

COMMISSION STAFF WORKING DOCUMENT

Report on the implementation in 2007-2008 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

(25th report from the Commission on the implementation of the social legislation relating to road transport)

1. INTRODUCTION

This report concerns the implementation by Member States of four inter-related and complementary legislative acts establishing social rules in road transport. They are: Regulation (EC) No 561/2006¹, which establishes rules on driving times, breaks and rest periods for professional drivers; Directive 2006/22/EC², which determines minimum requirements for enforcement of these rules; Regulation (EEC) No 3821/85³ on recording equipment and Directive 2002/15/EC⁴ (hereinafter "the Working Time Directive"), 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 shall communicate every two years the necessary information to enable the Commission to draw up a report on the application of the Regulation and developments in the fields in question.

The report covers the two-year period 2007-2008 and is based on the information submitted by the Member States using, for the first time, the standard form for reporting introduced by Commission Decision 2009/810/EC⁵. The new joint reporting form combines the reporting requirements of Regulation (EC) No 561/2006⁶ and Directive 2002/15/EC. To facilitate the reporting obligation of Member States, a common reporting format was established by Commission Decision 2009/810/EC which allowed Member States to include in a single report all the necessary information concerning the implementation of social legislation in the field of road transport.

The first six chapters of this report cover certain aspects of the application of Regulation (EC) No 561/2006 with regard to the rules on driving time and enforcement of compliance with these rules. These chapters provide a general overview of the way in which Member States have implemented the driving time rules. Chapter 7 deals with the practical implementation of the Working Time Directive 2002/15/EC on the basis of the information provided by Member States. Conclusions from all the analyses are included in Chapter 8, while detailed figures are included in the accompanying Annex.

1.1 Data submission

In most cases, the records provided by the national authorities responsible for the regulation of driving time (including Norway, which also submitted its data) were complete. However, despite the clear obligation to report, by the time this report was being drafted Portugal had not yet submitted any data. In addition, some Member States experienced serious delays in submitting their data, which consequently affected the timing of the production of this Commission report.

In a number of reports certain necessary information was not provided, thus making it difficult to carry out a comprehensive analysis. There are also cases where the data provided are not consistent. For instance, some Member States provided diverging figures on the total number of working days that they checked and this led to difficulties in assessing whether those Member States had met the threshold set.

¹ OJ L 102, 11.4.2006, p. 1
² OJ L 102, 11.4.2006, p. 35
³ OJ L 370, 31.12.1985, p. 8
⁴ OJ L 80, 23.2.2002, p. 35
⁵ OJ L 289, 5.11.2009, p. 9
⁶ OJ L 325, 29.11.1988, p.5

In general, the analysis of the data confirms that there is a need for a more systematic quality control of the reported figures and this, together with the timing of submission of the report, should be taken into account when preparing the country reports for the next reporting period.

2. DATA ANALYSIS - SUMMARY TABLES

2.1 Checks: summary

According to Directive 2006/22/EC the minimum number of checks in 2007 should cover **1%** of days worked by drivers of vehicles falling within the scope of Regulations (EEC) 3821/85 and (EC) 561/2006. In 2008 the corresponding percentage of minimum checks should cover **2%** of days worked. Nine Member States (Austria, Bulgaria, Czech Republic, Estonia, Italy, Lithuania, Luxembourg, Romania and Sweden) submitted separate reports for the years 2007 and 2008. For the remaining Member States, where separate data were not available, the minimum number of checks was calculated by using an average of 1.5% to enable comparison of the data.

All countries which submitted reports attained the minimum number of checks, except for **Belgium**⁷ and **Greece**, where - according to the data provided - only 16% and 9% (respectively) of the minimum checks were performed. In the case of Belgium this has been the result of a significant reduction in the number of working days checked compared to the previous report (see also Figure 1). Greece has increased the number of working days checked, however, in the previous reporting period, the data provided on the number of vehicles that were subject to the Regulation was arguably too low. Both Greece and Belgium are called upon to urgently take the necessary corrective measures, especially as regards roadside checks, which fall well below the threshold set. **Poland** is slightly below the target, as 98% of the minimum checks were performed and therefore efforts are needed to meet the threshold, especially as the number of working days checked has decreased (see Figure 1) compared with the previous period and the threshold of checks required has been raised from 2010 onwards.

⁷ Calculation was based on 220 working days per year (Belgium reported 136 working days for the whole period)

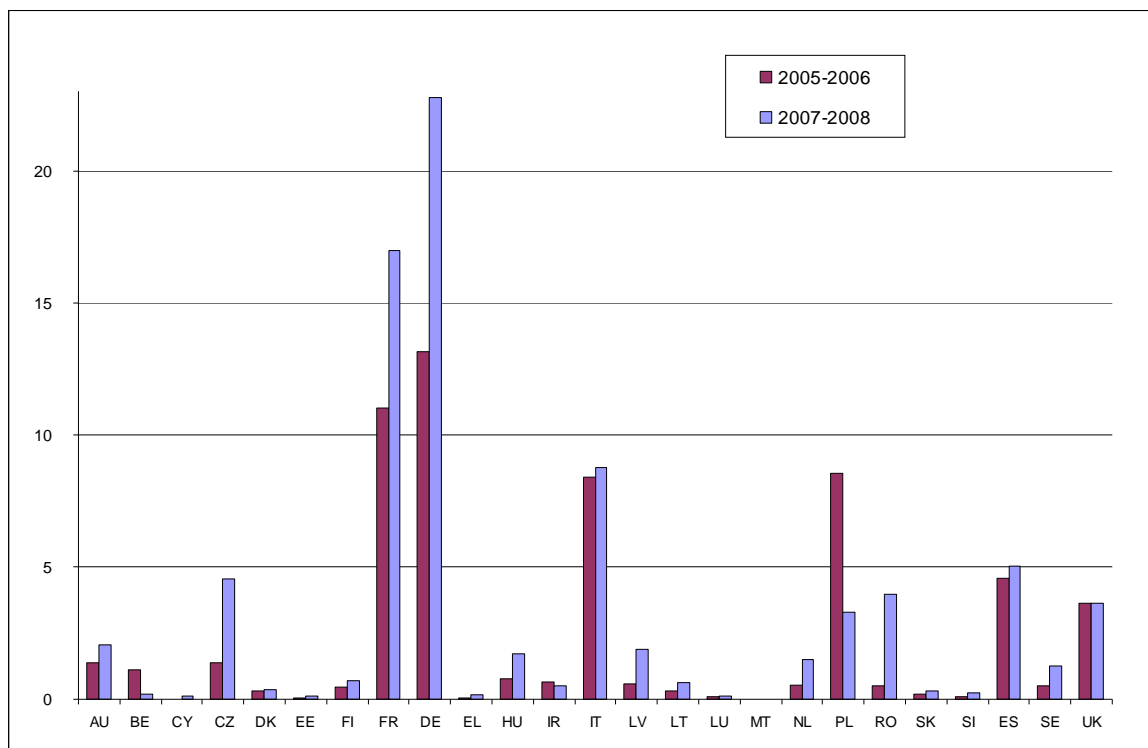


Figure 1: Number of working days checked per Member State (in millions)⁸

Figure 1 gives an overview of the number of working days checked in each Member State, in both the current and previous reporting periods. On average the Member States performed twice as many checks as the minimum required. The total number of working days checked (80,695,590⁹) **increased by 39%** in comparison with the number of working days checked in the previous reporting period (58,254,682). In most cases an increase in the number of working days checked is observed, except for Belgium, Ireland and Poland, where a significant reduction (of respectively -84%, -24% and -61%) is noted. It is worth mentioning that figures on working days checked appear to be more reliable by comparison with the previous reporting period. Taking the above-mentioned observations into account, it can be concluded that the Member States increased the number of controls in order to enhance compliance with social rules in road transport.

Regarding the type of controls, by far the majority of Member States **performed most of the controls at the roadside** (on average 82% of the working days checked). According to the provisions of Directive 2006/22/EC, Member States are required, from 2008 onwards, to check at least 30% of the working days at the roadside. The collected data show that all countries reached this threshold, except for Belgium and Greece, where the roadside controls represent only 10% and 9% (respectively) of the total number of working days checked. Ireland should also increase the number of controls at the roadside. Concerning the controls at the premises of undertakings, the minimum checks should be 50% from 2008 onwards. Most of the Member States failed to reach this average, with Germany (7%), Romania (10%), Bulgaria (11%), Luxembourg (11%) and France (12%) having the lowest rates of working days checked at premises.

⁸ Except Portugal and Bulgaria

⁹ Except Portugal and Bulgaria

2.2 Roadside checks

According to the data provided, almost 8.5 million vehicles and approximately 9.1 million drivers were checked at the roadside. The fact that the number of drivers checked is higher than the number of vehicles checked is due to the fact that Denmark, Finland, Italy, Lithuania, Slovenia and Sweden did not provide information on the number of vehicles checked, while Austria, Estonia and Romania provided the number of vehicles for the year 2008 only. Moreover, there were cases where the number of drivers reported was higher or, in some cases, actually lower than the number of reported vehicles. Member States are called upon to provide all the requested data and to carry out the appropriate quality controls in order to verify their accuracy.

In most Member States the **vast majority of the controls refer to national vehicles and drivers**. In a number of cases the percentage of national vehicles and/or drivers exceeds 80%. Geography seems to play an important role, especially in the case of islands and non-transit Member States. However, there are countries where the majority of the vehicles checked were non-national, namely Malta (76%), Luxembourg (72%), Hungary (63%), Belgium (60%) and Slovenia (56%). In the case of transit countries, there may be a justification for checking the higher percentage of non-national vehicles; however, Member States are reminded that the controls must be carried out in a non-discriminatory manner with regard to the nationality of the vehicles/drivers.

Another important issue arising from the reports on roadside checks concerns the type of tachograph with which the vehicles are equipped. The digital tachograph was introduced in 2006 and is expected to facilitate the implementation of social legislation by providing more secure and accurate data, while at the same time ensuring that controls are kept simple. According to Directive 2006/22/EC, the minimum percentage of checks may be raised to 4% if more than 90% of vehicles checked are equipped with a digital tachograph. According to data provided by Member States, summarised in Table 1 below, 32% of the vehicles checked were equipped with a digital tachograph. The same table shows that, in a number of cases, Member States have not submitted the requested data which would enable the Commission to draw more accurate conclusions. Further analysis of this issue is required in order to explore, inter alia, the availability of digital tachograph data at the premises of undertakings.

Table 1: Number of vehicles stopped according to the type of tachograph.

	Analogue	Digital	Total (of known type)	% Analogue	% Digital
Austria (2008)	65,133	20,640	85,773	76%	24%
Belgium	29,186	4,257	33,443	87%	13%
Bulgaria	326,896	164,468	491,364	67%	33%
Cyprus	3,130	11	3,141	100%	0%
Czech Republic	178,031	28,632	206,663	86%	14%
Denmark	no data				
Estonia (2008)	694	110	804	86%	14%
Finland	(84,100 vehicles)				
France	963,789	705,601	1,669,390	58%	42%
Germany	(2,824,214 vehicles)				
Greece	1,608	22	1,630	99%	1%
Hungary	98,287	78,774	177,061	56%	44%
Ireland	10,581	2,100	12,681	83%	17%
Italy	no data				
Latvia	60,768	6,697	67,465	90%	10%

Lithuania	no data				
Luxembourg	4,006	1,910	5,916	68%	32%
Malta	62	9	71	87%	13%
Netherlands*	37,659	6,686	44,345	85%	15%
Poland	248,719	44,459	293,178	85%	15%
Portugal	no data				
Romania (2008)	174,416	12,188	186,604	93%	7%
Slovakia	no data				
Slovenia	5,877	2,339	8,216	72%	28%
Spain	(509,127 vehicles)				
Sweden	(139,000 vehicles)				
United Kingdom	165,409	28,104	193,513	85%	15%
Norway	no data				
Total number:	2,374,251	1,107,007	3,481,258	(68%)	(32%)

* In addition 12,522 vehicles with an "unknown" type of tachograph were reported

It has to be noted that statistics on roadside checks also contain many inconsistencies.

One of the major inaccuracies hampering the quality of reports is the total number of vehicles checked, which differs across the various tables. The total amount of vehicles reported should be the same in all tables of the reporting format, but this is not the case in a number of country reports.

2.3 Checks at premises

According to data reported, 61,876 undertakings were checked at their premises and approximately 14.9 million working days were checked. However, **most Member States did not meet the minimum level of working days to be checked at the premises of undertakings**. Some Member States explained that this situation was due to organisational and/or technical reasons. The Commission urges Member States to focus on this particular issue in order to abide by the threshold set, according to which at least 50% of working days should be checked at the premises of undertakings.

In several cases it was difficult to define the exact number of working days checked, as the data were not consistent; According to the reporting form, the total number of working days checked is presented under two different typologies, which should add up to the same total. However, this is not the case for half of the Member States. This is a key issue, because it affects the conclusion as to whether the threshold set has been met. It has to be noted that, in order to calculate the working days checked by the Member States (and whether they reached the threshold), the higher of the two figures was taken into consideration. Similar discrepancies are observed in other cases too, such as the number of undertakings and the number of drivers checked. One possible explanation is that there is double-counting in cases where the type of transportation is not clear (passenger/goods, own account/hire-reward). In such cases, Member States are invited to break down the numbers by making their own assumptions, and report consistent data.

2.4 Offences: a summary

In general, most Member States provided detailed information on offences detected. A total of 3,244,997 offences were reported, which is a **very significant increase on the number of offences reported in the previous reporting period** (i.e. 1,016,755). This is due to the greater number of controls (39% more working days checked) and to the increase in the frequency of offences detected. Occurrence of offences has doubled in terms of offences

detected per working day checked, reaching 3.9 offences, on average, per 100 working days checked, which indicates that the checks have become more efficient and effective since the introduction of the new enforcement regime¹⁰. It has to be noted, however, that there is still a wide disparity between the various Member States as regards the detection rate. As Figure 2 illustrates, the frequency of the detection of offences is considerably higher in Ireland, Slovakia, Germany, Malta and Poland than in other Member States, especially by comparison with Bulgaria, Romania and Latvia, which have the lowest rates.

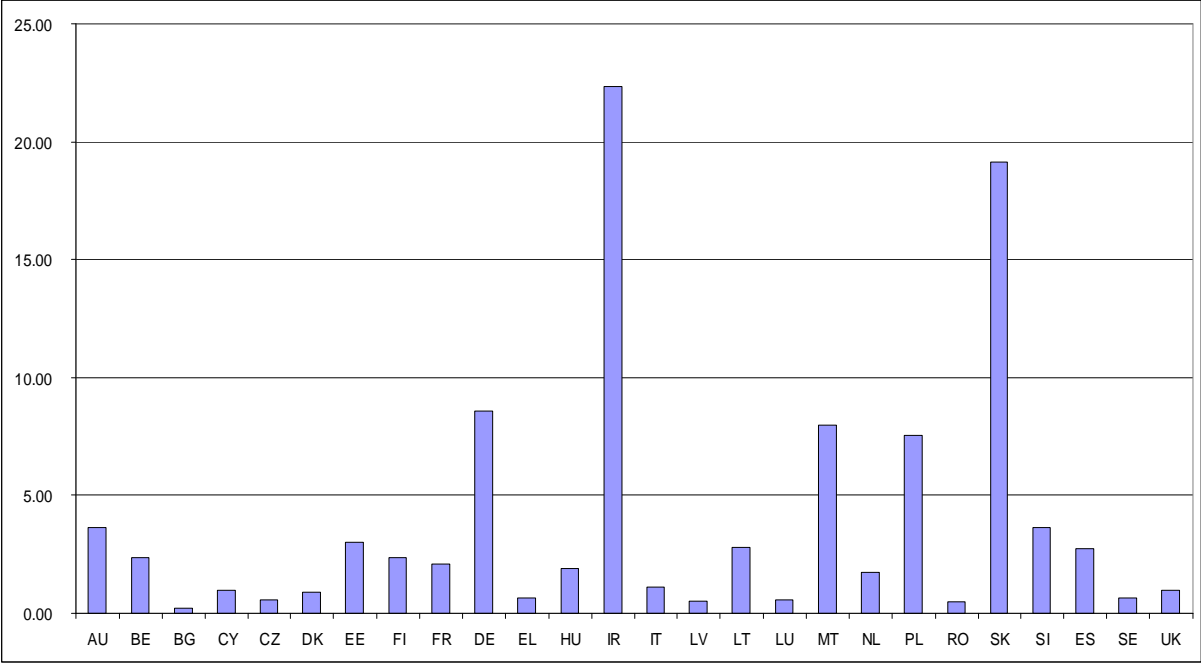


Figure 2: Number of offences detected per 100 working days checked

Concerning the type of offences, infringement of the rules on **breaks in driving time** (driving more than 4.5 hours without a break or with too short a break) is the most common offence, accounting for **30%** of all infringements. Table 2 illustrates the frequency of the types of offences detected.

Table 2: Frequency of types of offences detected

Breaks	Rest periods	Driving time	Driving time records	Recording equipment	Lack/ availability of records for other work
30%	25%	20%	14%	10%	1%

Since several Member States did not distinguish between offences in terms of the daily, weekly or fortnightly limit, further detailed analysis of the driving time offences is not possible.

2.4.1 Offences detected at the roadside

On average, 70% of the offences were detected in the case of national hauliers; this corresponds to the figure of 73% of the national vehicles checked. However, in Austria (53%), Belgium (68%), Hungary (67%), Luxembourg (78%), Malta (68%), Poland (73%),

¹⁰ Regulation (EC) No 561/2006 and Directive 22/2006/EC

and the United Kingdom (54%), the majority of offences detected concerned non-national hauliers. This is easily explained in the case of Belgium, Hungary and Luxembourg because the majority of the vehicles checked were also non-national. In case of Austria, Poland and the United Kingdom this may be attributed to the targeted controls which are performed in the latter on the basis of an IT-based risk-analysis from previous controls.

As for the frequency of offences detected, there are considerable differences between Member States. Based on the reported number of vehicles checked (where available), the relative ratio varies from almost 200 offences detected per 100 vehicles checked (Estonia) to 1 offence detected per 100 vehicles checked (Bulgaria). Germany and Spain reported the largest numbers of vehicles checked. According to the reported data, road checks in Germany reveal four times more offences than in Spain.

As regards the type of offences, violations of rest periods are the most frequent offence (28% on average), followed by breaks in driving time (25% on average). These two types, together with offences on driving time (22%) and the availability of record sheets of the past 28 days (15%), amount to 90% of the detected offences. In some island areas this cumulative percentage is significantly lower (Malta 55%, Cyprus 59% and United Kingdom 62%).

2.4.2 Offences detected at the premises of undertakings

As with the offences detected at the roadside, 87% of these offences refer to the same categories, i.e. rest periods (23% on average), breaks in driving time (34%), driving time infringements (18%) and availability of records (12%). However, in Hungary, Estonia and the Netherlands this percentage is considerably lower, as the "lack/ availability of records for other work" is a more frequent offence.

In terms of the frequency of offences, Germany has the largest number of offences detected per undertaking checked; however, the reported figure of approximately 1.25 million detected offences (approx. 78% of all the offences reported from 23 Member States) may need further clarification.

Czech Republic, Slovakia and Sweden did not provide any data on offences detected at the premises.

3. RELATIONS AND COOPERATION BETWEEN MEMBER STATES

According to Directive 2006/22/EC, Member States must, at least six times per year, undertake concerted checks in cooperation with at least one Member State. According to the information available, most Member States participate regularly in concerted checks and other bilateral or multilateral initiatives, especially in the context of Euro Contrôle Route (ECR) and TISPOL. However, the threshold set by the Directive is not always reached.

Austria reported six concerted checks in 2008 and 13 exchange initiatives in cooperation with ECR/ TISPOL Member States. **Belgium** reported two checks per year in the context of TISPOL and four in the context of ECR. **Bulgaria** reported two checks per year as part of the ECR and 18 joint checks per year with Romania. **Cyprus** participated in four concerted checks in the two-year period in the context of the Pan-European Campaign organised by TISPOL. **France** participated in 16 controls (ECR) during the reporting period and provided detailed information from its participation in a number of exchange initiatives under ECR. **Germany** reported between five and six concerted checks yearly, and participation in 10-15 exchange initiatives per year in the context of ECR. **Hungary** took part in 16 TISPOL actions, as well as in four ECR coordinated controls and five ECR exchange programs, while

mutual data exchanges of data on infringements (including manipulations) with ECR members take place at least four times a year. **Ireland** conducted eight concerted checks per year (including police checks) in collaboration with the United Kingdom. **Latvia** reported 27 concerted checks for the reporting period, in cooperation with Lithuania and Estonia, and exchange of information with Denmark and Norway on vehicle control measures. The **Netherlands** reported participation in seven coordinated actions per year organised by ECR and TISPOL. **Poland** provided a detailed report on its participation in six concerted checks per year, five multilateral exchange actions and two training courses organised in the context of ECR. **Slovakia** reported joint control actions with Czech Republic and future cooperation with Hungary and Poland. **Slovenia** reported participation in two concerted checks in 2008 (with Hungary and Croatia). **Spain** reported 15 concerted checks as part of ECR and two joint checks with France. It also provided detailed information concerning multilateral training programmes in the context of ECR, as well as for bilateral training programmes with France. **Sweden** reported two coordinated checks with Norway and one with Lithuania, as well as participation, once a year, in international exchanges of experience in the field of driving and rest periods through TISPOL. The **United Kingdom** reported that its competent authority carried out 13 pan-European checks in combination with other Member States and participated in eight ECR multilateral exchanges.

4. PENALTIES

Most Member States provided information on the level and nature of the penalties they impose. According to this information, the relevant penalties in the Member States vary significantly in both quantitative and qualitative terms. This can be explained either by the socio-economic differences between the Member States or by the differences in the categorisation of infringements by the competent authorities. Moreover, Member States distinguish between penalties for drivers and those for undertakings (natural and legal persons), by taking stricter measures against the latter, while some Member States impose higher fines in repeat cases. All of the above confirms the similar conclusions drawn in the Commission report on penalties for serious infringements against social rules in road transport¹¹. A few Member States (Germany, Lithuania, Poland and Sweden) reported changes in their legislation during the reporting period.

5. EXCEPTIONS GRANTED BY MEMBER STATES

According to Article 13 of Regulation (EC) Nr 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 in the internet site of the Commission (http://ec.europa.eu/transport/road/social_provisions/doc/2008_national_exceptions_regulation_2006_0561.pdf).

¹¹ COM(2009) 225 final

6. COMMENTS AND PROPOSALS

Member States submitted few comments and even fewer proposals in the fields in question. In most of their comments, Member States provided additional clarification on the way the data were collected and presented. Some Member States (e.g. the Netherlands, Italy) explained why certain data were not available, referring specifically to the fact that the standard reporting form had been adopted in September 2008, thus making it impossible for at least some categories of data to be collected. The Netherlands specifically referred to the fact that the threshold of minimum checks at the premises had not been reached, purely due to technicalities, which will be addressed in the next reporting period. Italy noted that the new reporting form does not cover the data collected previously on offences under Article 14 of Regulation (EEC) 3820/85. Bulgaria proposed stiffer penalties, with the aim of improving road safety.

In accordance with Article 11 of Directive 2006/22/EC the Commission established guidelines on best enforcement practice concerning the checks of compliance with the driving hours' rules¹². In addition, the Commission has undertaken to analyse the risk rating systems introduced by the Member States, in accordance with Article 9 of Directive 2006/22/EC.

7. REPORT ON IMPLEMENTATION OF THE WORKING TIME DIRECTIVE

7.1 Introduction

This chapter concerns the implementation of the Working Time Directive 2002/15/EC¹³ by Member States in the years 2007 and 2008. It follows the requirement of Article 13 of the Directive, which provides that Member States shall report to the Commission every two years on the practical implementation of this Directive, indicating the views of the two sides of industry at national level. Taking account of national reports, the Commission shall produce the report on the application by Member States of the working time rules and on developments in the field.

As the two-year reporting period is the same as that referred to in Regulation (EC) No 561/2006, and as both legislative acts establish complementary rules for professional drivers, the information on the implementation of the Directive is incorporated in the general report on the implementation of the Regulation.

7.2 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 the general Directive 2003/88/EC¹⁴

¹² Commission Recommendation of 23 January 2009 on guidelines for best enforcement practice concerning checks of recording equipment to be carried out at roadside checks and by authorised workshops (2009/60/EC); OJ L 21, 24.1.2009, p.87

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

¹⁴ 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.

on working time, which establishes basic requirements for the organisation of working time for all workers. Even so, 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.

7.3 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 country reports. Yet, seven Member States¹⁵ failed to report on the Working Time Directive by the time this document was established and the reports of six Member States¹⁶ cannot be considered admissible, as they contain irrelevant or inadequate information. Out of fourteen Member States that submitted relevant information on the implementation of working time rules only nine countries¹⁷ followed the reporting format provided for in the earlier Commission Decision of 2008 mentioned above.

Hence, the Commission was faced with three main difficulties in collecting the necessary national data. These are: lack of information (no report at all), irrelevant information (e.g.: confusing implementation of the rules on driving time with the rules on working time), incomplete information (only a small part of the information is provided). One of the possible reasons for these difficulties may be that monitoring of social rules in road transport and joint reporting is a complex exercise, as it requires close collaboration between the different national authorities, and in particular between those which are responsible for implementing road transport policies (including Regulation No 561/2006) and those which deal with social protection and employment issues (including measures transposing Directive 2002/15/EC).

Nevertheless, it must be noted that a failure to provide the necessary information is a breach of the reporting obligations imposed by the Directive and might therefore lead to the launching of infringement proceedings.

Given the scarcity of available data, the Commission does not have a full picture of the way in which Member States implement in practice and monitor compliance with working time rules in the road transport sector, and is therefore unable to conduct a thorough assessment of the effectiveness of the Directive.

The subsequent section of this report presents an analytical summary of fourteen country reports on the implementation of the Directive. However, the results of the analysis cannot be considered as representative for the whole of the EU.

7.4 Implementation aspects in Member States

Stakeholders' views

Nine¹⁸ Member States out of the fourteen who submitted comprehensive reports confirmed that stakeholders had been consulted on the implementation of working time rules. There were no specific issues raised by either side of social partners. Overall the stakeholders mainly want to see the following changes: fewer roadside checks and more thorough checks on premises instead, clarification that the Directive also applies to false self-employed drivers, and a better system of preventing breaches by means of warnings and training instead of

¹⁵ Denmark, Estonia, Lithuania, Luxembourg, Portugal, Romania, Sweden.

¹⁶ Belgium, Greece, Hungary, Italy, Latvia, Malta.

¹⁷ Austria, Bulgaria, Czech Republic, France, Germany, Ireland, Netherlands, Poland, United Kingdom.

¹⁸ Belgium, Czech Republic, France, Germany, Ireland, Slovakia, Slovenia, Poland, United Kingdom

prosecutions. Stakeholders also indicate that drivers are encumbered by large numbers of rules on safety, traffic, driving and working time, as well as deadlines to be met, and that many offences are not deliberate. Some stakeholders take the view that the Working Time Directive has increased the administrative burden in terms of record keeping and bureaucracy. On the other hand, they consider work inspections to be essential in preventing work-related injuries, occupational diseases, and work-related damage to health, and they call for improvements in the enforcement regime with a view to increasing the detection of weaknesses in the area of driver health and safety.

Monitoring and control arrangements

The majority of Member States who provided detailed reports seem to have an established and operating enforcement system that enables them to carry out effective checks on compliance with working time provisions. France uses special software to analyse working time and breaches in this area.

There is a wide variety of types of national bodies responsible for the monitoring of working time rules in the various 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 countries declare that they carry out regular targeted checks. In other countries, checks are organized solely on an ad hoc basis in reaction to complaints, requests from drivers or transport undertakings or evidence of irregularities received from other enforcement activities.

A valuable national initiative which is worth mentioning is the organisation of regular campaigns, information events and training courses in some Member States aimed at raising awareness and providing advice on the working time provisions as well as related issues, such as the correct use of tachographs.

Enforcement issues

From the comments received, it appears that enforcement of working time rules for mobile workers is, in practice, a complex, burdensome and labour-intensive process, which does not always guarantee that the results of checks are reliable and comprehensive. The main challenges are the need to collect and compare the different sets of working time records (analogue and digital tachograph records, manual records and other supporting documents), plus the difficulty of compiling data on the work of drivers who have several employers. The fact that, in many cases, copies of records are not made available until the end of the accounting period only serves to make the issue even more challenging.

Offences against working time rules

Seven Member States¹⁹ provided statistics on offences detected during checks on compliance with working time rules. From the analysis of these data it seems that the most frequent infringement is the failure to observe the provision on breaks (Article 5 of the Directive). The second most common offence is violation of the recording requirement (Article 9), followed by breach of the limits on working time (Article 4) and, lastly, provisions governing night working (Article 7).

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

¹⁹ Austria, Cyprus, Czech Republic, France, Poland, Slovenia, Spain

employer. Then, if the employer does not comply with the requirements within the stated period, the responsible inspection authority reports this as a criminal offence. If the offence is regarded as serious at the moment of its detection, the enforcement body reports it as a criminal offence without calling on the employer to rectify it.

7.5 Outlook of Member States

Only 14 Member States submitted their reports in an admissible form. It is worth noting that six of them explicitly called for an exclusion of self-employed drivers from the scope of the Directive, while others have not expressed their opinion on that matter. They stated that inclusion would cause huge enforcement problems and create an additional administrative burden, and it could also affect competitiveness and road safety. Four Member States also called for a review of the definition of night work which, as it stands, appears to be impractical. Overall, nearly all of the Member States commented on the complex and burdensome enforcement of the working time rules in the road transport sector.

8. CONCLUSIONS

The main aim of this report is to provide a general overview of the circumstances in which Member States have implemented and enforced social legislation in the field of road transport. The current reporting period 2007-2008 coincides with the entry into force of the new enforcement regime as introduced by Directive 2006/22/EC. During the reporting period **Member States have increased the number of checks performed, as well as the effectiveness of such checks.** Moreover, the overall quality of data submitted has improved, making it possible to draw more reliable conclusions. It seems, therefore, that **the new enforcement regime has contributed in considerable measure to the overall objectives for the effective application of the rules on driving time, breaks and rest periods.**

The threshold of the minimum working days to be checked has risen from 1% to 2% during the reporting period. Nine Member States provided detailed data, which allowed for yearly monitoring of the thresholds. Looking ahead to the next reporting period, when there will be a similar 1% increase of the threshold, **Member States are encouraged to make all necessary efforts to meet the higher threshold** and are invited to submit to the Commission all the data required for the analysis.

The vast majority of checks take place at the roadside, which is contrary to the minimum conditions set for the implementation of the relevant Regulations. Member States should take into consideration that, **as from 2008, at least half of all working days must be checked at the premises of the undertakings** (Article 2 of Directive 2006/22/EC).

It is important for the national authorities to guarantee 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 the unequal treatment of non-nationals.

Among the Member States there are **considerable differences in the frequency of detection of offences** during the controls both at the roadside and at the premises of the undertakings. It is important to ensure that this is not due to incorrect implementation and/or interpretation of EU rules. The most frequently detected offences are **breaks in driving time** (30%) followed by **violations of rest periods** (25%).

The reported data on the **international cooperation** between Member States reveals a growing improvement in this field. However, the majority have not yet reached the minimum

threshold, which indicates that the efforts on this issue need to continue. International cooperation may contribute, inter alia, to a more harmonised application of the social rules in road transport throughout Europe and thus to improving the level of compliance.

Concerning the report on Directive 2002/15/EC, **the small number of national reports received** as well as comments received from some Member States point to the general conclusion that legal obligations arising from the Transport Working Time Directive on mobile workers are not sufficiently prioritised, as Member States may consider this Directive as complementary to Regulation (EC) No 561/2006.

In addition, it is clear that enforcement of working time rules in the transport sector usually **involves the authorities responsible for labour protection**. Hence, those national bodies which normally deal with all issues of employment, social security, and health protection of workers, and are responsible for implementing the general working time Directive, are also those which monitor and control compliance with working time rules in road transport.

It can be also concluded that **the concept of joint reporting** for two inter-related pieces of legislation (namely Regulation (EC) No 561/2006 and Directive 2002/15/EC) ought to be re-considered, as it has not improved records on the submission of national reports or their quality.

The Member States should persevere in their efforts to **ensure better conformity** with European legislation. Moreover, there is room for improvement in the overall quality of reporting in order to guarantee the consistency of the reported data, which will allow better monitoring and assessment of the effectiveness of social legislation. Member States are strongly encouraged to **continue improving the quality of their reports as well as to ensure the timely submission of such reports**.

ANNEX

1. CALCULATION OF MINIMUM CHECKS TO BE CARRIED OUT

The table below demonstrates the actual number of working days checked by Member States as well as the minimum number of working days to be checked. The proportion of checks at the roadside and at the premises is also available.

Member State	Minimum number of working days to be checked	Number of working days checked				
		Total	At the roadside	At the premises	% at roadside	% at premises
Austria	709,104	2,065,195	1,531,146	534,049	74%	26%
Belgium ²⁰	1,091,422	176,142	17,914	158,228	10%	90%
Bulgaria	723,685	2,972,157	2,655,725	316,432	89%	11%
Cyprus	107,973	121,765	39,034	82,731	32%	68%
Czech Republic	846,613	4,557,725	3,103,885	1,453,840	68%	32%
Denmark	330,000	355,188	301,098	54,090	85%	15%
Estonia	99,440	106,147	47,729	58,418	45%	55%
Finland	555,060	694,555	491,830	202,725	71%	29%
France	3,228,862	16,989,887	14,886,723	2,103,164	88%	12%
Germany	8,915,774	22,752,776	21,231,994	1,520,782	93%	7%
Greece	1,736,539	154,411	14,053	140,358	9%	91%
Hungary	840,002	1,711,065	1,391,462	319,603	81%	19%
Ireland	329,852	481,197	102,421	378,776	21%	79%
Italy	4,990,809	8,775,074	7,057,613	1,717,461	80%	20%
Latvia	628,765	1,876,177	1,035,452	840,725	55%	45%
Lithuania	450,024	604,410	259,914	344,496	43%	57%
Luxembourg	84,915	117,945	104,744	13,201	89%	11%
Malta	1,051	1,643	1,056	587	64%	36%
Netherlands	932,349	1,494,777	1,247,069	247,708	83%	17%
Poland	3,347,921	3,280,996	1,839,511	1,441,485	56%	44%
Portugal ²¹		(no data)				
Romania	960,289	3,970,277	3,589,014	381,263	90%	10%
Slovakia	252,049	286,282	127,581	158,701	45%	55%
Slovenia	215,580	214,981	118,584	96,397	55%	45%
Spain	3,667,529	5,050,776	3,911,646	1,139,130	77%	23%
Sweden	917,400	1,243,956	935,670	308,286	75%	25%
United Kingdom	3,369,448	3,612,243	2,911,693	700,550	81%	19%
Norway	480,000	549,453	400,927	148,526	73%	27%
	38,721,033	84,041,058	69,337,574	14,703,484	83%	17%

2. CHECKS AT THE ROAD SIDE

2.1 Number of drivers checked at the roadside by country of registration and main type of carriage

The following table presents detailed figures on the number of drivers checked, according to type of transport and nationality. On average, 73% of drivers checked were nationals.

	Type of Transport	EU/EEA/Switzerland		Third Countries	Total non-nationals
		Nationals	Non-nationals		
Austria	Carriage of Passengers	1,721	2,805	1,374	4,179
	Carriage of Goods	86,579	63,494	14,229	77,723

²⁰ Calculation was based on 220 working days per year (Belgium reported 136 working days for the whole period)

²¹ Portugal did not submit a report by the time this document was established

	Type of Transport	EU/EEA/Switzerland		Third Countries	Total non-nationals
		Nationals	Non-nationals		
	Not distinguished (year 2007)	8,256	3,299	1,468	4,767
	Total	96,556	69,598	17,071	86,669
Belgium	Carriage of Passengers	1,053	1,024	33	1,057
	Carriage of Goods	15,497	18,569	579	19,148
	Total	16,550	19,593	612	20,205
Bulgaria	Carriage of Passengers	161,829	14,866	5,679	20,545
	Carriage of Goods	284,571	34,687	13,250	47,937
	Total	446,400	49,553	18,929	68,482
Cyprus	Carriage of Passengers	935	0	0	0
	Carriage of Goods	2,203	3	0	3
	Total	3,138	3	0	3
Czech Republic	(no data)				
Denmark	Carriage of Passengers	1,900	475		475
	Carriage of Goods	33,121	7,518		7,518
	Total	35,021	7,993		7,993
Estonia	Carriage of Passengers	413		29	29
	Carriage of Goods	6,528		120	120
	Total	6,941		149	149
Finland	Carriage of Passengers	3,065	289	378	667
	Carriage of Goods	64,558	8,377	3,285	11,662
	Total	67,623	8,666	3,663	12,329
France	Carriage of Passengers	1,096,089	440,953	15,842	456,795
	Carriage of Goods	82,501	28,146	5,860	34,006
	Total	1,178,590	469,099	21,702	490,801
Germany	Carriage of Passengers	25,622	10,674	2,305	12,979
	Carriage of Goods	1,156,244	729,011	90,284	819,295
	Total	1,181,866	739,685	92,589	832,274
Greece	Carriage of Passengers	723	17	10	27
	Carriage of Goods	1,660	64	24	88
	Total	2,383	81	34	115
Hungary	Carriage of Passengers	3,484	4,281	3,535	7,816
	Carriage of Goods	61,450	57,744	46,567	104,311
	Total	64,934	62,025	50,102	112,127
Ireland	Carriage of Passengers	1,049	76	0	76
	Carriage of Goods	12,759	541	5	546
	Total	13,808	617	5	622
Italy	Carriage of Passengers	133,087	19,119	11,126	30,245
	Carriage of Goods	1,123,843	166,658	39,790	206,448
	Total	1,256,930	185,777	50,916	236,693
Latvia	Carriage of Passengers	6,059	137	4	141
	Carriage of Goods	50,185	10,365	1,558	11,923
	Total	56,244	10,502	1,562	12,064
Lithuania	Carriage of Passengers	9,047	1,973	264	2,237
	Carriage of Goods	33,931	20,612	8,307	28,919
	Total	42,978	22,585	8,571	31,156
Luxembourg	Carriage of Passengers	39	360	3	363
	Carriage of Goods	3,259	7,781	407	8,188
	Total	3,298	8,141	410	8,551
Malta	Carriage of Passengers	0	4	0	4
	Carriage of Goods	18	53	0	53
	Total	18	57	0	57
Netherlands	Carriage of Passengers	29,994	20,278	1,131	21,409
	Carriage of Goods	4,154	1,285	25	1,310
	Total	34,148	21,563	1,156	22,719
Poland	Carriage of Passengers	74,526	4,873	2,550	7,423
	Carriage of Goods	129,711	91,360	67,807	159,167
	Total	204,237	96,233	70,357	166,590
Portugal	(no data)				

	Type of Transport	EU/EEA/Switzerland		Third Countries	Total non-nationals
		Nationals	Non-nationals		
Romania	Carriage of Passengers	46,243	1,074	276	1,350
	Carriage of Goods	277,005	20,407	2,792	23,199
	Total	323,248	21,481	3,068	24,549
Slovakia	Carriage of Passengers	298	158	6	164
	Carriage of Goods	5,415	2,732	182	2,914
	Total	5,713	2,890	188	3,078
Slovenia	Carriage of Passengers	706	291	274	565
	Carriage of Goods	2,889	1,522	2,534	4,056
	Total	3,595	1,813	2,808	4,621
Spain	Carriage of Passengers	208,409	31,225	8,522	39,747
	Carriage of Goods	1,144,425	160,951	25,499	186,450
	Total	1,352,834	192,176	34,021	226,197
Sweden	Carriage of Passengers	3,257	572	115	687
	Carriage of Goods	60,558	23,300	1,444	24,744
	Total	63,815	23,872	1,559	25,431
United Kingdom	Carriage of Passengers	23,419	1,055	73	1,128
	Carriage of Goods	122,149	70,956	5,188	76,144
	Total	145,568	72,011	5,261	77,272
Norway	Carriage of Passengers	3,190	606	473	1,079
	Carriage of Goods	74,245	19,105	1,636	20,741
	Total	77,435	19,711	2,109	21,820

2.2 Number of vehicles stopped for roadside check by type of tachograph

According to the figures of the table below, 32% of the vehicles checked were equipped with digital tachograph. A number of Member States did not submit the required data.

	Type of Transport	EU/EEA/Switzerland		Third Countries
		Nationals	Non-nationals	
Austria*	Analogue	33,020	27,307	4,806
	Digital	12,688	7,934	18
	Total	45,708	35,241	4,824
Belgium	Analogue	11,846	16,724	616
	Digital	1,350	2,882	25
	Total	13,196	19,606	641
Bulgaria	Analogue	291,794	18,878	16,224
	Digital	134,349	28,316	1,803
	Total	426,143	47,194	18,027
Cyprus	Analogue	3,128	2	0
	Digital	10	1	0
	Total	3,138	3	0
Czech Republic	Analogue	130,371	41,877	5,783
	Digital	18,785	9,264	583
	Total	149,156	51,141	6,366
Denmark	(no data)			
Estonia*	Analogue		683	11
	Digital		110	0
	Total		793	11
Finland	(no data)			
France	Analogue	730,726	220,476	12,587
	Digital	447,864	248,622	9,115
	Total	1,178,590	469,098	21,702
Germany	Analogue			
	Digital			
	Total	2,089,719	1,293,077	177,948
Greece	Analogue	1,550	24	34
	Digital	20	2	

	Type of Transport	EU/EEA/Switzerland		Third Countries
		Nationals	Non-nationals	
	Total	1,570	26	34
Hungary	Analogue	65,640		32,647
	Digital	61,319		17,455
	Total	126,959		50,102
Ireland	Analogue	10,168	411	2
	Digital	1,994	106	0
	Total	12,162	517	2
Italy	(no data)			
Latvia	Analogue	51,333	7,893	1,542
	Digital	4,356	2,321	20
	Total	55,689	10,214	1,562
Lithuania	(no data)			
Luxembourg	Analogue	1,068	2,779	160
	Digital	654	1,218	38
	Total	1,722	3,996	198
Malta	Analogue	17	45	
	Digital	1	8	
	Total	18	53	0
Netherlands	Analogue	21,196	15,445	1,018
	Digital	3,283	3,391	12
	Not distinguished	9,669	2,727	126
	Total	34,148	21,563	1,030
Poland	Analogue	146,863	51,496	50,360
	Digital	18,245	22,418	3,796
	Total	165,108	73,914	54,156
Portugal	(no data)			
Romania*	Analogue	174,416		
	Digital	12,188		
	Total	186,604		
Slovakia	(no data)			
Slovenia	Analogue	2,393	1,232	2,252
	Digital	1,202	581	556
	Total	3,595	1,813	2,808
Spain	(no data)			
Sweden	(no data)			
United Kingdom	Analogue	102,853	58,098	4,458
	Digital	17,368	9,933	803
	Total	120,221	68,031	5,261
Norway	(no data)			

* data was provided only for year 2008

2.3 Number of working days checked at the roadside by main type of carriage and country of registration

The number of working days checked at the roadside by each Member State was calculated on the basis of the data contained in the following table. Almost 70 million working days were checked, of which 70% referred to national drivers.

	Type of Transport	EU/EEA/Switzerland		Third Countries
		Nationals	Non-nationals	
Austria	Carriage of Passengers	11,923	21,453	5,818
	Carriage of Goods	726,259	588,735	59,883
	Not distinguished (year 2007)	73,258	32,790	11,027
	Total	811,440	642,978	76,728
Belgium	Carriage of Passengers	949	173	24
	Carriage of Goods	14,465	1,951	352
	Total	15,414	2,124	376
Bulgaria	Carriage of Passengers	566,788	79,465	33,783
	Carriage of Goods	1,710,806	185,418	79,465

	Type of Transport	EU/EEA/Switzerland		Third Countries
		Nationals	Non-nationals	
	Total	2,277,594	264,883	113,248
Cyprus	Carriage of Passengers	13,396	0	0
	Carriage of Goods	25,623	15	0
	Total	39,019	15	0
Czech Republic	Carriage of Passengers	83,244	25,140	4,748
	Carriage of Goods	2,195,722	720,859	74,172
	Total	2,278,966	745,999	78,920
Denmark	Carriage of Passengers	13,300	3,325	
	Carriage of Goods	231,847	52,626	
	Total	245,147	55,951	
Estonia*	Carriage of Passengers	4,152	-	158
	Carriage of Goods	42,833	-	586
	Total	46,985	-	744
Finland	Carriage of Passengers	19,614	1,891	2,340
	Carriage of Goods	390,758	55,046	22,181
	Total	410,372	56,937	24,521
France	Carriage of Passengers	735,702	209,158	38,705
	Carriage of Goods	9,774,325	3,974,011	154,822
	Total	10,510,027	4,183,169	193,527
Germany	Carriage of Passengers	277,803	124,441	31,667
	Carriage of Goods	12,184,714	7,617,358	996,011
	Total	12,462,517	7,741,799	1,027,678
Greece	Carriage of Passengers	4,621	62	51
	Carriage of Goods	9,146	37	136
	Total	13,767	99	187
Hungary	Carriage of Passengers	12,944	11,487	11,079
	Carriage of Goods	487,813	489,693	378,446
	Total	500,757	501,180	389,525
Ireland	Carriage of Passengers	7,477	563	0
	Carriage of Goods	90,540	3,790	51
	Total	98,017	4,353	51
Italy	Carriage of Passengers	646,861	101,296	25,974
	Carriage of Goods	5,437,026	663,927	182,529
	Total	6,083,887	765,223	208,503
Latvia	Carriage of Passengers	89,315	2,319	32
	Carriage of Goods	772,336	161,983	9,467
	Total	861,651	164,302	9,499
Lithuania	Carriage of Passengers	24,958	6,237	819
	Carriage of Goods	135,521	67,263	25,116
	Total	160,479	73,500	25,935
Luxembourg	Carriage of Passengers	329	3,208	29
	Carriage of Goods	27,953	69,829	3,396
	Total	28,282	73,037	3,425
Malta	Carriage of Passengers	0	105	0
	Carriage of Goods	114	837	0
	Total	114	942	0
Netherlands	Carriage of Passengers	651,914	440,738	24,582
	Carriage of Goods	98,707	30,534	594
	Total	750,621	471,272	25,176
Poland	Carriage of Passengers	568,032	42,235	18,406
	Carriage of Goods	719,295	325,489	166,054
	Total	1,287,327	367,724	184,460
Portugal				
Romania*	Carriage of Passengers	367,784	9,785	1,831
	Carriage of Goods	2,946,198	236,586	26,830
	Total	3,313,982	246,371	28,661
Slovakia	Carriage of Passengers	3,930	1,957	23
	Carriage of Goods	76,723	43,241	1,707
	Total	80,653	45,198	1,730

	Type of Transport	EU/EEA/Switzerland		Third Countries
		Nationals	Non-nationals	
Slovenia	Carriage of Passengers	13,316	4,743	5,098
	Carriage of Goods	47,224	18,819	29,384
	Total	60,540	23,562	34,482
Spain	Carriage of Passengers	605,393	74,729	21,453
	Carriage of Goods	2,763,122	388,846	58,103
	Total	3,368,515	463,575	79,556
Sweden	Carriage of Passengers	25,539	3,644	753
	Carriage of Goods	662,951	230,974	11,809
	Total	688,490	234,618	12,562
United Kingdom	Carriage of Passengers	253,493	17,065	307
	Carriage of Goods	1,536,150	1,078,706	25,972
	Total	1,789,643	1,095,771	26,279
Norway	Carriage of Passengers	11,305	2,447	121
	Carriage of Goods	303,835	79,743	3,476
	Total	315,140	82,190	3,597

2.4 Number and type of offences detected at the roadside

The table below presents the number and type of offences detected during roadside checks, by type of carriage and nationality. On average, 90% of the detected offences concern rest periods, breaks, driving time and the availability of records. 70% of all offences refer to nationals.

	Article	Type of offence	Carriage of passengers			Carriage of goods			
			EU/EEA/Switzerland		Third countries	EU/EEA/Switzerland		Third countries	
			Nationals	Non-nationals		Nationals	Non-nationals		
Austria	R 6	Driving time:	daily limit	344	258	132	7,773	8,611	750
			weekly limit	49	29	18	1,194	918	198
			fortnightly limit	24	22	4	250	462	2
	R 6	Lack of records for other work and / or availability	4			79	34	2	
	R 7	Breaks in driving time (driving more than 4,5 hrs without break or break too short)	664	280	153	12,127	10,281	977	
	R 8	Rest periods:	daily minimum	323	520	211	7,641	10,216	866
			weekly minimum	51	41	24	855	508	133
	R 10 & 26	Record sheets for prec. 28 days							
	D Annex I A	Recording equipment:	incorrect functioning	36	45	20	136	294	46
			misuse or manipulation of the recording equipment	37	2	1	65	34	4
Belgium	R 6	Driving time:	daily limit	3	0	0	485	1,017	19
			weekly limit	0	1	0	5	12	1
			fortnightly limit	0	0	0	0	1	0
	R 6	Lack of records for other work and / or availability							
	R 7	Breaks in driving time (driving more than 4,5 hrs without break or break too short)	1	5	0	260	386	3	
	R 8	Rest periods:	daily minimum	10	5	0	398	1,051	19

Article	Type of offence		Carriage of passengers			Carriage of goods			
			EU/EEA/Switzerland		Third countries	EU/EEA/Switzerland		Third countries	
			Nationals	Non-nationals		Nationals	Non-nationals		
		weekly minimum	0	0	0	39	51	2	
R 10 & 26	Record sheets for prec. 28 days					4			
D Annex I A	Recording equipment:	incorrect functioning				2			
		misuse or manipulation of the recording equipment				7			
Bulgaria	R 6	Driving time:	daily limit	189	37	57	284	61	95
			weekly limit	13	3	6	20	6	0
			fortnightly limit	3	0	0	5	1	0
	R 6	Lack of records for other work and / or availability	2	0	0	25	3	2	
	R 7	Breaks in driving time (driving more than 4,5 hrs without break or break too short)	167	32	49	246	16	79	
	R 8	Rest periods:	daily minimum	330	45	37	539	96	130
			weekly minimum	216	7	10	382	54	46
	R 10 & 26	Record sheets for prec. 28 days	725	30	73	1,123	125	210	
D Annex I A	Recording equipment:	incorrect functioning							
		misuse or manipulation of the recording equipment	186	35	44	255	25	43	
Cyprus	R 6	Driving time:	daily limit	11			4		
			weekly limit	1					
			fortnightly limit						
	R 6	Lack of records for other work and / or availability							
	R 7	Breaks in driving time (driving more than 4,5 hrs without break or break too short)	19			12			
	R 8	Rest periods:	daily minimum	45			11		
			weekly minimum	19			18		
	R 10 & 26	Record sheets for prec. 28 days	19			106			
D Annex I A	Recording equipment:	incorrect functioning	35			152			
		misuse or manipulation of the recording equipment							
Czech Republic	R 6	Driving time:	daily limit	209	58	67	4,031	1,929	54
			weekly limit	16	4	3	292	202	3
			fortnightly limit	4	1	22	213	189	1
	R 6	Lack of records for other work and / or availability							
	R 7	Breaks in driving time (driving more than 4,5 hrs without break or break too short)	317	62	132	7,230	2,511	73	
	R 8	Rest periods:	daily minimum	304	54	55	4,626	1,629	35
			weekly minimum	67	9	47	590	363	16
	R 10 & 26	Record sheets for prec. 28 days							

	Article	Type of offence		Carriage of passengers			Carriage of goods		
				EU/EEA/Switzerland		Third countries	EU/EEA/Switzerland		Third countries
				Nationals	Non-nationals		Nationals	Non-nationals	
	D Annex I A	Recording equipment:	incorrect functioning						
			misuse or manipulation of the recording equipment						
Denmark	R 6	Driving time:	daily limit	0	0	0	19	0	1
			weekly limit						
			fortnightly limit						
	R 6	Lack of records for other work and / or availability		0	0	0	0	0	0
	R 7	Breaks in driving time (driving more than 4,5 hrs without break or break too short)		0	0	0	27	3	1
	R 8	Rest periods:	daily minimum	1	0	0	59	13	3
			weekly minimum						
R 10 & 26	Record sheets for prec. 28 days		2	1	0	41	7	1	
D Annex I A	Recording equipment:	incorrect functioning	1	0	0	4	2	1	
		misuse or manipulation of the recording equipment							
Estonia	R 6	Driving time:	daily limit	6	-	0	55	-	4
			weekly limit	2	-	0	1	-	0
			fortnightly limit	0	-	0	0	-	0
	R 6 (2008)	Lack of records for other work and / or availability		2	-	-	117	-	6
	R 7	Breaks in driving time (driving more than 4,5 hrs without break or break too short)		6	-	1	292	-	12
	R 8	Rest periods:	daily minimum	41	-	0	167	-	7
			weekly minimum	14	-	0	25	-	0
R 10 & 26 (2008)	Record sheets for prec. 28 days		88	-	1	585	-	48	
D Annex I A (2008)	Recording equipment:	incorrect functioning	1	-	0	50	-	4	
		misuse or manipulation of the recording equipment	0	-	0	0	-	0	
Finland	(no data)								
France	R 6	Driving time:	daily limit	363	280	21	40,540	20,137	287
			weekly limit						
			fortnightly limit						
	R 6	Lack of records for other work and / or availability		non applicable in France					
	R 7	Breaks in driving time (driving more than 4,5 hrs without break or break too short)		1,320	1,156	48	38,851	23,167	253
R 8	Rest periods:	daily minimum	2,695	2,277	233	57,093	37,053	540	
		weekly minimum							

Article	Type of offence		Carriage of passengers			Carriage of goods			
			EU/EEA/Switzerland		Third countries	EU/EEA/Switzerland		Third countries	
			Nationals	Non-nationals		Nationals	Non-nationals		
R 10 & 26	Record sheets for prec. 28 days		2,394	2,073	164	30,212	17,640	178	
D Annex I A	Recording equipment:	incorrect functioning	356	137	82	9,042	4,993	82	
		misuse or manipulation of the recording equipment							
Germany	R 6	daily limit	1,520	357	159	131,087	22,466	2,454	
		weekly limit							
		fortnightly limit							
	R 6	Lack of records for other work and / or availability		0	0	0	0	0	0
	R 7	Breaks in driving time (driving more than 4,5 hrs without break or break too short)		1,854	391	93	173,402	27,668	2,465
	R 8	Rest periods:	daily minimum	3,134	687	289	118,205	33,092	2,597
			weekly minimum						
R 10 & 26	Record sheets for prec. 28 days		862	454	100	68,774	26,896	4,299	
D Annex I A	Recording equipment:	incorrect functioning	292	286	60	46,377	25,730	2,831	
		misuse or manipulation of the recording equipment							
Greece	R 6	daily limit	109	5	4	432	3	5	
		weekly limit							
		fortnightly limit							
	R 6	Lack of records for other work and / or availability		6					
	R 7	Breaks in driving time (driving more than 4,5 hrs without break or break too short)		2			2		
	R 8	Rest periods:	daily minimum	36			59		
			weekly minimum						
R 10 & 26	Record sheets for prec. 28 days		6		10	13			
D Annex I A	Recording equipment:	incorrect functioning							
		misuse or manipulation of the recording equipment							
Hungary	R 6	daily limit	21	123	66	1,464	1,374	922	
		weekly limit							
		fortnightly limit							
	R 6	Lack of records for other work and / or availability		19	48	56	693	1,373	1,406
	R 7	Breaks in driving time (driving more than 4,5 hrs without break or break too short)		19	51	46	961	536	500
	R 8	Rest periods:	daily minimum	19	52	45	911	536	536
weekly minimum									

Article	Type of offence		Carriage of passengers			Carriage of goods			
			EU/EEA/Switzerland		Third countries	EU/EEA/Switzerland		Third countries	
			Nationals	Non-nationals		Nationals	Non-nationals		
R 10 & 26	Record sheets for prec. 28 days		77	380	145	1,077	2,756	956	
	D Annex I A	Recording equipment:	incorrect functioning	8	30		319	70	37
misuse or manipulation of the recording equipment			3	2	3	43	32	29	
Ireland	R 6	Driving time:	daily limit	57	0	0	3,034	43	0
			weekly limit	1	0	0	9	0	0
			fortnightly limit	0	0	0	10	0	0
	R 6	Lack of records for other work and / or availability		17	0	0	773	38	0
	R 7	Breaks in driving time (driving more than 4,5 hrs without break or break too short)		157	0	0	5,357	153	0
	R 8	Rest periods:	daily minimum	104	0	0	3,445	200	0
			weekly minimum	23	0	0	545	34	0
	R 10 & 26	Record sheets for prec. 28 days		154	0	0	4,984	0	0
	D Annex I A	Recording equipment:	incorrect functioning	8	0	0	236	4	0
			misuse or manipulation of the recording equipment	7	0	0	291	1	0
Italy	R 6	Driving time:	daily limit	1,356	199	163	23,124	1,463	417
			weekly limit	574	299	5	1,059	650	16
			fortnightly limit	1,161	516	1,200	1,232	8	
	R 6	Lack of records for other work and / or availability							
	R 7	Breaks in driving time (driving more than 4,5 hrs without break or break too short)		888	56	450	19,551	1,369	404
	R 8	Rest periods:	daily minimum	1,022	51	5	11,668	615	163
			weekly minimum	100	86	3	999	113	10
	R 10 & 26	Record sheets for prec. 28 days							
D Annex I A	Recording equipment:	incorrect functioning							
		misuse or manipulation of the recording equipment							
Latvia	R 6	Driving time:	daily limit	12		1	348		
			weekly limit				10		
			fortnightly limit				2		
	R 6	Lack of records for other work and / or availability					145	15	5
	R 7	Breaks in driving time (driving more than 4,5 hrs without break or break too short)		39			973	132	5
	R 8	Rest periods:	daily minimum	30			634	152	11
			weekly minimum				48	11	
	R 10 & 26	Record sheets for prec. 28 days		32		1	1,177	145	7
D Annex I A	Recording equipment:	incorrect functioning	11			810	30	1	

	Article	Type of offence		Carriage of passengers			Carriage of goods		
				EU/EEA/Switzerland		Third countries	EU/EEA/Switzerland		Third countries
				Nationals	Non-nationals		Nationals	Non-nationals	
	I A	equipment:	misuse or manipulation of the recording equipment				25	8	2
Lithuania	R 6	Driving time:	daily limit	66	2	0	706	259	89
			weekly limit	15	1	0	107	32	27
			fortnightly limit	0	0	0	9	3	0
	R 6	Lack of records for other work and / or availability							
	R 7	Breaks in driving time (driving more than 4,5 hrs without break or break too short)		95	4	0	1,142	587	97
	R 8	Rest periods:	daily minimum	134	15	1	1,422	831	264
			weekly minimum	41	3	0	157	34	2
R 10 & 26	Record sheets for prec. 28 days		197	15	3	851	417	114	
D Annex I A	Recording equipment:	incorrect functioning	29	3	2	125	50	9	
		misuse or manipulation of the recording equipment	89	5	2	475	210	69	
Luxembourg	R 6	Driving time:	daily limit	0	1	0	17	131	5
			weekly limit						
			fortnightly limit						
	R 6	Lack of records for other work and / or availability		0	0	0	10	12	0
	R 7	Breaks in driving time (driving more than 4,5 hrs without break or break too short)		0	0	0	41	171	1
	R 8	Rest periods:	daily minimum	0	1	0	12	106	2
weekly minimum									
R 10 & 26	Record sheets for prec. 28 days		0	1	0	16	14	0	
D Annex I A	Recording equipment:	incorrect functioning	0	0	0	38	23	2	
		misuse or manipulation of the recording equipment							
Malta	R 6	Driving time:	daily limit				3		
			weekly limit						
			fortnightly limit						
	R 6	Lack of records for other work and / or availability			2		15	21	
	R 7	Breaks in driving time (driving more than 4,5 hrs without break or break too short)					2	18	
	R 8	Rest periods:	daily minimum						
			weekly minimum						
R 10 & 26	Record sheets for prec. 28 days			2		15	21		
D Annex	Recording	incorrect functioning				4	8		

	Article	Type of offence		Carriage of passengers			Carriage of goods		
				EU/EEA/Switzerland		Third countries	EU/EEA/Switzerland		Third countries
				Nationals	Non-nationals		Nationals	Non-nationals	
	I A	equipment:	misuse or manipulation of the recording equipment						
Netherlands	R 6	Driving time:	daily limit	14	17	0	714	433	7
			weekly limit	0	0	0	9	6	0
			fortnightly limit	1	2	0	64	45	0
	R 6	Lack of records for other work and / or availability		43	4	0	589	63	1
	R 7	Breaks in driving time (driving more than 4,5 hrs without break or break too short)		87	75	0	2,110	775	9
	R 8	Rest periods:	daily minimum	87	86	1	1,678	1,365	38
			weekly minimum	58	39	0	63	63	1
R 10 & 26	Record sheets for prec. 28 days		67	11	0	257	96	6	
D Annex I A	Recording equipment:	incorrect functioning	4	0	0	35	23	1	
		misuse or manipulation of the recording equipment	33	14	0	234	308	20	
Poland	R 6	Driving time:	daily limit	1,432	1,798	123	10,056	21,791	680
			weekly limit						
			fortnightly limit						
	R 6	Lack of records for other work and / or availability		173	299	94	802	1,385	319
	R 7	Breaks in driving time (driving more than 4,5 hrs without break or break too short)		1,987	2,065	190	7,553	26,488	1,093
	R 8	Rest periods:	daily minimum	3,829	4,585	355	14,276	42,606	2,081
			weekly minimum						
R 10 & 26	Record sheets for prec. 28 days		192	249	107	1,035	1,607	715	
D Annex I A	Recording equipment:	incorrect functioning	122	78	52	1,017	5,883	532	
		misuse or manipulation of the recording equipment							
Portugal	(no data)								
Romania	R 6	Driving time:	daily limit	74	4	3	1,341	548	5
			weekly limit	0	0	5	40	1	0
			fortnightly limit	1	0	0	8	0	0
	R 6	Lack of records for other work and / or availability		3	0		24	3	
	R 7	Breaks in driving time (driving more than 4,5 hrs without break or break too short)		117	4	5	1,757	62	3
	R 8	Rest periods:	daily minimum	191	5	3	2,767	96	9
			weekly minimum	26	0	0	236	6	0
R 10 & 26	Record sheets for prec. 28 days		344	12	13	3,476	122	3	
D Annex I A	Recording equipment:	incorrect functioning	112	0	1	947	19	1	

	Article	Type of offence	Carriage of passengers			Carriage of goods			
			EU/EEA/Switzerland		Third countries	EU/EEA/Switzerland		Third countries	
			Nationals	Non-nationals		Nationals	Non-nationals		
		misuse or manipulation of the recording equipment	195	4	3	1,298	85	1	
Slovakia	R 6	Driving time:	daily limit	381	14		5,099	620	15
			weekly limit						
			fortnightly limit	4			609	62	
	R 6	Lack of records for other work and / or availability							
	R 7	Breaks in driving time (driving more than 4,5 hrs without break or break too short)		767	46	1	9,152	1,183	24
	R 8	Rest periods:	daily minimum	917	55		9,951	1,204	33
			weekly minimum	111	17		2,747	273	
R 10 & 26	Record sheets for prec. 28 days		1,053	28	1	13,988	684	24	
D Annex I A	Recording equipment:	incorrect functioning	604	13		4,831	302	17	
		misuse or manipulation of the recording equipment							
Slovenia	R 6	Driving time:	daily limit	30	8	5	1,111	228	391
			weekly limit						
			fortnightly limit						
	R 6	Lack of records for other work and / or availability		2			23	21	5
	R 7	Breaks in driving time (driving more than 4,5 hrs without break or break too short)		20	8	9	818	158	204
	R 8	Rest periods:	daily minimum	41	4	63	1,175	344	258
			weekly minimum						
R 10 & 26	Record sheets for prec. 28 days		58	10	25	1,307	322	434	
D Annex I A	Recording equipment:	incorrect functioning	7	3	2	161	26	15	
		misuse or manipulation of the recording equipment							
Spain	R 6	Driving time:	daily limit	190	6	7	12,724	1,066	75
			weekly limit						
			fortnightly limit						
	R 6	Lack of records for other work and / or availability							
	R 7	Breaks in driving time (driving more than 4,5 hrs without break or break too short)		308	11	13	11,199	605	42
R 8	Rest periods:	daily minimum	1,210	42	50	24,342	2,294	161	
		weekly minimum							

Article	Type of offence		Carriage of passengers			Carriage of goods			
			EU/EEA/Switzerland		Third countries	EU/EEA/Switzerland		Third countries	
			Nationals	Non-nationals		Nationals	Non-nationals		
R 10 & 26	Record sheets for prec. 28 days		2,579	114	140	46,916	2,799	196	
	D Annex I A	Recording equipment:	incorrect functioning	370	14	15	16,654	543	38
			misuse or manipulation of the recording equipment	142	5	7	4,956	361	25
Sweden	R 6	Driving time:	daily limit	394	62	1	2,839	440	11
			weekly limit						
			fortnightly limit						
	R 6	Lack of records for other work and / or availability							
	R 7	Breaks in driving time (driving more than 4,5 hrs without break or break too short)		287	43		1,863	288	2
	R 8	Rest periods:	daily minimum	280	125	10	1,351	511	18
			weekly minimum						
R 10 & 26	Record sheets for prec. 28 days								
D Annex I A	Recording equipment:	incorrect functioning							
		misuse or manipulation of the recording equipment							
United Kingdom	R 6	Driving time:	daily limit	22			457	1,247	48
			weekly limit	7			317	60	1
			fortnightly limit				8	108	1
	R 6	Lack of records for other work and / or availability		296			2,039	157	
	R 7	Breaks in driving time (driving more than 4,5 hrs without break or break too short)		32	8		1,430	1,018	20
	R 8	Rest periods:	daily minimum	77	44	1	1,346	5,179	185
			weekly minimum	204	30		1,170	3,929	230
R 10 & 26	Record sheets for prec. 28 days		29	2		144	52		
D Annex I A	Recording equipment:	incorrect functioning	464	7		2,921	662	12	
		misuse or manipulation of the recording equipment	454	25		1,596	1,957	35	
Norway	(no data)								

3. CHECKS AT THE PREMISES OF UNDERTAKING

3.1 Number of drivers checked and number of working days checked at the premises of undertaking

The next table contains the information on the number of working days checked at the premises of undertakings. It is noted that, in many cases, the total amount of working days (and drivers) is not the same under the two different typologies. For the various calculations only the maximum amount of working days was taken into consideration.

		Type of carriage	Number of drivers checked	Number of working days checked
Austria	<i>I. Typology</i>	Carriage of Passengers	821	34,217
		Carriage of Goods	8,410	499,832
		Total	9,231	534,049
	<i>II. Typology</i>	Carriage for hire or reward	7,251	486,522
		Carriage on own account	1,676	46,764
		Total	8,927	533,286
Belgium	<i>I. Typology</i>	Carriage of Passengers	1,111	16,730
		Carriage of Goods	14,179	141,498
		Total	15,290	158,228
	<i>II. Typology</i>	Carriage for hire or reward	11,779	
		Carriage on own account	1	
		Total	11,780	0
Bulgaria	<i>I. Typology</i>	Carriage of Passengers	14,823	90,782
		Carriage of Goods	30,381	225,650
		Total	45,204	316,432
	<i>II. Typology</i>	Carriage for hire or reward		
		Carriage on own account		
		Total	0	0
Cyprus	<i>I. Typology</i>	Carriage of Passengers	194	10,299
		Carriage of Goods	1,104	72,432
		Total	1,298	82,731
	<i>II. Typology</i>	Carriage for hire or reward	2	35
		Carriage on own account	134	4,444
		Total	136	4,479
Czech Republic	<i>I. Typology</i>	Carriage of Passengers	1,499	78,482
		Carriage of Goods	17,567	1,375,358
		Total	19,066	1,453,840
	<i>II. Typology</i>	Carriage for hire or reward	18,026	1,374,040
		Carriage on own account	1,040	79,800
		Total	19,066	1,453,840
Denmark	<i>I. Typology</i>	Carriage of Passengers	204	3,808
		Carriage of Goods	2,243	50,282
		Total	2,447	54,090
	<i>II. Typology</i>	Carriage for hire or reward	2,073	47,110
		Carriage on own account	170	3,172
		Total	2,243	50,282
Estonia	<i>I. Typology</i>	Carriage of Passengers		8,016
		Carriage of Goods		50,402
		Total	0	58,418
	<i>II. Typology</i>	Carriage for hire or reward		56,666
		Carriage on own account		1,752
		Total	0	58,418
Finland	<i>I. Typology</i>	Carriage of Passengers	2,368	25,383
		Carriage of Goods	9,888	177,342
		Total	12,256	202,725
	<i>II. Typology</i>	Carriage for hire or reward	6,640	150,911
		Carriage on own account	104	3,215
		Total	6,744	154,126
France	<i>I. Typology</i>	Carriage of Passengers	7,650	246,585
		Carriage of Goods	58,728	1,856,579
		Total	66,378	2,103,164
	<i>II. Typology</i>	Carriage for hire or reward	64,911	2,041,594

		Type of carriage	Number of drivers checked	Number of working days checked
		Carriage on own account	1,467	61,570
		Total	66,378	2,103,164
Germany	<i>I. Typology</i>	Carriage of Passengers	9,649	249,294
		Carriage of Goods	78,157	1,135,160
		Total	87,806	1,384,454
	<i>II. Typology</i>	Carriage for hire or reward	87,806	1,395,738
		Carriage on own account	7,059	125,044
		Total	94,865	1,520,782
Greece	<i>I. Typology</i>	Carriage of Passengers	552	48,382
		Carriage of Goods	1,453	91,976
		Total	2,005	140,358
	<i>II. Typology</i>	Carriage for hire or reward	813	71,368
		Carriage on own account	285	24,315
		Total	1,098	95,683
Hungary	<i>I. Typology</i>	Carriage of Passengers	579	34,783
		Carriage of Goods	47,647	284,820
		Total	48,226	319,603
	<i>II. Typology</i>	Carriage for hire or reward	4,793	287,643
		Carriage on own account	533	31,960
		Total	5,326	319,603
Ireland	<i>I. Typology</i>	Carriage of Passengers	976	71,786
		Carriage of Goods	4,260	306,990
		Total	5,236	378,776
	<i>II. Typology</i>	Carriage for hire or reward	3,915	284,082
		Carriage on own account	1,321	94,694
		Total	5,236	378,776
Italy	<i>I. Typology</i>	Carriage of Passengers	2,464	235,512
		Carriage of Goods	24,912	1,481,949
		Total	27,376	1,717,461
	<i>II. Typology</i>	Carriage for hire or reward	22,839	1,435,588
		Carriage on own account	4,300	265,007
		Total	27,139	1,700,595
Latvia	<i>I. Typology</i>	Carriage of Passengers	716	65,891
		Carriage of Goods	6,900	774,834
		Total	7,616	840,725
	<i>II. Typology</i>	Carriage for hire or reward	6,261	730,024
		Carriage on own account	1,355	110,701
		Total	7,616	840,725
Lithuania	<i>I. Typology</i>	Carriage of Passengers	1,890	36,203
		Carriage of Goods	12,019	308,293
		Total	13,909	344,496
	<i>II. Typology</i>	Carriage for hire or reward	11,312	284,918
		Carriage on own account	2,597	59,578
		Total	13,909	344,496
Luxembourg	<i>I. Typology</i>	Carriage of Passengers	493	2,738
		Carriage of Goods	746	10,463
		Total	1,239	13,201
	<i>II. Typology</i>	Carriage for hire or reward	1,209	12,758
		Carriage on own account	0	0
		Total	1,209	12,758
Malta	<i>I. Typology</i>	Carriage of Passengers	0	0
		Carriage of Goods	18	587
		Total	18	587
	<i>II. Typology</i>	Carriage for hire or reward		
		Carriage on own account		
		Total	0	0
Netherlands	<i>I. Typology</i>	Carriage of Passengers	6,516	105,728
		Carriage of Goods	3,923	141,980

		Type of carriage	Number of drivers checked	Number of working days checked
	<i>II. Typology</i>	Total	10,439	247,708
		Carriage for hire or reward	3,008	126,630
		Carriage on own account	915	15,350
		Total	3,923	141,980
Poland	<i>I. Typology</i>	Carriage of Passengers	884	797,389
		Carriage of Goods	6,586	644,096
		Total	7,470	1,441,485
	<i>II. Typology</i>	Carriage for hire or reward	5,970	1,307,790
		Carriage on own account	781	64,878
		Total	6,751	1,372,668
Portugal		(no data)		
Romania	<i>I. Typology</i>	Carriage of Passengers	5,426	66,947
		Carriage of Goods	15,219	314,316
		Total	20,645	381,263
	<i>II. Typology</i>	Carriage for hire or reward	20,050	365,581
		Carriage on own account	506	12,032
		Total	20,556	377,613
Slovakia	<i>I. Typology</i>	Carriage of Passengers	312	8,463
		Carriage of Goods	4,482	150,238
		Total	4,794	158,701
	<i>II. Typology</i>	Carriage for hire or reward		
		Carriage on own account		
		Total	0	0
Slovenia	<i>I. Typology</i>	Carriage of Passengers	206	13,461
		Carriage of Goods	1,130	82,936
		Total	1,336	96,397
	<i>II. Typology</i>	Carriage for hire or reward	1,208	86,825
		Carriage on own account	128	9,572
		Total	1,336	96,397
Spain	<i>I. Typology</i>	Carriage of Passengers	5,607	168,332
		Carriage of Goods	34,539	970,798
		Total	40,146	1,139,130
	<i>II. Typology</i>	Carriage for hire or reward	36,769	1,045,468
		Carriage on own account	3,377	93,662
		Total	40,146	1,139,130
Sweden	<i>I. Typology</i>	Carriage of Passengers	807	32,175
		Carriage of Goods	4,967	276,111
		Total	5,774	308,286
	<i>II. Typology</i>	Carriage for hire or reward	3,051	138,536
		Carriage on own account	137	6,816
		Total	3,188	145,352
United Kingdom	<i>I. Typology</i>	Carriage of Passengers	502	73,427
		Carriage of Goods	3,356	627,123
		Total	3,858	700,550
	<i>II. Typology</i>	Carriage for hire or reward	345	600,691
		Carriage on own account	68	26,612
		Total	413	627,303
Norway	<i>I. Typology</i>	Carriage of Passengers	328	8,273
		Carriage of Goods	3,122	140,253
		Total	3,450	148,526
	<i>II. Typology</i>	Carriage for hire or reward	374	10,041
		Carriage on own account	2,996	106,123
		Total	3,370	116,164

3.2 Number and type of offences detected at the premises

The following table contains detailed information on the number and type of offences detected at the premises of undertakings.

	Article	Type of offence	Carriage of passengers	Carriage of goods	
Austria	R 6	Driving time:	daily limit	64	1,268
			weekly limit		
			fortnightly limit	2	343
	R 6		Lack of records for other		
	R 7		Breaks in driving time	142	3,025
	R 8	Rest periods:	daily minimum	94	1,413
			weekly minimum	23	258
	R 10 & 26	Driving time records:	1 year for keeping data		5
D Annex I	Recording equipment:	incorrect functioning	32	393	
		misuse or manipulation			
Belgium	R 6	Driving time:	daily limit	4	67
			weekly limit	0	0
			fortnightly limit	1	14
	R 6		Lack of records for other	0	0
	R 7		Breaks in driving time	1	30
	R 8	Rest periods:	daily minimum	2	44
			weekly minimum	2	8
	R 10 & 26	Driving time	1 year for keeping data	3	92
record sheets for the 28					
D Annex I	Recording	incorrect functioning	0	12	
		misuse or manipulation	2	78	
Bulgaria	R 6	Driving time:	daily limit	30	40
			weekly limit	31	34
			fortnightly limit	18	28
	R 6		Lack of records for other		
	R 7		Breaks in driving time		
	R 8	Rest periods:	daily minimum	35	41
			weekly minimum	39	45
	R 10 & 26	Driving time records:	1 year for keeping data	43	55
record sheets for the 28					
D Annex I	Recording equipment:	incorrect functioning	25	35	
		misuse or manipulation			
Cyprus	R 6	Driving time:	daily limit	13	44
			weekly limit		6
			fortnightly limit		7
	R 6		Lack of records for other		
	R 7		Breaks in driving time	36	114
	R 8	Rest periods:	daily minimum	61	113
			weekly minimum	64	120
	R 10 & 26	Driving time records:	1 year for keeping data	2	7
record sheets for the 28					
D Annex I	Recording equipment:	incorrect functioning	25	107	
		misuse or manipulation			
Czech	(no data)				
Denmark	R 6	Driving time:	daily limit	1	275
			weekly limit		
			fortnightly limit		
	R 6		Lack of records for other	0	0
	R 7		Breaks in driving time	11	725
	R 8	Rest periods:	daily minimum	54	1,010
			weekly minimum		
	R 10 & 26	Driving time records:	1 year for keeping data	105	713
record sheets for the 28					
D Annex I	Recording equipment:	incorrect functioning	0	3	
		misuse or manipulation			

	Article	Type of offence	Carriage of passengers	Carriage of goods	
Estonia	R 6	Driving time:	daily limit	2	145
			weekly limit	0	13
			fortnightly limit	0	4
	R 6 (2008)		Lack of records for other	29	461
	R 7		Breaks in driving time	5	412
	R 8	Rest periods:	daily minimum	10	118
			weekly minimum	9	35
	R 10 & 26	Driving time records:	1 year for keeping data	16	390
			record sheets for the 28		
	D Annex I	Recording equipment:	incorrect functioning	0	0
misuse or manipulation					
Finland	R 6	Driving time:	daily limit	158	3,230
			weekly limit		
			fortnightly limit		
	R 6		Lack of records for other	-	-
	R 7		Breaks in driving time	317	7,157
	R 8	Rest periods:	daily minimum	260	5,278
			weekly minimum		
	R 10 & 26	Driving time records:	1 year for keeping data	-	-
			record sheets for the 28	-	-
	D Annex I	Recording equipment:	incorrect functioning	-	-
misuse or manipulation			-	-	
France	R 6	Driving time:	daily limit	117	10,224
			weekly limit		
			fortnightly limit		
	R 6		Lack of records for other	non applicable in France	
	R 7		Breaks in driving time	656	18,217
	R 8	Rest periods:	daily minimum	1,345	17,924
			weekly minimum		
	R 10 & 26	Driving time records:	1 year for keeping data	692	5,364
			record sheets for the 28		
	D Annex I	Recording equipment:	incorrect functioning	120	2,492
misuse or manipulation					
Germany	R 6	Driving time:	daily limit	4,322	224,968
			weekly limit		
			fortnightly limit		
	R 6		Lack of records for other	0	0
	R 7		Breaks in driving time	7,374	437,034
	R 8	Rest periods:	daily minimum	5,861	256,907
			weekly minimum		
	R 10 & 26	Driving time records:	1 year for keeping data	4,785	130,218
			record sheets for the 28		
	D Annex I	Recording equipment:	incorrect functioning	11,230	172,453
misuse or manipulation					
Greece	R 6	Driving time:	daily limit	36	239
			weekly limit		
			fortnightly limit		
	R 6		Lack of records for other		
	R 7		Breaks in driving time	2	4
	R 8	Rest periods:	daily minimum	16	10
			weekly minimum		
	R 10 & 26	Driving time records:	1 year for keeping data		33
			record sheets for the 28		
	D Annex I	Recording equipment:	incorrect functioning		
misuse or manipulation					
Hungary	R 6	Driving time:	daily limit	0	1,096
			weekly limit	0	36
			fortnightly limit	0	54
	R 6		Lack of records for other	340	6,153

	Article	Type of offence		Carriage of passengers	Carriage of goods
	R 7		Breaks in driving time	136	2,864
	R 8	Rest periods:	daily minimum	100	1,377
			weekly minimum	6	118
	R 10 & 26	Driving time records:	1 year for keeping data	4	252
	D Annex I	Recording equipment:	incorrect functioning	72	933
			misuse or manipulation	3	152
Ireland	R 6	Driving time:	daily limit	1,596	12,733
			weekly limit	5	41
			fortnightly limit	0	6
	R 6		Lack of records for other	105	407
	R 7		Breaks in driving time	3,824	24,603
	R 8	Rest periods:	daily minimum	2,853	20,172
			weekly minimum	508	3,509
	R 10 & 26	Driving time records:	1 year for keeping data	0	0
D Annex I	Recording equipment:	record sheets for the 28	4,609	12,463	
		incorrect functioning	30	177	
			misuse or manipulation	41	112
Italy	R 6	Driving time:	daily limit	291	7,220
			weekly limit	4	313
			fortnightly limit		609
	R 6		Lack of records for other		
	R 7		Breaks in driving time	140	10,375
	R 8	Rest periods:	daily minimum	59	6,960
			weekly minimum	516	627
	R 10 & 26	Driving time records:	1 year for keeping data		
D Annex I	Recording equipment:	record sheets for the 28			
		incorrect functioning			
			misuse or manipulation		
Latvia	R 6	Driving time:	daily limit	22	822
			weekly limit		9
			fortnightly limit		
	R 6		Lack of records for other	2	266
	R 7		Breaks in driving time	122	1,825
	R 8	Rest periods:	daily minimum	56	1,374
			weekly minimum		289
	R 10 & 26	Driving time records:	1 year for keeping data	26	245
D Annex I	Recording equipment:	record sheets for the 28			
		incorrect functioning		5	
			misuse or manipulation		297
Lithuania	R 6	Driving time:	daily limit	70	1,568
			weekly limit	21	181
			fortnightly limit	0	27
	R 6		Lack of records for other		
	R 7		Breaks in driving time	137	2,045
	R 8	Rest periods:	daily minimum	223	2,442
			weekly minimum	64	633
	R 10 & 26	Driving time records:	1 year for keeping data	34	351
D Annex I	Recording equipment:	record sheets for the 28	34	351	
		incorrect functioning			
			misuse or manipulation		
Luxembourg	R 6	Driving time:	daily limit	0	29
			weekly limit	0	
			fortnightly limit	0	
	R 6		Lack of records for other	0	10
	R 7		Breaks in driving time	0	9
	R 8	Rest periods:	daily minimum	0	17
weekly minimum			0		
R 10 & 26	Driving time	1 year for keeping data	0	14	

	Article	Type of offence	Carriage of passengers	Carriage of goods
			record sheets for the 28	0
	D Annex I	Recording equipment:	incorrect functioning	0
			misuse or manipulation	0
Malta	R 6	Driving time:	daily limit	5
			weekly limit	
			fortnightly limit	
	R 6		Lack of records for other	2
	R 7		Breaks in driving time	3
	R 8	Rest periods:	daily minimum	3
			weekly minimum	
R 10 & 26	Driving time records:	1 year for keeping data		
		record sheets for the 28		
D Annex I	Recording equipment:	incorrect functioning	7	
		misuse or manipulation		
Netherlands	R 6	Driving time:	daily limit	88
			weekly limit	0
			fortnightly limit	1
	R 6		Lack of records for other	117
	R 7		Breaks in driving time	481
	R 8	Rest periods:	daily minimum	643
			weekly minimum	332
	R 10 & 26	Driving time records:	1 year for keeping data	0
			record sheets for the 28	0
	D Annex I	Recording equipment:	incorrect functioning	15
		misuse or manipulation	630	
Poland	R 6	Driving time:	daily limit	1,668
			weekly limit	
			fortnightly limit	
	R 6		Lack of records for other	812
	R 7		Breaks in driving time	2,754
	R 8	Rest periods:	daily minimum	6,800
			weekly minimum	
	R 10 & 26	Driving time records:	1 year for keeping data	5,001
			record sheets for the 28	
	D Annex I	Recording equipment:	incorrect functioning	1,655
		misuse or manipulation		
Portugal	(no data)			
Romania	R 6	Driving time:	daily limit	200
			weekly limit	7
			fortnightly limit	9
	R 6		Lack of records for other	15
	R 7		Breaks in driving time	206
	R 8	Rest periods:	daily minimum	383
			weekly minimum	62
	R 10 & 26	Driving time records:	1 year for keeping data	16
			record sheets for the 28	
	D Annex I	Recording equipment:	incorrect functioning	1
		misuse or manipulation	87	
Slovakia	(included in the offences reported at roadside)			
Slovenia	R 6	Driving time:	daily limit	7
			weekly limit	
			fortnightly limit	
	R 6		Lack of records for other	0
	R 7		Breaks in driving time	4
	R 8	Rest periods:	daily minimum	30
			weekly minimum	
	R 10 & 26	Driving time records:	1 year for keeping data	17
		record sheets for the 28		
D Annex I	Recording	incorrect functioning	1	
			4	

	Article	Type of offence		Carriage of passengers	Carriage of goods
			misuse or manipulation		
Spain	R 6	Driving time:	daily limit	36	1,618
			weekly limit	0	7
			fortnightly limit	0	496
	R 6		Lack of records for other		
	R 7		Breaks in driving time	60	1,649
	R 8	Rest periods:	daily minimum	143	2,422
			weekly minimum	84	212
	R 10 & 26	Driving time records:	1 year for keeping data		
			record sheets for the 28	96	1,333
	D Annex I	Recording equipment:	incorrect functioning	38	834
misuse or manipulation					
Sweden	(no data)				
United Kingdom	R 6	Driving time:	daily limit	21	815
			weekly limit	1	108
			fortnightly limit		20
	R 6		Lack of records for other		
	R 7		Breaks in driving time	64	4,193
	R 8	Rest periods:	daily minimum	88	1,171
			weekly minimum	1	450
	R 10 & 26	Driving time records:	1 year for keeping data		
			record sheets for the 28	25	99
	D Annex I	Recording equipment:	incorrect functioning		1
misuse or manipulation					
Norway	(no data)				

3.3 Number of undertakings and drivers at the premises by size of fleet of the undertaking

The following table contains the information reported on the undertakings checked concerning their size (in terms of size of fleet), the number of drivers checked and the number of offences detected. In total 43,979 undertakings were reported, with the majority (57%) occupying less than five vehicles.

	Size of fleet	Number of undertakings checked	Number of drivers checked	Number of offences detected
Austria	1	106	133	208
	2-5	428	1,148	1,555
	6-10	294	1,306	1,662
	11-20	247	1,395	1,668
	21-50	200	1,748	2,889
	51-200	84	2,329	1,180
	201-500	2	39	36
	Over 500	3	339	199
	Total		1,364	8,437
Belgium	1	1,989	2,004	89
	2-5	1,183	2,862	49
	6-10	388	2,525	30
	11-20	260	2,731	20
	21-50	173	3,539	26
	51-200	42	1,792	11
	201-500	0	0	0
	Over 500	0	0	0
	Total		4,035	15,453
Bulgaria	1	776	4,817	50
	2-5	5,431	33,717	349
	6-10	310	1,927	20

	Size of fleet	Number of undertakings checked	Number of drivers checked	Number of offences detected
	11-20	621	3,853	40
	21-50	388	2,408	25
	51-200	155	964	10
	201-500	78	481	5
	Over 500	-	-	-
	Total	7,759	48,167	499
Cyprus	1	17	17	83
	2-5	252	578	1,859
	6-10	156	388	1,587
	11-20	87	246	914
	21-50	47	151	525
	51-200	17	54	180
	201-500			
	Over 500			
Total	576	1,434	5,148	
Czech Republic				
	Total	2,298	19,066	9,299
Denmark	1	49	92	96
	2-5	140	384	330
	6-10	70	417	718
	11-20	52	459	422
	21-50	40	1,095	1,727
	51-200			
	201-500			
	Over 500			
Total	351	2,447	3,293	
Estonia (2008)	1	8	12	60
	2-5	111	283	604
	6-10	76	411	546
	11-20	44	403	213
	21-50	29	433	98
	51-200	9	197	27
	201-500	0	0	0
	Over 500	0	0	0
Total	277	1,739	1,548	
Finland	(no data)			
France	1	3,098	4,147	3,382
	2-5	3,040	5,776	5,428
	6-10	2,257	4,786	4,740
	11-20	2,033	6,815	5,833
	21-50	2,415	8,575	7,630
	51-200	1,835	10,866	9,135
	201-500	606	10,184	9,601
	Over 500	405	15,229	11,408
	Total	15,689	66,378	57,157
Germany (2008)	1	727		
	2-5	398		
	6-10	310		
	11-20	163		
	21-50	83		
	51-200	19		
	201-500	3		
	Over 500	1		
Total	1,704			
Greece	1	450	554	19
	2-5	214	468	200
	6-10	34	119	30

	Size of fleet	Number of undertakings checked	Number of drivers checked	Number of offences detected
	11-20	8	78	22
	21-50	7	14	3
	51-200	22	249	39
	201-500			
	Over 500			
	Total	735	1,482	313
Hungary	1	80	80	189
	2-5	6	19	221
	6-10			
	11-20	230	100	988
	21-50	240	240	1,100
	51-200	104	325	3,210
	201-500	59	1,662	3,998
	Over 500	25	2,900	3,990
Total	744	5,326	13,696	
Ireland	(no data)			
Italy	(no data)			
Latvia	1	188	205	330
	2-5	718	2,405	4,330
	6-10	297	1,717	2,167
	11-20	180	1,404	1,060
	21-50	143	1,464	1,250
	51-200	32	421	210
	201-500			
	Over 500			
Total	1,558	7,616	9,347	
Lithuania	(no data)			
Luxembourg	1			
	2-5			
	6-10			
	11-20	30	2,159	122
	21-50			
	51-200			
	201-500			
	Over 500			
Total	30	2,159	122	
Malta	1			
	2-5			
	6-10	4	10	9
	11-20	3	7	8
	21-50	1	2	3
	51-200			
	201-500			
	Over 500			
Total	8	19	20	
Netherlands *(non categorised numbers were distributed to categories proportionally)	1	484	427	307
	2-5	472	1,477	2,337
	6-10	197	1,097	1,511
	11-20	207	1,459	2,381
	21-50	180	1,386	2,479
	51-200	201	2,298	5,011
	201-500	85	699	1,601
	Over 500	82	1,598	511
Total	1,908	10,439	16,137	
Poland	1	655	3,210	42,553
	2-5	473	1,727	33,252
	6-10	263	1,760	24,585

	Size of fleet	Number of undertakings checked	Number of drivers checked	Number of offences detected
	11-20	175	1,171	16,470
	21-50	109	1,215	17,774
	51-200	47	976	9,063
	201-500	5	835	3,334
	Over 500	2	3,833	282
	Total	1,729	14,727	147,313
Portugal	(no data)			
Romania	1	1,281	1,483	223
	2-5	3,156	7,837	1,106
	6-10	1,229	5,425	585
	11-20	431	2,803	197
	21-50	208	1,691	481
	51-200	93	972	394
	201-500	12	123	12
	Over 500	8	165	15
Total	6,418	20,499	3,013	
Slovakia	(no data)			
Slovenia	1	56	57	36
	2-5	193	476	204
	6-10	87	334	116
	11-20	35	148	79
	21-50	27	154	43
	51-200	21	145	57
	201-500	4	22	7
	Over 500	0	0	0
Total	423	1,336	542	
Spain				
Total	11,564	40,146	9,028	
Sweden	(no data)			
United Kingdom	1	1,294	1,838	3,364
	2-5	946	1,349	1,037
	6-10	231	329	604
	11-20	125	182	332
	21-50	76	110	202
	51-200	34	48	88
	201-500			
	Over 500			
Total	2,706	3,856	5,627	
Norway	(no data)			


4. NATIONAL ENFORCEMENT CAPACITY

The next table summarises the information concerning the number of employees and equipment available to the authorities in order to perform the require checks

Member State	Number of control officers involved in checks at the roadside and at the premises	Number of control officers trained to be able to analyse data from digital tachographs at both the roadside or at company premises	Number of units of equipment provided to control officers to be able to download, read and analyse data from digital tachographs at the roadside and company premises
Austria	2,754	2,754	478
Belgium	736	866	89
Bulgaria	252	252	150
Cyprus	8	4	2
Czech Republic	1,852	1,840	292
Denmark	50	50	24

Estonia	176	75	16
Finland	375	225	225
France	8,500	8,500	3,500
Germany	(no data)		
Greece	88	0	0
Hungary	600	600	80
Ireland	17	17	17
Italy	(no data)		
Latvia	44	44	12
Lithuania	148	54	54 (officers)
Luxembourg	25	27	13
Malta	4	5	2
Netherlands	317	217	99
Poland	369	369	368
Portugal	(no data)		
Romania	(no data)		
Slovakia	42	39	36
Slovenia	426	44	28
Spain	470	305	423
Sweden	(no data)		
United Kingdom	303	303	303
Norway	(no data)		

5. National exceptions Regulation 561/2006

																	Austria	Belgium	Bulgaria	Cyprus	Czech Republic	Denmark	Estonia	Finland	France	Germany	Greece	Hungary	Ireland	Italy	Latvia	Lithuania	Luxembourg	Malta	Netherlands	Poland	Portugal	Romania	Slovakia	Slovenia	Spain	Sweden	United Kingdom
13.1 a: non-competing public authorities	x	x			x	x			x	x		x			x					x	x		x	x	x	x		xg															
13.1 b: agricultural etc own activity < 100 km	x	x	x		x	x	xj		xp	x		x			x					x	x		x	x	xm	xa	x	xh															
13.1 c: agricultural/forestry tractors <100 km	x	x	x		x	x	x		x	x		x			x			x		x			x	x	xm	x	x	x															
13.1 d: <7,5 tons universal services <50 km		x	x		x	x			x	x		x		x	x					x	x		x	x	x	x		xi															
13.1 d: <7,5 tons for driver's use for work, <50 km	x	x			x	x	x		x	x		x			x					x	x			x	x	x	x	x															
13.1 e: operating on islands <2300 square km					x	x			xq	x												x					xb	x	x														
13.1 f: <7,5 t <50 km gas/electricity					x	x	x		x	x		x										x			x	x	x	x															
13.1 g: instruction/examination dr.licence/CPC	x	x			x	x	x			x				x	x							x	x			x	x	x	x														
13.1 h: sewerage/flood protection/water etc	xu	x			x	x	x		xr	x		x		x	x		xl				x	x		x	x	x	xc	x	x														
13.1 i: non-comm.pass.transp. betw.10-17 seats	x	x			x	x			xs	x		x			x							x				x		x	x														
13.1 j: circus/funfair	x	x	x		x	x	x		x	x		x		x	x		x					x	x			x	x	xd	x	x													
13.1 k: mobile projects for education	x	x			x	x			x	x		x			x							x	x			x	x	x	x	x													
13.1 l: milk/animal feed from/to farms	xn	x			x	x	xk		xt	x		x		x	xk	xk						x	x			x	x	xe	x	x													
13.1 m: transporting money/valuables	xn	x	x		x	x			x	x		x			x							x	x			x	x	x	x														
13.1 n: animal waste or carcasses		x			x	x	x		x	xo		x			x							x	x			x	x	x		x	x												
13.1 o: hub facilities	x	x	x		x	x			x	x		x			x							xf	x			x	x	x		x													
13.1 p: live animals farms -> markets v.v. <50 km	x	x			x	x	x		x	x		x			x							x	x			x	x	x	x	x	x												

a: additional restriction: agriculture etc own activity within a range < 50 km

b: additional restriction: operating on islands <1500 square km

c: additional restriction: urban refuse disposal within a range < 50 km

d: only when own activity.

e: additional restriction: milk/animal feed from /to farms within a range < 100 km

f: additional restriction: on or between hub facilities within a range of 5 km

g: a vehicle does not fall within the description specified unless the vehicle:

(a) is being used for the provision of ambulance services- (i) by a relevant National Health Service (NHS) body, or (ii) in pursuance of arrangements made by or at the request of a relevant NHS body, or made with the secretary of State or with the Welsh or Scottish Ministers;

(b) is being used for the transport of organs, blood, equipment, medical supplies or personnel - (i) by a relevant NHS body, or (ii) in pursuance of arrangements

of the kind mentioned in paragraph (a)(ii)

(c) is being used by a local authority to provide, in exercise of social services functions - (i) services for elderly people, or (ii) services for persons to whom section 29 of the National Assistance Act 1948 (welfare arrangement for physically and mentally handicapped persons) applies;

(d) is being used by Her Majesty's Coastguard, a general lighthouse authority or a local lighthouse authority;

(e) is being used for the purpose of maintaining railways by the British Railways Board, any holder of a network licence (within the meaning of Part 1 of the Railways Act 1993) which is a company wholly owned by the Crown (within the meaning of that Act), Transport for London, any wholly owned subsidiary of Transport for London, a Passenger Transport Executive or a local authority

(f) is being used by the British Waterways Board for the purpose of maintaining navigable waterways

h: A vehicle which is being used by a fishery undertaking does not fall within the description specified unless the vehicle is being used:

(a) to carry live fish, or

(b) to carry a catch of fish from the place of landing to a place where it is to be processed

i: Vehicles between 3.5 - 7.5 tonnes used by universal service providers within a 50 km radius of the base of the undertaking require a tachograph

j: within a radius of 50 km of the place where the vehicle is usually based, including towns within this area

k: as of 1/01/2008 Estonia, Latvia and Lithuania will mutually apply the exception from Articles 5 to 9 to vehicles used for milk collection from farms,...etc., only in cases where the service radius does not exceed 100 km

l: only vehicles used for the door-to-door household refuse collection and disposal and vehicles assigned to the maintenance of the roadway system within the framework of a winter service

m: within a radius of up to 50 km

n: derogation concerns only obligatory breaks (Article 7 of the Regulation); Articles 5,6,8 and 9 remain applicable for these two types of vehicles

o: within a radius of up to 250 km of the base of the undertaking

p: only vehicles or combinations of vehicles up to 7,5 tonnes and only within a radius of 50 km

q: additional restriction: operating on islands <400 square km

r: for door-to-door household refuse collection and disposal, only within a radius of 100 km

s: not for the transport of children

t: within a radius of up to 150 km of the base of the undertaking

u: drivers of vehicles used for door-to-door household refuse collection & disposal are exempt only from Article 7 on breaks; drivers of other vehicles under this paragraph are exempt provided that driving is not their main activity