checked. The same failure is found in Portugal (52% of threshold), Slovenia (80%), Denmark (82%) and the Netherlands (90%). As regards Greece, this is the second reporting period in a

<sup>6</sup> France and Ireland, with Ireland having failed to submit only the report on Directive 2002/15/EC on time.

row for which the threshold has not been met (in 2007-2008 Greece reported that only 9 % of the minimum number of working days had been checked).

In contrast, there are several Member States that performed significantly more checks than required by the legislation. These are France, Germany, Romania, Bulgaria, Austria, the Czech Republic and Luxembourg. According to the data provided, France performed most of the working days checked compared to the required minimum checks, followed by Germany. Together, these two countries account for over half of the total working days checked by all Member States (76 million out of around 146 million).

**Figure 2: Percentage of working days checked per Member State**

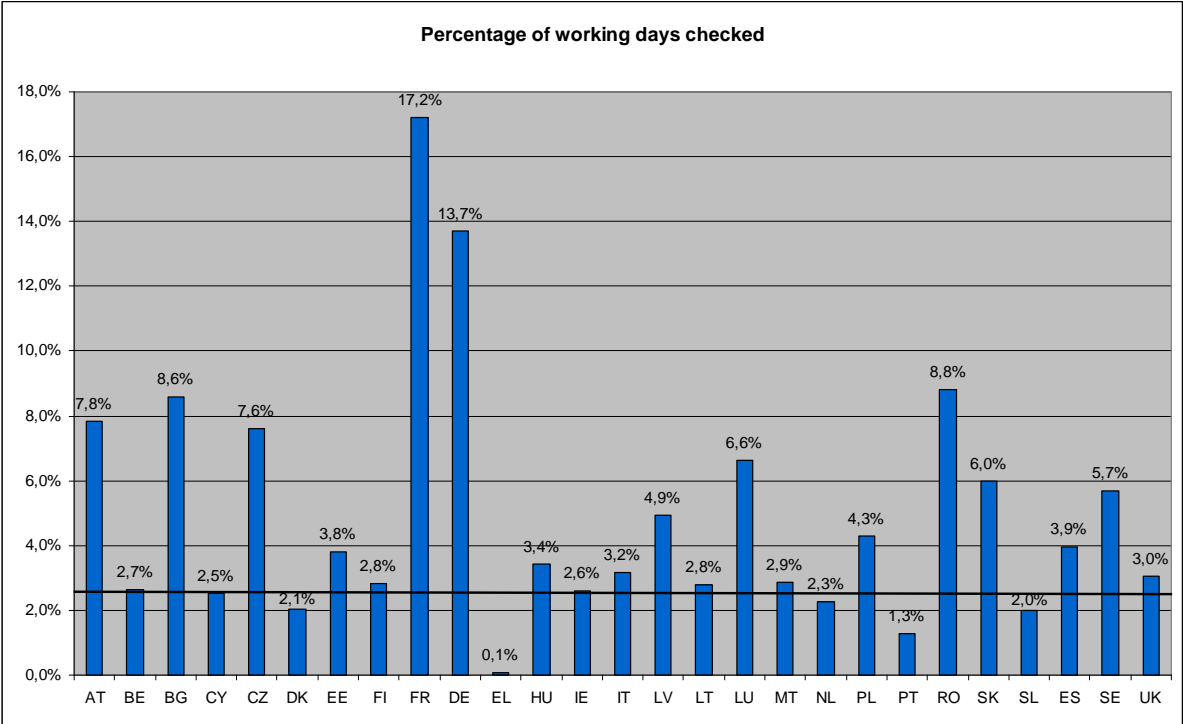


Figure 2 provides an overview of the performance of each Member State in comparison to the threshold of 2.5% of the overall working days, which is marked by a thick line in the diagram.

In general, most Member States reported an increase in the number of working days checked, except Greece, Latvia and the Netherlands. This significant increase is also reflected in the **total number of working days checked, which rose by 74% compared to the last report** (up from 83.7 million to almost 146 million).

**1.1 Roadside checks**

As from January 2008, the provisions of Directive 2006/22/EC require each Member State to perform controls in a balanced manner with at least 30% of the working days being checked at the roadside and at least 50% at premises. However, the **majority of Member States continue to perform most of the controls at the roadside**. On average almost 82% of the working days were checked at the roadside. According to the data received, all countries reached the threshold of 30% except for Ireland and Greece, where roadside controls constituted only 14% and 24% respectively.

Overall, almost 9.7 million vehicles<sup>7</sup> (14% more vehicles than in the previous report) and almost 10.8 million drivers were scrutinised, which resulted in around 119 million working days being checked at the roadside. The number of drivers is naturally higher than the number of vehicles checked because of double manning and due to the fact that Denmark failed to report on the number of vehicles checked. Some Member States<sup>8</sup> should review their data as their reported figure for checked vehicles was significantly higher than their figure for drivers checked.

In most Member States the **vast majority of the controls involve national vehicles and drivers**. In a number of cases the percentage of national vehicles and/or drivers exceeded 80%. Geography seems to play an important role, especially in the case of transit countries. It appears plausible that the majority of the vehicles checked in certain Member States were non-national, namely in Germany (62%), Slovenia (61%) and Luxembourg (60%). Transit countries may have good justification for having a higher percentage of non-national vehicles checked, though Member States should take all necessary measures to ensure that controls are carried out in a non-discriminatory manner with regard to the nationality of the vehicles/drivers.

Another important issue is the type of tachograph the vehicles are equipped with. The digital tachograph was introduced in 2006 to make the social legislation easier to implement and enforce by providing more secure and accurate data, while at the same time simplifying the control procedure.

Directive 2006/22/EC stipulates that the minimum percentage of checks may be raised to 4% if more than 90% of the vehicles checked are equipped with a digital tachograph.

According to Table 1, which summarises the figures provided by Member States, reaching the 90% mark is still a long way off. Currently an average of 56% of the total vehicles checked at the roadside are equipped with a digital tachograph. This is, however, a considerable increase of 24% as compared to the last reporting year, which counted an average of 32%.

A notable improvement compared to the previous report is that most Member States, except for Denmark and Spain, submitted data on the tachograph type used. In order to be able to establish when the threshold may be increased to 4% it is of paramount importance that Member States submit with their next report the share of vehicles equipped with a digital tachograph.

On the basis of these data and looking at Table 1 it appears that the fleet composition is very diverse in the EU, with about 50% of the fleets in circulation in some Member States consisting of modern vehicles less than 4 years old (Austria, Belgium, Bulgaria, Finland, France, Germany and Luxembourg), while in other Member States the share of modern vehicles in circulation appears to be rather low (Cyprus, Greece, Latvia, Portugal, Poland and Romania).

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<sup>7</sup> Denmark failed to provide the number of vehicles checked at the roadside.

<sup>8</sup> The Czech Republic and Spain.

**Table 1: Number and percentage of analogue and digital tachographs found on vehicles checked at the roadside.**

Member States	Total of known tachograph type	Analogue tachograph	Digital tachograph	% Digital	% Analogue
<b>Austria</b>	197.587	98.200	99.387	50%	50%
<b>Belgium</b>	72.113	1.508	70.605	98%	2%
<b>Bulgaria</b>	653.190	326.596	326.595	50%	50%
<b>Cyprus</b>	4.896	4.811	85	2%	98%
<b>Czech Republic</b>	187.318	131.706	55.612	30%	70%
<b>Denmark</b>	not reported				
<b>Estonia</b>	8.835	6.105	2.730	31%	69%
<b>Finland</b>	83.963	33.585	50.378	60%	40%
<b>France</b>	1.856.146	174.049	1.333.874	88%	12%
<b>Germany</b>	3.826.874	1.453.858	2.373.016	62%	38%
<b>Greece</b>	1.658	1.263	395	24%	76%
<b>Hungary</b>	439.754	285.134	154.620	35%	65%
<b>Ireland</b>	16.089	10.465	5.624	35%	65%
<b>Italy</b>	268.093	195.540	72.553	27%	73%
<b>Latvia</b>	36.692	28.354	8.338	23%	77%
<b>Lithuania</b>	65.726	48.753	16.973	26%	74%
<b>Luxembourg</b>	12.470	5.744	6.726	54%	46%
<b>Malta</b>	79	54	25	32%	68%
<b>Netherlands</b>	35.557	23.750	11.807	33%	67%
<b>Poland</b>	542.451	443.108	99.343	18%	82%
<b>Portugal</b>	12.375	10.852	1.523	12%	88%
<b>Romania</b>	415.567	343.548	72.019	17%	83%
<b>Slovakia</b>	10.688	6.444	4.244	40%	60%
<b>Slovenia</b>	18.616	14.900	3.716	20%	80%
<b>Spain</b>	not reported				
<b>Sweden</b>	36.467	18.969	17.498	48%	52%
<b>United Kingdom</b>	284.927	220.613	64.314	23%	77%
<b>Total</b>	8.739.908	3.887.909	4.851.999		
<b>Average</b>				56%	44%

## 1.2 Checks at premises

As from 2008 the requirement under Directive 2006/22/EC is that 50% of the total working days checked should be checked at premises.

According to the data reported<sup>9</sup>, some 103 000 undertakings were checked (which is 66% more than in 2007-2008) and over 26.5 million working days were checked at the premises, which marks a substantial increase of 79% compared to the last reporting period. In total, around 546 000 drivers were checked at the premises, which is only a small fraction (5%) of the total number of drivers checked.

The Member States which had proportionately the fewest checks at premises in terms of their overall working days checked are France (9%), Germany (9%), UK (15%), Netherlands (16%), Romania (19%), Austria (20%), Malta (20%), Denmark (20%) and Spain (23%).

<sup>9</sup> Finland, Luxembourg, Sweden and Spain did not report on the number of undertakings checked.

Judging from the submitted reports, **the majority of Member States did not meet the threshold**, except for Ireland (86%), Greece (76%), Luxembourg (70%), Cyprus (67%), Latvia (64%), Slovakia (59%) and Slovenia (50%).

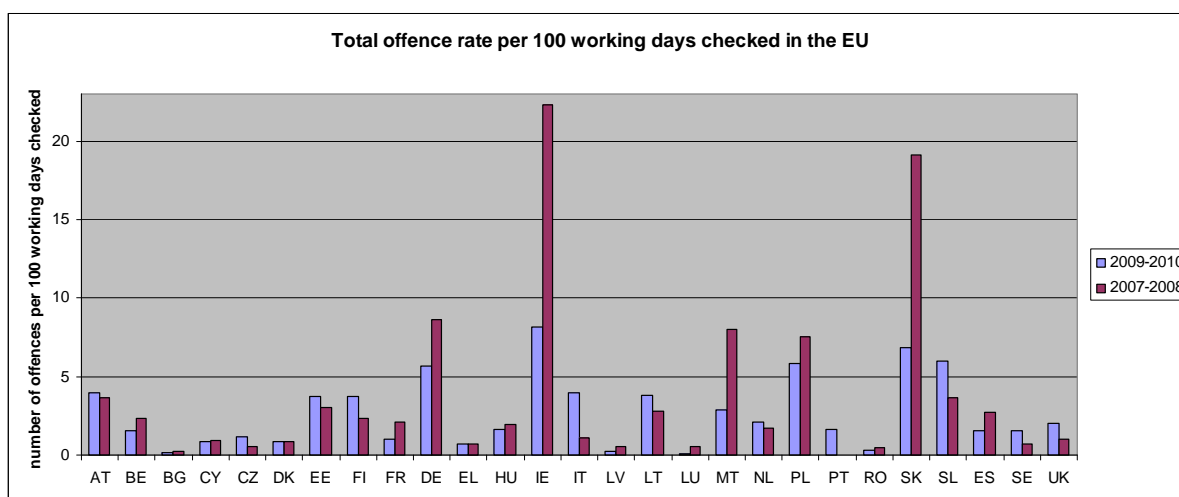
According to the information received from some Member States there are two reasons for this. First, roadside checks appear to be administratively easier to carry out, and in some Member States this activity involves many inspectors. Second, the number of roadside checks reported is higher in some Member States, as it includes combined checks, where the enforcers (who monitor compliance with the social legislation) accompany the police who control traffic-related issues.

As regards figures for Germany and France, it must be noted that the number of checks at premises would easily reach the 50% threshold if the reference figure was the threshold (2.5% on average) of a minimum number of days to be checked. However, the Directive clearly says that the 50% threshold should relate to the number of days checked in practice, and not to the minimum number of days to be checked. While in these two Member States the threshold in terms of minimum number of days to be checked is greatly surpassed, the ultimate percentage of checks at premises is relatively low.

Member States should focus on better planning of checks with the aim of reaching the threshold set in the legislation. It is to be noted that each Member State has established a national risk rating system in accordance with Article 9 of Directive 2006/22/EC. These systems should serve as a useful tool for organising targeted checks at the premises of transport undertakings that have a high risk rating due to their record as regards number and severity of infringements committed. At the time of drafting this report the Commission services did not have any information on how the risk rating systems are or will be used in Member States to carry out checks at premises.

## 2. Offences

All Member States, except for Finland, provided detailed information about the offences detected. Between 2009 and 2010 some 4.5 million offences were reported by the Member States, which represents a 38% increase as compared to the previous reporting period. This is due not only to the higher number of checks performed, but also to the introduction of the digital tachograph, which provides faster, more accurate and reliable analysis of offences. At the same time, **the frequency of offences detected has decreased** to an average of 3.1 offences per 100 working days checked (compared to 3.8 in the last report). In particular Ireland (-14 offences per 100 working days checked), Slovakia (-12), Malta (-5) and Germany (-3) saw a decline in the offence rate.



**Figure 3: Number of offences detected per 100 working days checked in 2007-2008 and 2009-2010.**

As Figure 3 illustrates, there is still a **wide disparity between the Member States as regards the detection rate reported**. Like in the last report, Ireland (8 offences per 100 working days checked), Slovakia (6.8), Poland (5.7) and Germany (5.6) have a significantly higher offence rate than Luxembourg (0.05), Bulgaria (0.1), Latvia (0.2) and Romania (0.3).

Assuming improved efficiency of controls due to more frequent use of the digital tachograph and well-established enforcement practices, it can be concluded that a decrease in the detection rate is linked to better compliance with the provisions of the legislation. It appears that over the years the social rules are being understood better and implemented more correctly, thanks to the on-going intensive cooperation between Member States' authorities, European stakeholders and the Commission services focusing on ensuring full understanding and uniform enforcement of the social rules.



**Table 2: Types of offences detected in percentage at the roadside and premises**

TOTAL	Breaks	Rest periods	Driving time	Driving time records	Recording equipment	Lack/availability of records for other work
<b>2009-2010</b>	29%	24%	19%	15%	5%	8%
<b>2007-2008</b>	30%	25%	20%	14%	10%	1%

The types of offences detected in the last two reporting periods are shown in Table 2. The figures for offences related to breaks, rest periods and driving time have remained more or less the same as compared to 2007-2008, with 29%, 24% and 19% respectively. Offences related to recording equipment (incorrect functioning as well as manipulation) have decreased from 10% to 5% as compared to the last report. This decrease is due to the entry into force of the new legal framework on the social rules and the introduction of the digital tachograph. The significant increase in offences regarding lack or availability of records for other work, up from 1% to 8% as compared to the last report, cannot be easily explained. The Member States should look more closely at this increase and verify whether this category of infringement is being used to conceal other types of offences.

The analysis shows that complete checks at premises are far more efficient than ad-hoc roadside checks. The **detection rate at premises is almost five times higher** than at the roadside and checks at premises also create fewer obstacles to transport operations.

## 2.1 Offences detected at the roadside

Between 2009 and 2010, almost 2.3 million offences were detected at the roadside, constituting about 51% of the total offences detected. The offence rate per 100 working days checked varies across the Member States. The average for the EU is 1.9 offences per 100 working days checked at the roadside, with Ireland (13) at the top and Denmark (0.03), Luxembourg (0.17), Bulgaria (0.18), Romania (0.38) and Belgium (0.45) forming the bottom of the league. Denmark reported that its figures on this aspect are not valid due to inadequate IT support.

On average, 70% of offences were detected on national vehicles, which appears to be natural given that **national vehicles form the majority of vehicles checked**. However, in Belgium (77%), Bulgaria (70%) and Luxembourg (70%) the majority of offences detected concerned non-national vehicles. In Bulgaria, where non-national vehicles constituted only 17% of the checked vehicles but 70% of the offences detected, the impression arises that infringements are disproportionately committed by non-residents. This, however, does not correspond to the overall EU situation. In general, the discrepancies between offences detected and committed by national and non-national vehicles have diminished a lot compared to previous reporting years.

As regards the type of offences detected, violations of rest periods (27%), breaks (24%) and driving time (23%) are still the most frequent ones, followed by failure to keep 28-day record sheets (15%), offences related to recording equipment (8%) and lack or availability of records for other work (4%).

Offences related to breaks, driving time, rest periods and record sheets amount to almost 90% of the detected offences (like in the last reporting period). However, in the UK, Bulgaria, Latvia, Malta and Spain, one third or even over half of the offences at the roadside concern the 28-day record sheet.

## 2.2 Offences detected at the premises of undertakings

Member States reported altogether over 2.2 million offences detected at the premises of undertakings, constituting around 49% of the total offences detected.

The most detected types of offences at premises were breaks (34%), rest periods (20%), driving time (14%), driving time records (16%), recording equipment (3%) and lack/availability of records for other work (12%).

The offence rate for the Member States<sup>10</sup> showed an average of 8.65 offences per 100 working days checked at premises. This is almost five times higher than the offence rate at the roadside. This high efficiency of premises checks results from the fact that enforcers are able to check things more thoroughly and can access records covering one year instead of 28 days as applies to roadside controls.

However, there are significant discrepancies as regards the offence rate in each Member State. The highest offence rate, significantly above average, can be found in Germany (34 offences per 100 working days checked at premises). Very low offence detection rates were reported in Bulgaria (0.04), Latvia (0.06), Portugal (0.12), Romania (0.21), Greece (0.23), Spain (0.43) and Malta (0.52).

These discrepancies may have two possible causes. First, a high detection rate in some Member States could be linked to a relatively bigger number of infringements committed and high effectiveness of the checks carried out. Second, Member States with a very low detection rate have an inefficient system of carrying out checks at premises and should therefore verify their control procedures.

### **3. Relations and cooperation between Member States**

According to Directive 2006/22/EC, Member States must, at least six times per year, undertake concerted roadside checks in cooperation with at least one other Member State. Most Member States reported on concerted roadside checks, except for Finland, Italy, the Czech Republic and Sweden. According to the information available, most Member States participated regularly in concerted checks and other bilateral or multilateral initiatives, especially in the context of Euro Contrôle Route (ECR) and TISPOL.

Compared to the last report it seems that the Member States' participation in concerted roadside checks has increased. The majority of Member States that provided information have reached the threshold of six times per year, although the data show some minor inconsistencies. It appears from the comments made by Member States that concerted checks are costly, but are very beneficial as they help to strengthen cooperation and relations between enforcers across borders as well as to establish common enforcement practices.

The TRACE project, co-financed by the Commission, aims at establishing a common curriculum for the initial and continuous training of control officers and will further enhance cooperation among the Member States, thus contributing to harmonious enforcement of the rules.

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<sup>10</sup> Except for Sweden and Luxembourg who did not submit any data on the number of offences detected at premises.

**Table 2: Overview of concerted roadside checks undertaken by each Member State**

Austria	12 joint controls per year with ECR and Tispol, 6 bilateral exchanges and 2 with ECR and Tispol.
Belgium	Bilateral exchanges with the Netherlands and Luxembourg, participation in Tispol and ECR training activities.
Bulgaria	40 bilateral checks with Romania.
Cyprus	Participation in training organised in the Netherlands in 2009
Czech Republic	No data reported
Denmark	No data reported as concerted checks are not recorded.
Estonia	Concerted roadside check with Latvia for 4 days in 2009 and 6 days in 2010.
Finland	not reported.
France	6 controls in 2009 and 8 controls in 2010 with ECR. Several concerted checks with Germany and Belgium. Several exchange programmes with Germany, Spain and other ECR countries.
Germany	5-6 control exchanges with France, Austria, the Netherlands, the Czech Republic and Poland per year as well as participation in several ECR joint controls.
Greece	No data reported
Hungary	24 bilateral checks with Romania per year and one with Ukraine. 4 concerted checks with Slovenia, Poland and the Czech Republic.
Ireland	8 concerted checks in 2009 and 10 in 2010 with Northern Ireland and the UK. Participation on exchange programme organised by the UK.
Italy	No data reported
Latvia	In 2009, 6 checks were organised with Lithuania and 6 with Estonia. In 2010, 6 concerted checks were performed with Lithuania and 6 with Estonia.
Lithuania	14 concerted checks with Poland and Latvia in both years.
Luxembourg	Participation in ECR joint controls. Most concerted checks took place with France, the Netherlands and Germany.
Malta	No data reported
Netherlands	Participation in at least 5 multilateral exchanges and one bilateral. In 2009-2010: exchanges with the UK, Luxembourg, Spain, Poland, France, Germany and Hungary. Participation in ECR/Tispol checks.
Poland	Poland took an active part in 6 joint control activities in 2009 and 8 joint checks in 2010. Participation in multilateral exchanges and training organised by ECR, Germany, the Netherlands and the UK.
Portugal	Participation in ECR exchanges - frequency unknown.
Romania	2009: 6 ECR concerted checks and 27 with Bulgaria, 20 with Hungary. 2010: 6 ECR concerted checks and 21 with Hungary. Participation in several multilateral exchanges.
Slovakia	6 concerted checks were organised with the Czech Republic and 2-4 with Poland and Hungary per year. In 2010 a joint programme of checks was carried out with the Czech Republic, Hungary and Poland.
Slovenia	2 joint checks were organised with Hungary in 2009 and 4 in 2010. One bilateral check is organised with Croatia each year. Participation in other concerted checks with Hungary and Germany.
Spain	6 ECR multilateral exchanges each year. 2 bilateral exchanges with France per year. 2 bilateral exchanges with Portugal in 2010. exchanges of inspectors with France in 2009.
Sweden	2 concerted checks with Finland and Norway in both years. 2 concerted checks with the other EU Member States per year and 2 additional bilateral checks with Norway in 2009.
United Kingdom	12 pan-European concerted checks within the 2 years. The UK hosted several Member States and participated in some training activities.

#### 4. Penalties

Most Member States provided information on the level of seriousness and the category of the penalties they impose; Lithuania provided a very detailed account. According to this information, the amounts of penalties in the Member States vary significantly. This can be partially explained by the socio-economic differences between the Member States. The Commission Directive 2009/5/EC<sup>11</sup> aims at minimising these discrepancies in categorisation of infringements that lead to differing penalties across the Member States by categorising the infringements according to their gravity. The data revealed that Member States distinguish between penalties for drivers and those for undertakings (natural and legal persons), by taking stricter measures against the latter. Similar conclusions were drawn in the Commission report on penalties for serious infringements against social rules in road transport<sup>12</sup>. A few Member States (Austria, Bulgaria, Italy, Lithuania, Luxembourg, Romania, Spain and the UK) reported changes in their legislation during the reporting period.

#### 5. Exceptions granted by Member States

According to Article 13 of Regulation (EC) No 561/2006, Member States may grant exceptions from the application of provisions on driving times, breaks and rest periods, provided that certain specific conditions are met and that the overall objectives of the Regulation are not prejudiced. Member States have to inform the Commission of the exceptions granted. A complete, up-to-date list of the exceptions that have been notified to the Commission can be found at the end of the accompanying Annex. The same information is also available on the Commission's website:

[http://ec.europa.eu/transport/road/social\\_provisions/doc/2008\\_national\\_exceptions\\_regulation\\_2006\\_0561.pdf](http://ec.europa.eu/transport/road/social_provisions/doc/2008_national_exceptions_regulation_2006_0561.pdf)

#### 6. Comments and proposals

Member States submitted few comments and even fewer proposals about improving the reporting. Most comments gave additional information, such as who was responsible for collecting the data or a summary of the findings at the national level. Some Member States (Italy and Finland) explained that the threshold for minimum checks at premises was not reached due to lack of equipment for reading tachographs at the beginning of the reporting period or because they experienced a significant increase in roadside checks by the police. Denmark advised that the development of an IT system to be used during checks was not yet completed, which made it difficult to provide the required statistics. Poland made the Commission aware of a translation problem in the Polish version of the Commission Decision of 14 December 2009 on the standard reporting form. In the meanwhile the Commission has already adopted the proposed changes to the Polish version. Malta has advised that the checks at the premises of undertakings pose an administrative burden as the sector consists of many small companies. Malta suggested that the Commission should assist Member States by coordinating training or exchange programmes for enforcers to standardise the EU approach. Lithuania informed the Commission that companies are abusing the driver's attestation activity form by falsifying it. Bulgaria announced that it is planning to raise the level of penalties to improve road safety.

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<sup>11</sup> Commission Directive 2009/5/EC of 30 January 2009 amending Annex III to Directive 2006/22/EC of the European Parliament and of the Council on minimum conditions for the implementation of Council Regulations (EEC) Nos 3820/85 and 3821/85 concerning social legislation relating to road transport activities (OJ L29, 31.1.2009 p. 45-50).

<sup>12</sup> COM(2009) 225 final.

## **IV. REPORT ON IMPLEMENTATION OF THE ROAD TRANSPORT WORKING TIME DIRECTIVE**

### **1. Introduction**

This chapter deals with the implementation of Directive 2002/15/EC<sup>13</sup>, also called the ‘Road Transport Working Time Directive’, by Member States during 2009 and 2010. Article 13 of the Directive provides that Member States must report on its practical implementation to the Commission every two years, presenting the views of the two sides of industry at national level. On the basis of these national reports, the Commission should draft a report on the implementation of this Directive by the Member States.

The reports on Directive 2002/15/EC and Regulation (EC) No 561/2006 are to be amalgamated as both legislative acts cover the same two-year reporting period and establish complementary rules for professional drivers.

### **2. Directive 2002/15/EC**

The Directive establishes rules governing, *inter alia*, adequate breaks, the maximum average working week and night work. Its provisions supplement the rules on driving times, breaks and rest periods established by Regulation (EC) No 561/2006.

As this Directive lays down certain provisions concerning hours of work that are specific to the road transport sector, it is regarded as a *lex specialis* to Directive 2003/88/EC<sup>14</sup> on working time, which establishes generally applicable minimum requirements for the organisation of working time. However, a number of basic protection provisions of the general working time Directive, including rules on annual leave and free health assessment for night workers, are also applicable to mobile workers in road transport<sup>15</sup>.

### **3. Submission and quality of national reports**

The common reporting format was established in order to facilitate the reporting efforts of Member States, to reduce administrative burden and to prevent excessive delays in the submission of national reports. However, the reports of seven Member States<sup>16</sup> cannot be considered admissible, as they contain irrelevant or inadequate information.

Consequently, the Commission services are unable either to compile a full picture of the way Member States have implemented the Directive or to conduct a thorough assessment of the effectiveness of the Directive.

The following section of this report presents an analytical summary of twenty Member States’ reports on the implementation of the Directive. However, the results of the analysis cannot be considered as representative of the whole of the EU.

## **4. Implementation aspects in Member States**

### **4.1. Stakeholders’ views**

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<sup>13</sup> Directive 2002/15/EC of the European Parliament and of the Council of 11 March 2002 on the organisation of the working time of persons performing mobile road transport activities, OJ L 80, 23.3.2002, p. 35.

<sup>14</sup> Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time, OJ L 299, 18.11.2003, p. 9.

<sup>15</sup> For further information see point 2.6.1 of the detailed report on the implementation of Directive 2003/88/EC (SEC(2010) 1611 final).

<sup>16</sup> Belgium, Hungary, Slovakia, Bulgaria, Romania, Italy and Latvia.

The majority of the Member States whose reports were more detailed said that they consulted stakeholders on the implementation of the working time rules as required by the Directive. However, not many stakeholder comments were reported explicitly and the comments that were reported focused not so much on the implementation of the Directive as on the legal provisions per se.

Ireland was one of the few countries that gave a very detailed report of the stakeholders' views on the Directive as well as its implementation. Whereas the Irish employers' representatives perceive the Directive as an additional administrative burden, the Irish Trade Unions claim that it puts compliant employees in a disadvantaged position as companies are putting pressure on the drivers to breach the legislation. However, both sides agree that the Directive is helping to protect the health and safety of drivers and has raised awareness of the driver's fatigue issue. To further improve road safety they recommended more enforcement of the current legislation, severe penalties and the suspension of driving licences for both owners and drivers. Furthermore, the Irish employers have stressed the need for more adequate parking areas for professional drivers and proposed the introduction of self-declaration for drivers certifying that they are complying with the rules.

Slovenia's Trade Union believes that the Directive ought to be revised to ensure greater safety and to eliminate unfair competition. Furthermore, they are demanding a clearer definition of 'false' self-employed drivers.

The Spanish Trade Union regards checks at premises as an important element and wants those checks to be increased and also to have more random checks.

Denmark's employers' association stated that they did not encounter immediate problems with the Directive.

One of the Latvian employers' representatives recommended amending the definition of 'night work' to refer to a period of at least two hours.

The British Trade Unions emphasised that many complaints focus on the period of availability amongst drivers and that it is difficult to find documented evidence. Another problem they referred to is the low awareness of this Directive amongst drivers. In general they claim that many requirements are causing confusion among drivers and operators, and therefore any steps towards simplifying the Directive or fusing the legislation into the general working time Directive would be more than welcome.

#### **4.2. Monitoring and control arrangements**

In their reports, the majority of Member States stated that they have an enforcement system in place that enables them to carry out checks on compliance with working time provisions. Various national bodies are responsible for monitoring working time rules in Member States. They include: labour protection inspectorates, health and social affairs offices, executive agencies for road transport administration, police, road safety authorities, trade inspectorates, and the road transport departments of the competent ministries in charge of transport policies. Some Member States, like Slovenia, have emphasised that close cooperation between labour inspectorates and transport inspectors is the key to successful checks as the latter bring the knowledge and the equipment needed to read the tachograph records.

Most Member States seem to carry out their checks as part of routine controls at the premises of undertakings or targeted checks on the basis of complaints, requests from drivers or transport undertakings or evidence of irregularities uncovered by other enforcement activities. The checks on working time seem to go hand in hand with checks on the social rules in most Member States.

To increase awareness and provide advice and information on working time or health and safety issues in the sector some Member States, like Finland and Germany, organise regular sessions and consultations.

#### **4.3. Enforcement issues**

Existing problems with enforcement were more or less the same as in the previous report. Member States have emphasised that enforcement of working time rules for mobile workers is in practice a very complex, burdensome and labour-intensive process, which does not necessarily lead to reliable and comprehensive results. The main challenge lies in the need to collect and compare the different sets of working time records (analogue and digital tachograph records, manual records and other supporting documents). Checks on drivers that work for several employers are even more challenging. Sweden has reported that one of the main problems is that many employers have no system for registering working time, especially those who provide their employees with a regular monthly salary instead of paying them by the hour. Furthermore, some Member States suspect that certain employers maintain a system of double recording where only the official (falsified) records are shown to the inspectors.

#### **4.4. Offences against working time rules**

Only a few Member States<sup>17</sup> have provided statistics about offences detected, which makes it difficult to draw any particular conclusions. In some countries, the offences detected do not lead to the immediate imposition of penalties. If the offence is not regarded as very serious, the first step is to issue instructions to the employers, like requesting them to compensate the overtime performed by the drivers within a given time frame. If the employer does not comply with such requirements within the given period, the responsible inspection authorities will report this as an offence. However, serious offences are reported immediately, which would lead to a penal order or notification to the occupational safety and health authorities, who will determine whether monitoring of the company needs to be stepped up.

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<sup>17</sup> Austria, Cyprus, France, Germany, Poland, Slovakia and Slovenia.

## V. CONCLUSIONS

Regulation (EC) No 561/2006 and the complementing legislative acts that are covered by this report together constitute a key piece of legislation on social aspects in the road transport sector designed to improve both the well-being of professional drivers and road safety. It is therefore of paramount importance that the social rules laid down in the legislation are correctly implemented and that compliance with these rules is strictly controlled.

The scope of this report is determined by a type of data, specifically prescribed in Directive 2006/22/EC and Commission Decision 2009/810/EC, which Member States are obliged to collect and provide to the Commission services every two years. These national statistics on practical implementation of the EU rules concern mainly the number and type of controls carried out, the number and types of offences detected, and suchlike. Consequently, this implementation report is of a technical nature and its primary aim is to provide a general overview of how Member States have enforced the applicable social rules. Even though the information provided to the Commission services does not allow for in-depth analysis of impacts of the legislation on health and safety of drivers or on road safety, a general conclusion could be drawn that better enforcement of and compliance with the social rules can indirectly contribute to well-being of drivers and to improving road safety.

The detailed observations show two main types of improvements in implementation of the legislation:

- a) improvements in enforcement by Member States, in particular as regards: performance of reaching the thresholds set in the legislation, data collection and reporting discipline, etc.;
- b) improvements in application of the rules by professional drivers and transport undertakings.

Over the last three reporting periods, timeliness and quality of national submissions have gradually improved. This can be confirmed also by a considerable drop in infringement proceedings launched by the Commission against Member States that fail to submit their national implementation reports.

In this reporting period all Member States submitted the relevant reports, which were in most cases complete. Although some failed to send their reports on time, overall the **timeliness of submission has improved significantly** compared to the last reporting period. Furthermore, thanks to the new interactive reporting format the **data have become more consistent**, making it possible to draw more reliable conclusions.

During the reporting period 2009-2010, Member States increased the number of checks performed whereas the threshold of minimum working days to be checked rose from 2% in 2009 to 3% in 2010. **All except for five Member States reached or even exceeded the required minimum number of checks.** The data have demonstrated that **checks at premises are almost five times more efficient** than checks at the roadside. However, like in the last report, the vast **majority of checks took place at the roadside and most Member States failed to reach the threshold of having at least 50% of the total working days checked at premises.**

The **frequency of offences detected has decreased** but the **types of offences detected are more or less the same** as compared to 2007-2008. Offences against breaks (29%) and rest periods (24%) are still the ones most frequently detected, followed by driving time (19%). **There are still considerable differences in the detection rate** among the Member States. It is important to ensure that this is not due to incorrect implementation or interpretation of the social rules.



National authorities should ensure that checks are being performed without discrimination on the basis of the nationality of the drivers/country of registration of vehicles. Member States should thoroughly examine their data and instruct their control authorities accordingly in order to avoid unequal treatment of non-nationals.

The reported data on international cooperation between Member States reveal significant improvement in this field. Compared to the last report, the **majority seemed to have reached the minimum threshold for concerted checks**. Increased cooperation is vital to ensure more harmonised application of the social rules in road transport throughout Europe. This improves compliance and consequently enhances road safety and fairer competition. The TRACE project will help to further harmonise enforcement and improve cooperation between the Member States.

In overall terms the assessment of national submissions and comparison with previous reports show that the general effectiveness of enforcement is gradually improving and so is the correctness of implementation of the legislation. The increasingly widespread use of the digital tachograph and the package of measures adopted by the Commission<sup>18</sup> in 2009 aimed at detecting and preventing abuses of the tachograph system have played a significant role in such positive developments. The falling number of offences combined with ever more effective enforcement practices leads to the conclusion that compliance with the rules in force is improving. This is due to both the efforts made by Member States as well as an acknowledgement of fruitful and continuous cooperation between them, the European stakeholders and the Commission services who work together to ensure a common understanding of the rules, their consistent implementation and efficient enforcement.

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<sup>18</sup> Directive 2009/4/EC amending Annex I (Checks) and Annex II (Standard equipment to be available to enforcement units) of Directive 2006/22/EC ; Directive 2009/5/EC amending Annex III (Infringements) of Directive 2006/22/EC to provide a much more detailed list of infringements and their categorisation according to their gravity; [Commission Recommendation C \(2009\) 108](#), providing guidelines for best enforcement practice on countermeasures to detect and prevent the use of manipulation devices.

## ANNEX

### 1. CALCULATION OF MINIMUM CHECKS TO BE CARRIED OUT

Table 1 below illustrates the required minimum number of working days to be checked as well as the actual number of working days Member States have checked at the roadside and at premises.

**Table 1**

Member State	Minimum checks (2% in 2009, 3% in 2010)	Number of working days checked (2009-2010)				
		Total	At the roadside	At the premises	% at roadside	% at premises
AT	1.167.600	3.652.636	2.934.159	718.477	80%	20%
BE	1.817.717	1.927.739	1.263.128	664.611	66%	34%
BG	1.670.315	5.728.685	4.139.369	1.589.316	72%	28%
CY	180.000	181.734	60.707	121.027	33%	67%
CZ	1.575.051	4.706.172	3.450.470	1.255.702	73%	27%
DK	550.000	451.022	362.700	88.322	80%	20%
EE	167.750	254.907	150.418	104.489	59%	41%
FI	1.198.450	1.362.071	960.283	401.788	71%	29%
FR	5.148.022	35.407.679	32.085.536	3.322.143	91%	9%
DE	7.451.256	40.899.194	37.330.018	3.569.176	91%	9%
EL	3.288.900	75.030	17.655	57.375	24%	76%
HU	1.560.493	2.134.806	1.561.138	573.668	73%	27%
IE	907.534	943.031	135.164	807.867	14%	86%
IT	8.586.450	10.831.838	7.973.204	2.858.634	74%	26%
LV	855.888	1.686.773	598.910	1.087.863	36%	64%
LT	602.189	674.827	346.022	328.805	51%	49%
LU	140.591	373.396	110.486	262.910	30%	70%
MT	1.680	1.928	1.543	385	80%	20%
NL	1.436.810	1.299.167	1.088.268	210.899	84%	16%
PL	5.511.916	9.499.595	6.306.905	3.192.690	66%	34%
PT	726.132	374.277	247.677	126.600	66%	34%
RO	1.716.143	6.051.157	4.900.200	1.150.957	81%	19%
SK	209.994	504.425	207.058	297.367	41%	59%
SL	394.475	317.118	159.457	157.661	50%	50%
ES	5.368.466	8.454.456	6.473.989	1.980.467	77%	23%
SE	935.000	2.122.118	1.414.081	708.037	67%	33%
UK	4.881.930	5.942.519	5.037.609	904.910	85%	15%
<b>Total</b>	<b>58.050.753</b>	<b>145.858.300</b>	<b>119.316.154</b>	<b>26.542.146</b>	<b>82%</b>	<b>18%</b>

Table 2 below illustrates the number of working days checked at the roadside by country of registration of vehicles.

**Table 2**

<b>NUMBER OF WORKING DAYS CHECKED AT THE ROADSIDE</b>				
<b>Member States</b>	<b>National vehicles</b>	<b>Non-national vehicles</b>	<b>Third countries vehicles</b>	<b>Total</b>
AT	1.594.551	1.294.140	45.468	2.934.159
BE	288.746	962.388	11.994	1.263.128
BG	3.564.907	556.653	17.809	4.139.369
CY	60.647	60	0	60.707
CZ	2.498.007	901.310	51.153	3.450.470
DK	301.425	61.275	0	362.700
EE	132.373	12.033	6.012	150.418
FI	812.203	104.085	43.995	960.283
FR	16.131.514	15.691.329	262.693	32.085.536
DE	23.087.522	12.705.824	1.536.672	37.330.018
EL	17.477	70	108	17.655
HU	764.145	467.366	329.627	1.561.138
IE	121.384	13.393	387	135.164
IT	7.177.829	657.487	137.888	7.973.204
LV	452.446	132.151	14.313	598.910
LT	195.127	121.590	29.305	346.022
LU	38.154	69.207	3.125	110.486
MT	481	1.005	57	1.543
NL	593.050	465.363	29.855	1.088.268
PL	3.473.743	2.326.328	506.834	6.306.905
PT	238.885	8.204	588	247.677
RO	4.064.590	726.698	108.912	4.900.200
SK	115.545	89.861	1.652	207.058
SL	71.964	40.996	46.497	159.457
ES	5.657.395	701.165	115.429	6.473.989
SE	1.009.798	383.943	20.340	1.414.081
UK	2.242.128	2.728.694	66.787	5.037.609
<b>Total</b>	<b>74.706.036</b>	<b>41.222.618</b>	<b>3.387.500</b>	<b>119.316.154</b>

## 2. CHECKS AT THE ROADSIDE

Table 3 illustrates the number of drivers checked at the roadside by country of registration and type of carriage.

**Table 3**

Member States	ROADSIDE CHECK					
	Number of drivers checked by country of registration				Number of drivers checked by type of carriage	
	Total drivers	Nationals	Non-nationals (EEA/CH)	Third countries	Carriage of passengers	Carriage of goods
AT	197.587	103.554	85.858	8.175	5.173	192.414
BE	80.835	27.876	52.078	881	6.343	74.492
BG	655.535	538.754	79.189	37.592	283.223	372.312
CY	4.896	4.892	4	0	1.380	3.516
CZ	93.440	58.966	32.647	1.827	2.326	91.114
DK	24.180	20.095	4085	20.095	1.828	22.352
EE	8.835	7.776	722	337	424	8.411
FI	83.962	71.015	9.100	3.847	3.919	80.043
FR	1.866.428	996.486	848.457	21.485	152.838	1.713.590
DE	2.410.237	1.527.818	772.638	109.781	63.394	2.346.843
EL	2.284	2.178	85	21	872	1.412
HU	571.680	418.956	107.934	44.790	18.034	553.646
IE	16.089	12.761	2.989	339	603	15.486
IT	1.235.751	1.096.486	116.030	23.235	128.081	1.107.670
LV	37.077	27.663	7.847	1.567	5.058	32.019
LT	68.086	32.801	23.573	11.712	8.845	59.241
LU	12.626	4.944	7.318	364	719	11.907
MT	89	30	57	2	2	87
NL	37.492	20.450	16.047	995	4.000	33.492
PL	603.356	349.965	140.104	113.287	142.065	461.291
PT	12.572	12.285	214	73	1.002	11.570
RO	427.964	377.921	37.147	12.896	52.967	374.997
SK	10.800	6.024	4.578	198	954	9.846
SL	18.616	7.319	3.580	7.717	4.443	14.173
ES	1.916.461	1.666.481	211.403	38.577	281.543	1.634.918
SE	75.461	50.951	23.118	1.392	2.876	72.585
UK	284.927	140.518	139.344	5.065	20.750	264.177
<b>Total</b>	<b>10.757.266</b>	<b>7.584.965</b>	<b>2.726.146</b>	<b>466.250</b>	<b>1.193.662</b>	<b>9.563.604</b>

Table 4 shows the number of vehicles stopped at the roadside check by country of registration and type of tachograph

**Table 4**

Member States	Number of vehicles checked						
	Nationals	Non-nationals	Total	Analogue	Digital	% Analogue	% Digital
AT	103.554	94.033	197.587	98.200	99.387	50%	50%
BE	30.648	41.465	72.113	1.508	70.605	2%	98%
BG	543.754	109.436	653.190	326.596	326.595	50%	50%
CY	4.894	2	4.896	4.811	85	98%	2%
CZ	128.821	58.497	187.318	131.706	55.612	70%	30%
DK	no data reported						
EE	7.776	1.059	8.835	6.105	2.730	69%	31%
FI	71.015	12.948	83.963	33.585	50.378	40%	60%
FR	972.223	883.923	1.856.146	174.049	1.333.874	12%	88%
DE	1.435.266	793.888	2.229.154	1.453.858	2.373.016	38%	62%
EL	1.334	324	1.658	1.263	395	76%	24%
HU	322.274	117.480	439.754	285.134	154.620	65%	35%
IE	12.753	3.336	16.089	10.465	5.624	65%	35%
IT	246.386	27.004	273.390	195.540	72.553	73%	27%
LV	27.592	9.100	36.692	28.354	8.338	77%	23%
LT	31.773	33.953	65.726	48.753	16.973	74%	26%
LU	4.934	7.536	12.470	5.744	6.726	46%	54%
MT	29	50	79	54	25	68%	32%
NL	20.048	15.509	35.557	23.750	11.807	67%	33%
PL	345.206	242.828	588.034	443.108	99.343	82%	18%
PT	12.375	0	12.375	10.852	1.523	88%	12%
RO	366.015	49.552	415.567	343.548	72.019	83%	17%
SK	5.588	5.100	10.688	6.444	4.244	60%	40%
SL	7.319	11.297	18.616	14.900	3.716	80%	20%
ES	1.855.978	267.564	2.123.542	no data reported			
SE	24.007	12.460	36.467	18.969	17.498	52%	48%
UK	140.518	144.409	284.927	220.613	64.314	77%	23%
Average						44%	56%

### 3. CHECKS AT PREMISES

Table 5 below gives details of the number of drivers, undertakings and working days checked at premises.

**Table 5**

Member States	CHECKS AT THE PREMISES		
	Number of drivers checked	Number of undertakings checked	Number of working days checked
AT	11.754	2.154	718.477
BE	28.185	8.285	664.611
BG	50.049	8.603	1.589.316
CY	1.421	600	121.027
CZ	6.359	2.313	1.255.702
DK	3.915	387	88.322
EE	2.877	342	104.489
FI	not reported		401.788
FR	81.879	18.768	3.322.143
DE	97.445	14.994	3.569.176
EL	1.919	1.264	57.375
HU	9.561	1.488	573.668
IE	10.317	1.828	807.867
IT	39.557	20.633	2.858.634
LV	7.708	1.445	1.087.863
LT	8.482	1.020	328.805
LU	1.870	not reported	
MT	12	12	385
NL	15.480	1.841	210.899
PL	38.552	6.302	3.192.690
PT	3.277	1.223	126.600
RO	29.086	6.222	1.150.957
SK	6.298	922	297.367
SL	1.918	464	157.661
ES	85.046	not reported	
SE	not reported		
UK	3.002	1.794	904.910
<b>Total</b>	<b>545.969</b>	<b>102.904</b>	<b>26.542.146</b>

Table 6 lists the number of undertakings, drivers checked and offences detected by size of the fleet of all Member States, except for Spain, Finland, Luxembourg and Sweden, which did not provide any data.

**Table 6**

	Size of fleet	Number of undertakings checked	Number of drivers checked	Number of offences detected
AUSTRIA	1	352	1.060	909
	2 - 5	600	1.632	1.848
	6 - 10	425	1.943	2.255
	11 - 20	389	2.781	3.170
	21 - 50	276	2.550	3.053
	51 - 200	103	1.466	1.603
	201 - 500	3	133	333
	Over 500	6	189	360
	<b>Total:</b>	<b>2.154</b>	<b>11.754</b>	<b>13.531</b>
BELGIUM	1	3.421	3.623	4.672
	2 - 5	3.283	4.843	9.706
	6 - 10	734	4.608	8.083
	11 - 20	479	4.901	6.198
	21 - 50	299	6.484	6.474
	51 - 200	66	3.203	3.058
	201 - 500	1	0	0
	Over 500	2	523	383
	<b>Total:</b>	<b>8.285</b>	<b>28.185</b>	<b>38.574</b>
BULGARIA	1	3.920	3.920	366
	2 - 5	2.929	8.787	76
	6 - 10	982	7.856	46
	11 - 20	422	5.486	14
	21 - 50	220	6.600	31
	51 - 200	86	8.600	20
	201 - 500	44	8.800	35
	Over 500	0	0	0
	<b>Total:</b>	<b>8.603</b>	<b>50.049</b>	<b>588</b>

	Size of fleet	Number of undertakings checked	Number of drivers checked	Number of offences detected
CYPRUS	1	41	41	36
	2 - 5	330	705	554
	6 - 10	141	375	292
	11 - 20	54	187	130
	21 - 50	25	78	50
	51 - 200	9	35	20
	<b>Total:</b>	<b>600</b>	<b>1.421</b>	<b>1.082</b>
THE CZECH REPUBLIC	1	1.555	325	220
	2 - 5	407	1.216	726
	6 - 10	167	1.495	1.402
	11 - 20	77	1.014	512
	21 - 50	79	1.442	2.892
	51 - 200	21	550	2.113
	201 - 500	6	305	762
	Over 500	1	12	0
	<b>Total:</b>	<b>2.313</b>	<b>6.359</b>	<b>8.627</b>
GERMANY	1	3.646	13.467	122.630
	2 - 5	3.306	9.456	192.137
	6 - 10	2.942	14.461	172.846
	11 - 20	2.709	18.241	1.012.974
	21 - 50	1.612	17.217	257.832
	51 - 200	707	21.518	126.530
	201 - 500	65	2.716	107.440
	Over 500	7	369	890
	<b>Total:</b>	<b>14.994</b>	<b>97.445</b>	<b>1.993.279</b>
DENMARK	1	38	44	49
	2 - 5	170	491	510
	6 - 10	71	434	549
	11 - 20	52	574	706
	21 - 50	56	2.372	2.445
	51 - 200			
	201 - 500			
	Over 500			
	<b>Total:</b>	<b>387</b>	<b>3.915</b>	<b>4.259</b>
ESTONIA	1	13	37	46
	2 - 5	113	369	642
	6 - 10	89	550	969
	11 - 20	67	713	679
	21 - 50	47	848	735
	51 - 200	13	360	232
	201 - 500	0	0	0
	Over 500	0	0	0
	<b>Total:</b>	<b>342</b>	<b>2.877</b>	<b>3.303</b>



	Size of fleet	Number of undertakings checked	Number of drivers checked	Number of offences detected
FRANCE	1	878	938	86
	2 - 5	3.433	2.318	768
	6 - 10	2.287	4.355	728
	11 - 20	3.250	7.737	1.901
	21 - 50	4.967	15.785	1.919
	51 - 200	3.083	28.335	5.181
	201 - 500	383	7.781	5.862
	Over 500	487	14.630	20.957
	<b>Total:</b>	<b>18.768</b>	<b>81.879</b>	<b>37.402</b>
GREECE	1	591	708	56
	2 - 5	414	456	27
	6 - 10	97	209	10
	11 - 20	41	136	11
	21 - 50	44	142	10
	51 - 200	77	268	16
	201 - 500			
	Over 500			
	<b>Total:</b>	<b>1.264</b>	<b>1.919</b>	<b>130</b>
HUNGARY	1	51	75	49
	2 - 5	106	237	201
	6 - 10	201	859	756
	11 - 20	378	2.125	1.843
	21 - 50	421	2.705	2.262
	51 - 200	197	1.739	1.691
	201 - 500	93	971	910
	Over 500	41	850	700
	<b>Total:</b>	<b>1.488</b>	<b>9.561</b>	<b>8.412</b>
IRELAND	1	313	394	2.509
	2 - 5	569	1.346	12.446
	6 - 10	365	1.464	11.837
	11 - 20	331	2.637	16.054
	21 - 50	184	2.647	11.207
	51 - 200	64	1.652	4.498
	201 - 500	2	177	455
	Over 500	0	0	0
	<b>Total:</b>	<b>1.828</b>	<b>10.317</b>	<b>59.006</b>
ITALY	1	2.493	3.248	16.017
	2 - 5	13.583	9.817	53.569
	6 - 10	2.208	8.190	41.828
	11 - 20	1.274	6.867	35.765
	21 - 50	646	5.718	40.303
	51 - 200	379	5.049	112.606
	201 - 500	22	546	720
	Over 500	28	122	840
	<b>Total:</b>	<b>20.633</b>	<b>39.557</b>	<b>301.648</b>

	Size of fleet	Number of undertakings checked	Number of drivers checked	Number of offences detected
LATVIA	1	235	242	63
	2 - 5	702	2.254	218
	6 - 10	287	1.812	222
	11 - 20	137	1.224	73
	21 - 50	71	1.158	25
	51 - 200	13	1.018	5
	201 - 500	0	0	0
	Over 500	0	0	0
	<b>Total:</b>	<b>1.445</b>	<b>7.708</b>	<b>606</b>
LITHUANIA	1	110	174	433
	2 - 5	352	1.273	2.957
	6 - 10	216	1.421	3.248
	11 - 20	166	1.772	3.699
	21 - 50	128	2.306	3.066
	51 - 200	47	1.532	1.960
	201 - 500	1	4	0
	Over 500	0	0	0
	<b>Total:</b>	<b>1.020</b>	<b>8.482</b>	<b>15.363</b>
MALTA	2 - 5	5	5	0
	6 - 10	2	2	0
	11 - 20	2	2	0
	21 - 50	2	2	2
	51 - 200	0	0	0
	201 - 500	0	0	0
	Over 500	0	0	0
	<b>Total:</b>	<b>1.031</b>	<b>8.493</b>	<b>15.365</b>
	THE NETHERLANDS	1	5	6
2 - 5		23	100	503
6 - 10		20	121	544
11 - 20		24	302	1.230
21 - 50		23	384	1.241
51 - 200		4	149	507
201 - 500		0	0	0
Over 500		1.742	14.418	16.640
<b>Total:</b>		<b>1.841</b>	<b>15.480</b>	<b>20.726</b>
POLAND	1	1.351	2.127	15.994
	2 - 5	2.189	8.481	112.425
	6 - 10	1.167	6.806	95.273
	11 - 20	785	6.814	83.552
	21 - 50	526	6.831	59.296
	51 - 200	267	6.410	34.038
	201 - 500	14	1.046	3.654
	Over 500	3	37	184
	<b>Total:</b>	<b>6.302</b>	<b>38.552</b>	<b>404.416</b>

	Size of fleet	Number of undertakings checked	Number of drivers checked	Number of offences detected
PORTUGAL	1	145	169	33
	2 - 5	476	1.047	255
	6 - 10	215	614	46
	11 - 20	162	561	32
	21 - 50	113	425	562
	51 - 200	90	308	517
	201 - 500	16	76	146
	Over 500	6	77	0
	<b>Total:</b>	<b>1.223</b>	<b>3.277</b>	<b>1.591</b>
ROMANIA	1	1.373	1.475	216
	2 - 5	2.612	5.600	797
	6 - 10	1.020	5.808	442
	11 - 20	610	3.897	357
	21 - 50	403	5.548	431
	51 - 200	150	3.843	110
	201 - 500	39	2.014	48
	Over 500	15	901	12
	<b>Total:</b>	<b>6.222</b>	<b>29.086</b>	<b>2.413</b>
SLOVAKIA	1	82	97	542
	2 - 5	380	1.323	6.037
	6 - 10	203	1.456	4.982
	11 - 20	157	1.766	5.971
	21 - 50	70	1.064	3.592
	51 - 200	23	494	2.153
	201 - 500	7	98	291
	Over 500	0	0	0
	<b>Total:</b>	<b>922</b>	<b>6.298</b>	<b>23.568</b>
SLOVENIA	1	45	49	447
	2 - 5	184	521	3.782
	6 - 10	92	404	3.795
	11 - 20	70	396	3.672
	21 - 50	33	274	1.942
	51 - 200	33	218	1.782
	201 - 500	7	56	112
	Over 500	0	0	0
	<b>Total:</b>	<b>464</b>	<b>1.918</b>	<b>15.532</b>
UK	1	171	263	674
	2 - 5	362	572	1.396
	6 - 10	219	366	933
	11 - 20	220	356	1.094
	21 - 50	273	468	1.426
	51 - 200	328	590	2.652
	201 - 500	141	218	574
	Over 500	80	169	323
	<b>Total:</b>	<b>1.794</b>	<b>3.002</b>	<b>9.072</b>

#### 4. OFFENCES

The table below shows the number of offences detected at the roadside by type of offence.

**Table 7**

Member States	TYPE OF OFFENCES AT THE ROADSIDE						Total
	Driving time	Breaks	Rest periods	28 days record sheets	Recording equipment	Lack/availability of records for other work	
AT	35.047	42.238	43.149	6.893	1.282	2.067	130.676
BE	2.214	1.049	2.204	8	101	93	5.669
BG	274	903	1.600	4.329	237	0	7.343
CY	41	99	70	0	244	0	454
CZ*	3.729	4.976	5.540	7.663	1.112	2.152	25.172
DK	21	28	35	39	0	0	123
EE	452	1.299	632	1.449	734	1.593	6.159
FI	no data reported						9.385
FR	69.993	53.188	111.123	33.779	32.981	0	301.064
DE	275.135	319.877	264.659	119.373	62.937	49.446	1.091.427
EL	114	57	115	104	0	11	401
HU	8.555	4.719	4.205	2.786	3.249	2.841	26.355
IE	2.026	4.103	3.639	143	1.143	6.573	17.627
IT	40.565	24.265	21.737	30.365	2.244	8.523	127.699
LV	436	687	501	1.033	390	131	3.178
LT	1.576	2.221	2.078	3.079	1.063	452	10.469
LU	37	82	29	13	21	1	183
MT	8	8	12	19	4	2	53
NL	1.185	2.902	2.533	98	118	2	6.838
PL	39.704	46.088	77.850	10.842	15.927	6.131	196.542
PT	307	875	1.451	640	1.379	1.163	5.815
RO	5.887	2.062	3.799	4.215	2.308	397	18.668
SK	1.274	3.889	3.589	1.509	489	60	10.810
SL	411	679	741	677	295	606	3.409
ES	15.441	8.832	26.465	51.029	18.910	0	120.677
SE	8.854	12.570	12.234	26	73	0	33.757
UK	3.181	3.853	16.187	49.858	34.584	4.632	112.295
<b>Total</b>	<b>516.467</b>	<b>541.549</b>	<b>606.177</b>	<b>329.969</b>	<b>181.825</b>	<b>86.876</b>	<b>2.272.248</b>

\* Data only provided for the year 2010

Table 8 shows offences found at premises by type of offence.

**Table 8**

Member States	TYPE OF OFFENCES FOUND AT THE PREMISES						
	Driving time	Breaks	Rest periods	Driving time records	Recording equipment	Lack/availability of records for other work	Total
AT	2.960	6.240	3.673	17	641	0	13.531
BE	5.884	8.289	4.277	2.291	1.889	1.249	23.879
BG	0	148	0	179	0	261	588
CY	120	492	384	0	86	0	1.082
CZ*	6.377	8.969	8.758	4.223	73	663	29.063
DK	432	1.187	1.227	840	61	0	3.747
EE	493	667	847	476	0	820	3.303
FI	6.534	31.631	9.436	2.879	337	13	50.830
FR	7.146	13.331	16.456	4.897	7.864	0	49.694
DE	192.546	531.079	232.041	27.693	27.653	203.579	1.214.591
EL	50	2	50	21	0	7	130
HU	644	2.867	2.221	139	1.322	1.219	8.412
IE	3.781	18.226	7.584	19	932	28.464	59.006
IT	30.750	52.911	42.600	171.231	2.156	2.000	301.648
LV	118	123	94	150	5	116	606
LT	3.679	1.669	4.265	5.093	0	547	15.253
LU	0	0	0	0	0	0	0
MT	0	0	0	0	0	2	2
NL	3.762	11.039	5.824	85	7	9	20.726
PL	36.803	50.966	87.291	133.511	14.501	32.798	355.870
PT	0	0	0	152	0	0	152
RO	519	526	956	304	72	36	2.413
SK	3.849	7.286	10.249	1.628	524	32	23.568
SL	1.801	5.758	3.859	1.673	892	1.549	15.532
ES	2.525	1.209	2.458	1.691	707	0	8.590
SE	0	0	0	0	0	0	0
UK	546	2.572	1.323	1.096	2.403	1.132	9.072
<b>Total</b>	<b>311.319</b>	<b>757.187</b>	<b>445.873</b>	<b>360.288</b>	<b>62.125</b>	<b>274.496</b>	<b>2.211.288</b>

\* Data include offences at the roadside in 2009 and no separate figure was given.

## 5. ENFORCEMENT CAPACITIES

Table 9 shows the national enforcement capacities in each Member State.

**Table 9**

Member State	NATIONAL ENFORCEMENT CAPACITY		
	Control officers involved in checks	Control officers trained to analyse the digital tachograph	No of units of equipment provided to control officers to analyse the tachograph
AT	2.758	2.758	485
BE	57	57	57
BG	249	249	249
CY	9	6	2
CZ	1.846	1.840	357
DK	60	60	40
EE	258	236	26
FI	25	25	25
FR	8.500	8.500	3.500
DE	9.099	8.037	2.291
EL	93	not reported	
HU	604	498	350
IE	14	14	14
IT	316.788	13.675	3.565
LV	15	15	6
LT	249	66	64
LU	100	50	24
MT	8	4	2
NL	317	217	99
PL	2.040	1.402	760
PT		not reported	
RO	346	346	165
SK	48	48	46
SI	426	114	89
ES		not reported	
SE	100	100	157
UK	280	278	278