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**REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND
THE COUNCIL**

**on the implementation in 2011-2012 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**

**(27th report from the Commission on the implementation of the social legislation
relating to road transport)**

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1. Social legislation in road transport – objectives and key provisions

Social rules in road transport are established by four interrelated acts Regulation (EC) No 561/2006, which establishes rules on driving times, breaks and rest periods for professional drivers; Regulation (EEC) No 3821/85 on recording equipment in road transport, Directive 2002/15/EC, which sets out complementary provisions on the organisation of the working time of persons performing mobile road transport activities and Directive 2006/22/EC, which determines minimum requirements for enforcement of these rules.

Regulation (EC) No 561/2006 applies to employed and self-employed drivers engaged in the carriage by road of goods where the maximum permissible mass of the vehicle exceeds 3.5 tonnes and of passengers by vehicles carrying more than 9 persons including the driver. The maximum weekly driving time of a driver shall not exceed 56 hours (provided that no more than 90 hours are driven in any two consecutive weeks). The total daily driving time should not exceed 9 hours, although twice a week it can be extended to 10 hours. Breaks should last for at least 45 minutes (which may be separated into a break of 15 minutes followed by 30 minutes) and should be taken not later than 4.5 hours of driving period. The daily rest period is determined at the level of minimum 11 hours, which can be reduced three times a week to 9 hours.

Council Regulation (EEC) No 3821/85 on recording equipment in road transport provides the basis for the tachograph, which is a device that records driving time, breaks, rest periods and other work. Its purpose is to monitor compliance of professional drivers with driving time provisions of Regulation (EC) No 561/2006. The tachograph must be installed in vehicles to which Regulation (EC) No 561/2006 applies. Since the 1st of May 2006 there is an obligation to install a digital tachograph in all new registered vehicles in the EU. There is no mandatory retrofit for vehicles already registered before that date and fitted with an analogue tachograph. The Council Regulation was repealed by Regulation (EU) No 165/2014, which aims at reducing administrative burden and making fraud more difficult.

Directive 2002/15/EC (Working Time Directive) applies to mobile workers such as drivers, crew and other travelling staff, both with the employment or self-employment status. The Directive complements Regulation (EC) No 561/2006 by putting in place limitations on the overall daily and weekly working time of workers in the road transport sector as well as minimum daily/weekly periods of rest and adequate breaks. Working time is defined in the Directive as time devoted to all road transport activities, including driving, loading and unloading, assisting passengers boarding and disembarking from the vehicle, cleaning and technical maintenance and all other work intended to ensure the safety of transport operation. Specific time limits are set out in relation to weekly working time (excluding breaks and periods of availability) which amounts to maximum 48 hours a week or 60 hours, provided that over four months, an average of 48 hours a week is maintained. Moreover, a limitation to 10 hours on daily working time is introduced in case of night work. Each mobile worker is obliged to take a break after working consecutively for 6 hours, which should be at least 30

minutes, if working hours range from 6 to 9 hours and at least 45 minutes, if working time equals to more than 9 hours.

Directive 2006/22/EC called "Enforcement Directive" aims at enforcing compliance and ensuring application of the driver's hours rules established by Regulation (EC) No 561/2006. The Directive promotes harmonised interpretation of social rules in road transport by means of minimum requirements for the uniform and effective checking by Member States. The minimum threshold of checks of the total number of days worked by drivers falling under the scope of Regulation (EC) No 561/2006 and Regulation (EEC) No 3821/85¹ is set to 3% from 2010. In addition, the total number of working days actually checked should be carried out in proportional manner for checks at roadside and at premises of transport undertakings; 30 % and 50 % respectively. In order to encourage cooperation between Member States, an obligation of minimum 6 concerted roadside checks per year undertaken by two or more enforcement authorities was introduced. The Directive provides for the establishment of guidelines on best enforcement practices and introduces categorisation of infringements (amended by Commission Directive 2009/5/EC, currently under revision).

2. Data submission

Data has been submitted by all Member States in most of the cases in a timely manner. The overall timeliness improved significantly in comparison with the previous reporting period for the years 2009 and 2010. Seven Member States sent their reports with a delay². All Member States provided data by means of the standard reporting form. The quality and consistency of national reports improved constituting a coherent base for this biennial report. Switzerland has as well submitted detailed information on the implementation of social legislation in 2012. However, due to its unsuitable format the information could not be integrated into this report.

Some of the inconsistent or missing data was due to technical constraints during data collection process in some Member States³. Furthermore, there were some Member States⁴ which still reported that data was collected in not disaggregated manner or in the wrong format which did not allow for their inclusion in the national reports. These issues should be addressed in view of the next biennial report for the years 2013-2014 in order to assure more reliable and better quality overview at the European level.

¹ repealed by Regulation (EU) No 165/2014 of the European Parliament and of the Council of 4 February 2014 on tachographs in road transport, repealing Council Regulation (EEC) No 3821/85 on recording equipment in road transport and amending Regulation (EC) No 561/2006 of the European Parliament and of the Council on the harmonisation of certain social legislation relating to road transport (OJ L 60, 28.2.2014, p. 1)

² Belgium, Cyprus, France, Germany, Greece, Luxembourg, Malta, the Netherlands

³ Finland, Denmark, Italy, Estonia, France and Sweden

⁴ Latvia, Portugal, Spain and United Kingdom

3. Checks

Looking closely at the number of working days effectively checked in relation to the minimum number of working days to be checked, it is noticeable that the majority of Member States performed more checks than required by Directive 2006/22/EC. For the purpose of better illustration of the results, 100% signifies meeting the minimum threshold of 3% of checks.

The collected data shows that all countries reached this threshold, except for Greece (10%), the Netherlands (64%), Denmark (79%), Italy (92%) and Latvia (93%). Even though, Greece increased the number of working days checked compared with the previous period, levels of controls remain significantly below the threshold, already for the 3rd time in a row. Denmark did not meet the requirement of minimum checks for the second time in a row and deteriorated by additional 3 percentage points from 82% in number of working days checked as a proportion of the minimum number of checks to 79%. The Netherlands lowered significantly the number of the controls from 90% in 2009-2010 to 64% in this reporting period. Nevertheless, it should be taken into consideration that agreements with various freight and passenger transport operators were concluded in the Netherlands. According to these arrangements transport undertakings report back to the national authority on the results of their own monitoring of working and driving times and rest periods. It indirectly provides for an additional one million of driver working days checked, which when added to traditional checks would allow meeting the minimum checks threshold. In this reporting period Italy and Latvia for the first time performed around 10% fewer checks than the minimum required.

Compared with the previous reporting period 2 Member States (Portugal and Slovenia) improved their enforcement performance and met the legitimate threshold of checks.

There are several Member States that performed considerably more checks than required by the legislation. These are France, Germany, Bulgaria, Austria, Czech Republic and Romania. France performed the most of the working days checked compared to the required minimum checks, followed by Germany. These two countries account for almost half of the total working days checked in the European Union (83 million out of 159 million).

Regarding the type of controls, there is an upward trend in controls at premises of undertakings from 18% to 20% on average in this reporting period. However, only the following countries⁵ complied with the requirement of minimum checks at premises; Ireland (78%), Malta (61%), Cyprus (60%), Slovakia (57%) and Lithuania (55%). Member States which proportionally had the fewest checks at premises in terms of their overall working days checked are Sweden (1%), Germany (8%), France (11%), Austria (17%) and the Netherlands (18%).

⁵ Due to the very low level of checks performed by Greece, the rate of checks at premises amounting to 70% cannot be treated as representative.

4. Checks compared to the number of enforcement officers and equipment to analyse tachographs

It is worth noting that all checks were performed by significantly lower number of enforcement officers for all Member States, who dropped by 75% from almost 383.5 thousand to 96.7 thousand. There was as well a slight decrease of 6.8% in the number of equipment to analyse the tachographs in comparison with the previous reporting period, which is proportionally the most noticeable in five Member States⁶. This tendency could indicate an inconsistency in reporting on the equipment and number of enforcement officers between the current and previous period. Nevertheless, as Member States did not provide specific information on this matter no clear-cut conclusions can be drawn.

Table 1 – National Enforcement

National Enforcement			
Member States	number of control officers involved in checks	number of control officers trained to analyse the digital tachograph	number of units of equipment provided to control officers to analyse the tachograph
AT	950	950	485
BE	370	120	76
BG	259	259	255
CY	9	6	4
CZ	693	693	136
DK	60	60	40
EE	260	236	26
FI	230	190	95
FR	7,200	7,200	3,500
DE	15,690	6,310	3,315
EL	2,518	103	66
HU	289	162	127
IE	12	12	12
IT	35,363	3,387	1,186
LV	19	19	12
LT	788	70	70
LU	54	26	6
MT	2	2	1

⁶ Czech Republic, Hungary, Italy, Luxembourg and Slovenia

NL	200	300	85
PL	1,587	1,283	884
PT	4,271	291	80
RO	661	621	330
SK	45	45	45
SL	375	127	46
ES	470	470	423
SE	251	215	206
UK	616	273	273
TOTAL	73,242	23,429	11,784

5. Roadside checks

The percentage of non-national vehicles checked at roadside amounted to 74% in Slovenia, 65% in Luxembourg, 61% in Belgium, 57% in Austria, 55% in Lithuania and within a range of 51% -53% for France, Hungary and Malta. The predominance of non-national drivers controlled at roadside shows similar dynamics with an exception of Lithuania whose controls touched mainly national drivers. In the case of these countries a factor of geographical location or a volume of transit operations should also be taken into account. Nevertheless, on the basis of the collected data from the current and previous reporting periods, five of the above mentioned countries⁷ did not restore the balance of controls for the second time in a row despite the reminder on non-discriminatory manner with regard to the nationality of the vehicles/drivers in which controls should be performed⁸ that was included in the previous Commission report on the implementation of the social legislation relating to road transport.

6. Roadside checks – type of tachograph

An important issue in roadside checks seems to link to the type of tachograph the vehicles are equipped with. The digital tachograph was introduced in 2006 and aims at facilitating the enforcement of the social legislation by providing more secure and accurate data, while at the same time simplifying the control procedures. However two Member States reported that the increase in amount of work during checks should be linked to the introduction of digital tachographs. It was indicated that in cases of suspected manipulation of digital recording equipment thorough and more time-consuming checks of the cab and engine compartment were required. In addition, an issue of keeping various forms of data records as well as checking drivers performing activities for several transport operators was brought to light.

⁷ Belgium, Lithuania, Luxembourg, Malta and Slovenia

⁸ Pursuant to Article 4 of Directive 2006/22/EC

According to Article 2 of Directive 2006/22/EC, the threshold of minimum checks of number of days worked by drivers of vehicles will be raised to 4% once the 90% of vehicles checked are equipped with a digital tachograph. In the period 2007-2008, 32% vehicles checked at roadside were equipped with the digital tachograph. This number increased by 75% in the following reporting period 2009-2010 to amount to 56%. After this point the value stabilised at the level of 56% in the current reporting period in the European Union. Nevertheless, significant fluctuations were observed at national level, with increases in the numbers of vehicles equipped with the digital tachograph that were subject to controls in 16 Member States. Therefore taking into account the overall average of vehicles equipped with digital tachographs that were controlled at the level of the European Union, there is no base for raising the minimum checks of days worked by drivers of vehicles to 4% in the near future.

The number of vehicles equipped with a digital tachograph is an important indicator of the fleet composition in Member States because of the obligation of fitting digital tachograph in new vehicles put into service as from May 2006. It stems from the data collected that in some countries (Austria, Belgium, Germany, Luxembourg, France, Slovakia and Sweden) that the vehicles of less than 6 years old should oscillate between 57% and 82%. In contrast, in some countries (Cyprus, Greece, Hungary, Malta and Poland) the fleet appears to be composed by at least 70% of older vehicles. Detailed numbers and percentages of analogue and digital tachographs installed in vehicles checked at the roadside in each Member States are presented below.

Table 2 - analogue and digital tachographs installed in vehicles checked at the roadside

Member States	Analogue tachograph	% analogue	Digital tachograph	in % digital
Austria	84,114	34%	162,165	66%
Belgium	22,337	36%	38,994	64%
Bulgaria	289,025	53%	252,556	47%
Cyprus	7,885	98%	139	2%
Czech Republic	103,907	58%	74,259	42%
Denmark	no data reported			
Estonia	5,579	64%	3,136	36%
Finland	41,260	50%	41,304	50%
France ⁹	no data reported		300,000	70%
Germany	1,372,668	33%	2,776,463	67%
Greece	37,271	80%	9,175	20%
Hungary	75,726	76%	24,387	24%
Ireland	25,491	54%	21,726	46%
Italy	362,705	66%	188,292	34%
Latvia	6,357	66%	3,270	34%
Lithuania	48,851	66%	24,940	34%
Luxembourg	1,620	18%	7,251	82%
Malta	22	73%	8	27%
Netherlands	15,993	54%	13,655	46%
Poland	342,929	70%	145,764	30%
Portugal	27,655	61%	17,822	39%
Romania	261,561	51%	251,011	49%
Slovakia	6,533	43%	8,796	57%
Slovenia	12,421	68%	5,871	32%
Spain ¹⁰	no data reported		183,194	43%
Sweden	20,284	38%	32,753	62%
United Kingdom	139,021	68%	65,120	32%
TOTAL	3,311,215	44%	4,168,857	56%

⁹ Number of vehicles with installed digital tachograph is linked to the number of vehicles registered in France and not stopped for roadside checks. Values are not taken into account for totals.

¹⁰ Exact figures of vehicles fitted with digital tachograph and their share in a total fleet of vehicles subject to Regulations. Values are not taken into account for totals.

7. Checks at premises

Approximately 691 thousand drivers were checked at premises, which represent 7.3% of all drivers controlled over 2011-2012, both at roadside and premises, and marks a small advance from 5% in the previous period. A group of three countries, namely Bulgaria (19%), Germany (15%) and Spain (14%) controlled 48% of all drivers checked at premises.

8. Offences – detection rates

It is worth pointing out that 49% of the total number of offences detected in Europe was reported in Germany and together with Italy (10%), France (8.9%) Austria (5.3%) and Poland (5.3%), these five countries covered 79% of offences reported in Europe. In line with the downturn in the overall number of offences, this coverage amounted to 84% in the previous reporting period. A significant discrepancy is noted between France and Germany in terms of ratios between working days checked, respectively 23% and 29%, and numbers of offences detected, corresponding to 8.9% and 49%. This distinctiveness is comparable with the previous reporting period.

There is a big disparity between Member States as regards the detection rate ranging from 0.08 in Bulgaria and 0.36 in Romania to 6.75 in Finland and 6.07 in Slovakia of offences detected per 100 working days checked. Moreover, these national rates noted big variations seen against the last reporting period. In some countries there were significant drops like in Ireland from 8.13 to 2.92 and Poland from 5.82 to 1.91, which might suggest either higher awareness of social legislation among drivers and undertakings or lower effectiveness of controls. In contrast, some countries increased rates of detected offences, namely Finland from 4.42 to 6.75 and Greece from 0.71 to 4.59, which could indicate enhanced controls of compliance with the social legislation in these countries.

In quantitative terms, significant rises of offences detected were observed at national level, in the following countries in comparison with the previous reporting period; Austria (41%), Czech Republic (39.5%), Hungary (80%) and Lithuania (29%). In addition Portugal detected almost 5 times as many offences as in the last period, Luxembourg 24 as many offences and Greece 39 as many offences as in the last reporting period. On the other side, there are countries with large declines in offences detected, as Poland (63%), Denmark (48%) and Ireland (55%) in spite of increases in numbers of working days checked by these countries 12%, 16% and 26% respectively.

9. Offences detected at roadside – detection rates

Looking closely at Member States, diverse fluctuations can be observed between the last two reporting periods. Some countries noted very high growths of detection rate; such as Latvia¹¹ by 150%, Czech Republic¹² by 119% and the Netherlands¹³ by 65%. In addition, the detection rate of Luxembourg¹⁴ in the last reporting period was almost 13 times as high as the detection rate in the period 2009-2010. In the case of Greece, the detection rate was almost 7 times as high compared with the earlier period.

Some Member States had lower detection rates in comparison with the previous period, namely Ireland¹⁵ showed a 60% decrease in detection rate, Malta¹⁶ a 62%, as well as Poland¹⁷ where the detection rate was lower by 63%.

There is no distinguishable pattern for these variations of detection rates. Nevertheless, the overall trend indicates that the effectiveness of controls in Europe has been gradually improving.

10. Offences detected at premises – detection rates

It should be pointed out that Germany detected 54% of all offences at premises in Europe. Together with Italy (16%) and Poland (almost 8%) these three countries cover around 78% of all detected violations at premises. This prevalence underwent a downturn from 85% in the previous reporting period. The number of offences detected in Germany corresponds with the highest frequency of offences detected per 100 working days checked (22.38), which even though it decreased by 34%, still was more than four times higher than the European average of 5.29. Poland's rate amounted to 3.45 offences detected per 100 working days checked, which implies greater awareness of social legislation among undertakings. This conclusion is confirmed by the offence rate per undertaking, which halved in Poland as compared to the last period. Similar trend is perceived in Germany, where the offence rate per undertaking decreased considerably from 81 to 55 in the present period.

There are vast disparities in offence detection rates at premises per 100 working days checked between Member States. Countries like Finland, Germany, Hungary and the Netherlands have significantly more than 10 offences reported per 100 working days checked, whereas Bulgaria (0.01), Greece (0.02), Latvia (0.07), Portugal (0.04), Romania (0.23) and Spain (0.48) have exceptionally low frequency rate. In the previous reporting period none of these countries exceeded a 0.5 frequency rate.

¹¹ with a 77% decrease of working days checked

¹² with relatively stable number of working days checked

¹³ with a slight decrease of 14% of working days checked

¹⁴ with 48% decrease of working days checked

¹⁵ with 25% increase of working days checked

¹⁶ with working days checked decreased by 13%

¹⁷ with working days checked decrease by 5.8%

11. Categories of infringements detected at roadside

The proportions of roadside violations remained at relatively similar levels as in previous years. For three categories, namely driving time (22%), breaks (20%) and rest periods (25%), small increases were noted; respectively 1 percentage point, 4 percentage points and 2 percentage points. Whereas for violations of rules on availability of records for 28 days a decrease was observed from 16% to 15%, from 12% to 8% for recording equipment and from 5% to 4% for lack of records for other work.

Greater dynamics in types of offences detected at roadside were witnessed in certain countries. In reference to driving time violations, in Cyprus, the proportion more than doubled in comparison with the previous reporting period and in Portugal it almost tripled. On the other end, there is Italy, who reported 12% of driving time offences, against 32% during years 2009-2010.

The proportion of some types of offences was particularly high in some Member States. As regards the recording equipment, the rate in Cyprus amounted to 49% of all offences reported and reached 29% in Estonia, 24% in Ireland and 23% in Poland. In the last three countries these rates more than doubled in comparison with the previous reporting period, which might suggest a stronger emphasis being put on verifying the recording equipment on vehicles or an increased numbers of recording equipment being manipulated.

Concerning offences committed against rules on 28 days record sheets, they were equal to around half of all detected offences in Bulgaria (49%), Italy (43%) and Latvia (52%). This rate when seen against the previous reporting period dropped by 17% in Bulgaria and almost doubled in the remaining two countries.

Offences related to breaks, driving time, rest periods and 28 days record sheet amount to 93% of all detected offences, which corresponds to the values from reporting periods of 2009-2010 and 2007-2008. This elevated proportion illustrates persistent problems in these areas.

12. Categories of infringements detected at premises

As in the previous period, the most detected types of offences were violations of rules on breaks (maintained the 34% level), rest periods (increased by 3 percentage points to amount to 23%), driving time (increase by 2 percentage points and equalled to 16%) as well as driving time records (growth by 16% to 17%). The biggest change is noted for the offences in relation to lack or availability of records for other work, which halved in comparison with the previous reporting period.

13. Relations and cooperation between Member States

According to Directive 2006/22/EC, Member States are obliged to undertake not less than six concerted roadside checks per year with at least one other Member State. Almost all Members States provided information on concerted checks, which shows an improvement in comparison with the previous period not only in terms of reporting quality but as well in the

amount of international initiatives undertaken. Cooperation between countries established mostly between neighbouring countries and is complemented by actions within the framework of Euro Contrôle Route (ECR), which put in place collaboration at a bigger scale.

Joint checks aim at sharing experiences, knowledge on performing checks as well as reviewing and harmonising positions on the interpretation of particular provisions in relation to road transport. Therefore it should be underlined that the majority of Member States reached the threshold of minimum concerted checks carried out and in some cases exceeded it significantly. Some countries indicated that the most beneficial initiatives concerned issues such as tampering with recording equipment, transport of dangerous goods and social rules.

The TRACE project that was co-financed by the Commission aimed at establishing a common curriculum for the training of control officers and enhanced cooperation among Member States. This initiative will be continued with the CLOSER project, in order to enhance harmonized application of the road transport legislation based on a common understanding and reduction of discrepancies between the national enforcement practices.

Table 3 – Overview of concerted checks undertaken by each Member State

Austria	6 concerted checks per year with ECR/TISPOL members, 6 bilateral exchanges of 26 persons with ECR/TISPOL (objectives; driving time checks, checks on tampering with tachograph, technical checks, securing of loads), 3 multilateral exchanges of 8 persons with ECR/TISPOL (objectives; driving time checks, checks on tampering with tachograph, technical checks, securing of loads).
Belgium	Member of ECR – frequency unknown.
Bulgaria	20 joint checks with Romania in 2011, 2 joint checks with Romania in 2012. Exchange of information on detected infringements committed by Bulgarian drivers in Germany, Hungary, Austria, Spain, United Kingdom, Italy, Latvia, Romania and Slovenia.
Cyprus	In 2012 two officials attended the TRACE programme in Madrid.
Czech Republic	5 multilateral exchanges organised by ECR, 1 trilateral with Poland and Germany organised by ECR, 6 bilateral concerted checks with Germany, 5 with Slovakia, 2 with Hungary, 1 assessment meeting with Poland in 2012.
Denmark	Concerted checks organised by TISPOL – frequency unknown.
Estonia	2 joint roadside checks with Latvia in 2011 and 2 joint roadside checks in 2012; 1 joint roadside check with Finland in 2012.
Finland	SV and NO regularly send reports to FI concerning FI drivers and

	undertakings that have committed offences. The data is supplied to the Occupational Safety and Health Inspectorate carrying out checks in undertakings.
France	Participation in 8 ECR concerted checks in 2010 and 8 in 2011, several joint checks per year with Belgium, Luxembourg and Germany, exchange of experiences within the framework of ECR; visits of enforcement officers from Germany and Spain as well as visits in United Kingdom, Spain, Germany, the Netherlands, Poland and Hungary.
Germany	5-6 ECR control exchanges each year (joint checks by inspectors from France, Austria, the Netherlands, Czech Republic, and Poland), inspector exchanges focus on social legislation in road traffic, technical roadside inspection and securing the load. Approximately 10-15 exchanges of experience under ECR, TISPOL per year, in which 2-10 inspectors participate.
Greece	No information provided.
Hungary	20 actions ECR/TISPOL, organisation of bilateral programmes with Slovenia 2x3 days, with Slovakia 2+1 days and 1 day with Austria. Participation in 2x4 days bilateral programmes organised by Czech Republic. Organisation of multilateral programmes 2x3 days in Zala, 3 days in Debrecen, 3 days in Győr and 2x4 days organised in Pilsen by the Czech side. ECR programmes and conferences: exchange programme (Leiden, Bristol, Opole, Luxembourg, Manchester), ERRU seminar, ADR master classes, Tachograph Conference (Osnabruck), COM-ECR Cargo Secure Conference, TISPOL conference.
Ireland	25 concerted checks in 2011 and 14 in 2012 with Northern Ireland and United Kingdom. Attendance at TISPOL master classes on manipulation of digital tachograph (3 officers), participation in exchange programmes organised by France, United Kingdom and Spain on compliance (5 officers). Participation in ECR working group meetings in relation to training and enforcement practices.
Italy	Checks on commercial vehicles and buses were carried out at national, cross-frontier and trans-European level in the following macro areas: Alpine border with France, Switzerland, Austria and Slovenia; Genoa, Trieste, Livorno, Civitavecchia and Ancona port areas. Naples and Bari motorway junctions.
Latvia	3 joint roadside checks with Lithuania and 3 with Estonia in 2011 as well as 12 joint roadside checks with Lithuania and 2 checks with Estonia in 2012. Various international events (CASH, TRACE, transport

	of dangerous goods, enforcers training and exchange of experiences organised by Sweden).
Lithuania	14 joint campaign with Poland and Latvia (8 with PL and 6 with LV), 6 ECR joint freight and passenger vehicle checks in 2011. 17 joint checks with Poland and Latvia (6 with PL and 11 with LV), 3 ECR joint freight and passenger vehicle checks in 2012.
Luxembourg	Cooperation within the framework of ECR, the most often concerted checks performed with France, Belgium, Germany, the Netherlands – frequency unknown
Malta	Participation in TRACE project, no concerted checks undertaken.
Netherlands	Participation in 8 ECR and TISPOL cross-border road transport inspections each year, exchanges, workshops and master classes, involving between 20-25 Dutch inspection officials a year.
Poland	Participation in 6 ECR coordinated control weeks in 2011 (focus on securing of loads, carriage of people, transport of dangerous goods, tempering with tachograph, technical checks, bus transport) and 8 in 2012 (focus on social rules, transport of dangerous goods, bus transport, securing of loads, technical checks, recording equipment). Participation in 6 trainings and inspectors exchanges in 2011 and 8 in 2012.
Portugal	Participation in meetings organised by ECR – frequency unknown.
Romania	3 ECR concerted checks with members (NL, FR, ES, BE, AT, PL, HU, UK, DE, RO), 42 concerted checks with BG in 2011. 5 multilateral exchange of experience organised in Romania, France, United Kingdom, Hungary and Spain in 2011. 8 ECR concerted checks and participation in 2 coordinated controls in 2012.
Slovakia	4 joint checks with Czech Republic and 2 with Hungary in 2011. Joint international inspection in Hungary, with Hungary, Slovakia, Czech Republic, Slovenia and Croatia. Another joint inspection involving Czech Republic, Hungary, Slovakia. 4 joint checks with Czech Republic and 2 with Hungary in 2012.
Slovenia	4 concerted checks with Hungary in 2011 and 3 in 2012, 2 concerted checks each year with Croatia. Active observer in ECR. In years 2011 and 2012 inspectors participated in organised concerted checks in other countries Hungary, the Netherlands, Spain and Germany.
Spain	12 ECR coordinated controls (6 each year), 4 bilateral exchanges with France (2 per year), 2 bilateral exchanges with Portugal, organisation of

	2 multilateral exchanges with attendants from Belgium, Slovenia, France, the Netherlands, Luxembourg, Poland, Portugal, Czech Republic, Romania.
Sweden	Concerted checks with Denmark, Norway, Germany, Estonia and Finland – frequency unknown.
United Kingdom	13 concerted checks (7 in 2011 and 6 in 2012) with France, Germany, Netherlands, Luxembourg, Belgium, Poland, Romania, Hungary, Ireland, Bulgaria and Spain. Participation in 9 exchanges with Holland, Luxembourg, France, Poland and Spain. Hosting 2 exchanges (one per year) with attendees from France, Ireland, Germany, Romania, Hungary and Spain. TRACE - training package developed in conjunction with CORTE and ECR designed to harmonise enforcement standards of Regulation (EC) No 561/2006 across the EU. The document that was eventually prepared provided an explanation of the regulations which was subsequently delivered as a training package to other Member States at four separate meetings (2 in Brussels, 1 in Budapest and Madrid). TRACE was then taken on by the Commission and translated into 27 languages.

14. Penalties

Seven Member States have provided information on the level and categories of seriousness of penalties they impose. On the basis of data provided, the level of fines across Europe continues to vary significantly. In order to approximate the level of sanctions, the Commission Directive 2009/5/EC¹⁸ was put in place. It aims at minimising these discrepancies by providing a common range of infringements divided into categories according to their gravity. The level of sanctions should reflect the level of seriousness of infringements and be in accordance with the proportionality principle set out in Article 19 of Regulation (EC) No 561/2006. The Netherlands and Romania notified that they aligned their categories of penalties with the above mentioned Directive. There were changes in the systems of penalties in Denmark, Estonia, Greece and Luxembourg. In addition, Luxembourg introduced fines that need to be paid during the control at roadside for several infringements classified as minor or serious according to Annex III of the Directive 2006/22/EC. In Slovakia the power of immobilising the vehicle in the reserved parking area until the fine is paid was granted to the control body. Generally, Member States seem to apply in their penalty systems principles of co-liability and proportionality by distinguishing between penalties for drivers and employers, as well as parties that organise the transport operation and adjusting the penalty levels accordingly.

15. Exceptions granted by Member States


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

http://ec.europa.eu/transport/modes/road/social_provisions/driving_time/index_en.htm

It is worth mentioning that a more coordinated approach towards exceptions has been chosen by United Kingdom and Republic of Ireland. These two countries agreed on a cross border agreement specifying common derogations from the EU drivers' hours rules for certain categories of vehicles operating between the two territories in August 2011. This replaces the obsolete agreement adopted in 1987 which related to Regulation (EEC) No 3820/85.

¹⁸ Commission Directive 2009/5/EC of 30 January 2009 amending Annex III to Directive 2006/22/EC of the European Parliament and of the Council on minimum conditions for the implementation of Council Regulations (EEC) Nos 3820/85 and 3821/85 concerning social legislation relating to road transport activities (OJ L 29, 31/01/2009, p. 45)

National exceptions Regulation 561/2006

	Austria	Belgium	Bulgaria	Croatia	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		x	x	x	x		xg
13.1 b: agricultural etc own activity < 100 km	x	x	x	x	x	x	x	xj		xp	x		x	x		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	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	x	x	x	x	x	x		xi
13.1 d: <7,5 tons for driver's use for work, <50 km	xz	x		x	x	x	x	x		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	x	x			xq	x			x					x		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			x	x		x	x	x		x
13.1 g: instruction/examination dr.licence/CPC		x		x		x	x	x			x			x	xw	x	x	xy		x	x	x		x	x	x	x	x
13.1 h: sewerage/flood protection/water etc	xu	x	x	x	x	x	x	x		xr	x		x	x	x	x	x	xl		x	x	x	x	x	x		x	x
13.1 i: non comm.pass. transp. betw.10-17 seats	x	x		x	x	x	x	xc		xs	x		x	x		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		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	x	x	x	x		x
13.1 l: milk/animal feed from/to farms	xn	x		x	x	x	x	xk		xt	x		x	x	x	xk	xk	x		x	x	x		x	x	xe	x	x
13.1 m: transporting money/valuables	xn	x	x	x	x	x	x			x	x		x	xv		x	x			x	x	x	x	x	x	x		
13.1 n: animal waste or carcasses		x		x	x	x	x	x		x	xo		x	x		x	x			x	x	x	x	x	x		x	x
13.1 o: hub facilities	x	x	x	x	x	x	x			x	x		x	x		x	x			xf	x	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	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: owner/authorised user of a vehicle with 10-17 seats who is a parent of 4/more children, respective entry made on a registration certificate of the vehicle and the vehicle is used for non-commercial passenger transport
- 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: vehicles used by municipal highways departments and driven by regional or municipal employees are fully exempt; vehicles used by highways departments for winter maintenance purposes are exempt from Article 7 on breaks, unless the vehicle is covered by the previous exception; drivers of vehicles used by competent authorities for the disposal of domestic waste are exempt only from Article 7 on breaks; drivers of other vehicles under this para are exempt provided that driving is not their main activity

v: a vehicle that is specially designed for mobile banking, exchange or saving transactions

w: it refers only to the obligation of equipping and using tachograph

y: exception only for the (learning) driver, instructor must respect Regulation (EC) No 561/20006

z: drivers of vehicles under this para are exempt provided that driving is not their main activity

16. Comments and proposals

Three Member States informed the European Commission services of institutional reorganisation. In Latvia, Road Transport Inspectorate was liquidated and the State Police took over the enforcement responsibility. In Romania State Inspectorate for Road Transport Control (ISCTR) was established. It is a specialised body under the Ministry of Transport that is in charge of carrying out inspections, monitoring compliance and acting as a national coordinator of the enforcement of social rules. Furthermore, in 2011 the Swedish Transport Agency took over responsibility for checks at premises and checks at roadside remained in the competency of the police.

In view of the financial crisis some Member States like for example Greece, Italy and Latvia pointed out to limited human resources or limited new equipment being at their disposal to monitor compliance with social rules provisions. In order to alleviate performance issue, the example of the Netherlands as regards concluding enforcement agreements with road transport undertakings could be considered as a supplementing measure for checks. This monitoring based on trust has been introduced in 2009 and up to this point 23 road transport undertakings joined the scheme set out by the Environment and Transport Inspectorate.

Finland came up with a conclusion that in order to increase effectiveness the focus should be put on intensified supervision of risk undertakings rather than on obtaining a broad representative sample. As in Finnish view, quality of supervisory activities is affected by the quantitative targets.

Slovakia reported on positive developments of decreasing the number of serious infringements. In addition, it was observed that national drivers apply better relevant provisions and in order to raise awareness among all drivers a booklet on social rights was published and is being distributed during roadside and company checks.

Lithuania drew attention to recurrent problems linked to Commission Decision 2009/959/EU¹⁹ as economic operators use the form attesting to periods of driver activity to conceal actual drivers' activities. Drivers arriving to Lithuania from other Member States often submit a form stating the purpose of the visit as holidays or recreational. These practices render verification whether a driver residing in another country has submitted a form attesting to actual driver activity very complicated.

¹⁹ Commission Decision of 14 December 2009 amending Decision 2007/230/EC on a form concerning social legislation relating to road transport activities (OJ L 330, 16/12/2009, p. 80)

17. Interpretation of Regulation (EC) No 561/2006 and Council Regulation (EEC) No 3821/85

In the recent years the Court of Justice of the European Union shed light on interpretation of Regulation (EC) No 561/2006 and Council Regulation (EEC) No 3821/85 by means of the following preliminary rulings:

17.1. Judgment of the Court of Justice of 3 October 2013 in case C317/12 Lundberg

The case concerns carriage by a private person as part of his hobby, a hobby which is financed in part through financial contributions from an undertaking (sponsoring). It is decisive for the outcome of the case whether the journey was exempt from the requirement for recording equipment on the ground that it constitutes a ‘non-commercial carriage of goods’. In that connection, the question arises as to the interpretation of the exception from the requirement for recording equipment under Article 3(h) in Regulation (EC) No 561/2006.

The Court of Justice stated that the concept of ‘non-commercial carriage of goods’ laid down in Article 3(h) of Regulation (EC) No 561/2006 must be interpreted as covering the carriage of goods by a private individual for his own purposes purely as part of his hobby where that hobby is in part financed by financial contributions from external persons or undertakings and where no payment is made for that carriage per se.

17.2. Judgment of the Court of Justice of 9 February 2012 in case C-210/10 Márton Urbán

The requirement of proportionality laid down in Article 19(1) and (4) of Regulation (EC) No 561/2006 on the harmonisation of certain social legislation relating to road transport must be interpreted as precluding a system of penalties which provides for the imposition of a flat-rate fine for all breaches, no matter how serious, of the rules on the use of record sheets laid down in Articles 13 to 16 of Regulation (EEC) No 3821/85 on recording equipment in road transport, as amended by Regulation (EC) No 561/2006.

Since breaches of Regulations No 3821/85 and No 561/2006 do not all have the same degree of seriousness with regard to the objectives of those regulations which are, firstly, the improvement of the relevant drivers’ working conditions and of road safety and, secondly, the laying down of uniform rules with respect to common rules on driving times, drivers’ breaks and rest periods and their monitoring, application of a flat-rate fine for all breaches of the rules on the use of record sheets, without adjustment of the amount of the penalty in keeping with the seriousness of the breach, appears to be disproportionate in the light of the objectives pursued by the European Union legislation.

The requirement of proportionality laid down in Article 19(1) and (4) of Regulation (EC) No 561/2006 on the harmonisation of certain social legislation relating to road transport must be interpreted as not precluding a system of penalties which lays down strict liability of drivers for breaches of the provisions of Regulation (EEC) No 3821/85 on recording equipment in

road transport, as amended by Regulation (EC) No 561/2006, concerning the use of record sheets.

The institution of such a system may be justified, given that, on the one hand, that system is such as to encourage drivers to comply with the provisions of Regulation (EEC) No 3821/85 and, on the other, road safety and improvements in the social conditions for drivers are matters of public interest.

That requirement of proportionality must, however, be interpreted as precluding the severity of the penalty provided for by that system when it requires the national authorities responsible for penalising infringements of Regulations No 3821/85 and No 561/2006 to impose a fine at a flat rate almost equivalent to the average monthly net income of an employee in the Member State concerned, without being able to take account of the actual circumstances of the individual case and, if appropriate, to reduce the amount of that fine. That penalty system appears to be disproportionate, particularly in a case in which only one of 15 discs checked was found not to have been completed properly.

17.3. Judgment of the Court of Justice of 28 July 2011 in case C-554/09 Seeger

The expression ‘materials’ appearing in Article 13(1)(d), second indent, of Regulation (EC) No 561/2006 on the harmonisation of certain social legislation relating to road transport, amending Regulations Nos 3821/85 and 2135/98 and repealing Regulation (EEC) No 3820/85 must be interpreted as not covering packaging materials, such as empty bottles, carried by a wine and drinks merchant who runs a shop, makes deliveries to his customers once a week and, when doing so, collects the empty bottles to take to his wholesaler.

The empty bottles carried by that merchant do not constitute goods necessary in carrying out his principal activity. They are not processed or transformed and are neither added to another product nor used in the carrying on of an activity. Nor are they necessary as components, raw materials or ingredients for any product manufactured by such a trader or for works carried out by the latter. Finally, they do not constitute either apparatus or instruments necessary for manufacturing any product.

17.4. Judgment of the Court of Justice of 29 April 2010 in case C-124/09 Smit Reizen

The concept of ‘operating centre’, featuring in paragraph 21 et seq. of the judgment in Case C-297/99 *Skills Motor Coaches and Others*, when it comes to classifying, in light of the provisions of Regulations No 3820/85 on the harmonisation of certain social legislation relating to road transport and No 3821/85 on recording equipment in road transport, the time corresponding to the journey made by a driver to travel from his home to the place where he is to take over a vehicle fitted with recording equipment, must be defined as the place to which the driver is actually attached, namely the transport undertaking facilities from which he usually carries out his service and to which he returns at the end of that service, in the normal exercise of his functions and without complying with specific instructions from his employer.

Whether the driver concerned drives himself to the place where he must take over a vehicle fitted with recording equipment or whether he is driven to that place by someone else has no bearing on the classification of the travelling time in the light of the concept of 'rest' within the meaning of Article 1(5) of Regulation (EEC) No 3820/85 on the harmonisation of certain social legislation relating to road transport.

In this connection, first, Article 8(7) of Regulation (EEC) No 3820/85 makes the option for a driver to take his daily rest in a vehicle subject to the condition that that vehicle be fitted with a bunk and be stationary. Secondly, it would be contrary to the objective of road safety to distinguish between whether or not the driver concerned drives himself to a place where he is to take over a vehicle in which recording equipment is installed where he must drive that vehicle on arrival. The state of tiredness of the driver which may endanger that objective may result not only from actually driving a vehicle but also from the conditions in which the journey takes place.

18. Overview of legislative acts transposing Directive 2002/15/EC in Member States

Austria	Amendment of the Working Time Act and the Rest Periods Act, BGBl. I No 138/2006, which entered into force on 1 July 2006.
Belgium	<ol style="list-style-type: none"> <li data-bbox="443 1021 1410 1055">1. Arbeidswet van 16 maart 1971, Belgisch Staatsblad 30 maart 1971. <li data-bbox="443 1133 1410 1290">2. Koninklijk besluit van 10 augustus 2005 tot wijziging van het koninklijk besluit van 16 september 1969 betreffende de arbeidsduur van het rijdend personeel tewerkgesteld in de ondernemingen welke een autobusdienst uitbaten (CP 140), Belgisch Staatsblad 5 september 2005. <li data-bbox="443 1368 1410 1570">3. Koninklijk besluit van 10 augustus 2005 betreffende de arbeidsduur van de mobiele werknemers tewerkgesteld in sommige ondernemingen van collectief personenvervoer over de weg die ongeregeld vervoer en/of internationaal geregeld vervoer uitvoeren (PC 140), Belgisch Staatsblad 5 september 2005. <li data-bbox="443 1603 1410 1760">4. Koninklijk besluit van 10 augustus 2005 betreffende de arbeidsduur van het personeel tewerkgesteld in de ondernemingen van verhuizingen, meubelbewaring en hun aanverwante activiteiten (PC 140), Belgisch Staatsblad 5 september 2005. <li data-bbox="443 1794 1410 1951">5. Koninklijk besluit van 24 augustus 2005 betreffende de arbeidsduur en de zondagsrust in de ondernemingen welke onder het Paritair Comité voor de scheikundige nijverheid ressorteren (PC 116), Belgisch Staatsblad 5 september 2005.

6. Koninklijk besluit 12 juli 2009 betreffende de arbeidsduur van het personeel tewerkgesteld in sommige ondernemingen die ressorteren onder het Paritair Comité voor het bouwbedrijf (PC 124), Belgisch Staatsblad 14 augustus 2009.
7. Koninklijk besluit van 10 augustus 2005 betreffende de arbeidsduur van de mobiele werknemers tewerkgesteld in de ondernemingen van goederenvervoer (PC 140), Belgisch Staatsblad 5 september 2005.
8. Koninklijk besluit van 10 augustus 2005 tot opheffing van het koninklijk besluit van 25 juni 1999 betreffende de arbeidsduur van sommige werklieden die onder het Paritair Comité voor het wasserij-, ververij- en ontvettingsbedrijf ressorteren (PC 110), Belgisch Staatsblad 5 september 2005.
9. Koninklijk besluit van 10 augustus 2005 betreffende de arbeidsduur van de werknemers tewerkgesteld aan vervoersactiviteiten van de ondernemingen die onder het Paritair Comité voor de stoffering en de houtbewerking ressorteren (PC 126), Belgisch Staatsblad 5 september 2005.
10. Koninklijk besluit van 10 augustus 2005 tot wijziging van het koninklijk besluit van 14 april 1975 betreffende de arbeidsduur, de zondagsrust en de jeugdarbeid voor de ondernemingen die onder het Paritair Comité voor de textielnijverheid en het breiwerk ressorteren (PC 120), Belgisch Staatsblad 5 september 2005.
11. Koninklijk besluit van 10 augustus 2005 betreffende de arbeidsduur van de werklieden wegvervoerders die ressorteren onder het Paritair Comité voor de houtnijverheid (PC 125), Belgisch Staatsblad 5 september 2005.
12. Koninklijk besluit van 16 juni 2003 tot uitvoering van artikel 3ter van de Arbeidswet van 16 maart 1971, Belgisch Staatsblad 30 juli 2003.
13. Wet van 8 april 1965 tot instelling van de arbeidsreglementen, Belgisch Staatsblad 5 mei 1965.
14. Koninklijk besluit van 17 september 2000 waarbij algemeen verbindend wordt verklaard de collectieve arbeidsovereenkomst nr. 76 van 18 juli 2000, gesloten in de Nationale Arbeidsraad, tot uitvoering van artikel 27, § 4, 2e lid van de arbeidswet van 16 maart 1971, Belgisch Staatsblad 27 september 2000.
15. Koninklijk Besluit van 8 oktober 2012 tot wijziging van het koninklijk

	<p>besluit van 9 april 2007 houdende uitvoering van de Verordening (EG) nr. 561/2006 van het Europees Parlement en de Raad van 15 maart 2006 tot harmonisatie van bepaalde voorschriften van sociale aard voor het wegvervoer, tot wijziging van Verordeningen (EEG) nr. 3821/85 en (EG) nr. 2135/98 van de Raad en tot intrekking van Verordening (EEG) nr. 3820/85 van de Raad en houdende gedeeltelijke omzetting van de Richtlijn 2002/15/EG van het Europees Parlement en de Raad van 11 maart 2002 betreffende de organisatie van de arbeidstijd van personen die mobiele werkzaamheden in het wegvervoer uitoefenen.</p>
Bulgaria	<p>1. Regulation governing the working time of persons active in road transport (promulgated in State Gazette 77/2006, amended and supplemented SG 97 of 9.12.2011).</p> <p>2. Council of Ministers Decree No 324 of 01/12/2011 amending and supplementing the Regulation governing the working time of persons active in road transport, adopted by Decree No 244 of 2006 (SG 97 of 09/12/2011).</p>
Cyprus	<p>1. Organization of the Working Time of Persons Performing Mobile Road Transport Activities Act 2005.</p> <p>2. Organization of the Working Time of Persons Performing Mobile Road Transport Activities (Amendment) Act 2009.</p>
Czech Republic	<p>1. Act No 262/2006 – Labour Code</p> <p>2. Act No 111/1994 on road transport</p> <p>3. Government Regulation No 589/2006, as amended by Government Regulation No 353/2008 establishing a derogation in respect of working times and rest periods of employees in the transport sector.</p>
Denmark	<p>1. Act No 395 of June 2005 on the working time of mobile employees within the road transport sector</p> <p>2. Order No 450 of 11 May 2012 on the working time of self-employed hauliers performing mobile road transport activities. The Order entered into force on 1 July 2012.</p>
Estonia	<p>1. Traffic Act, entered into force on June 3, 2005. The new Traffic Act, passed by the Riigikogu on June 17, 2010 entered into force on July 01, 2011.</p> <p>2. Act on Working and Rest Time, entered into force 1 January 2002</p> <p>3. The third section of The Employment Contracts Act, entered into force on July 1, 2009 (entitled: Working and Rest Time) regulates the relevant</p>

	provisions of aforementioned Act on Working and Rest Time.
Finland	1. Laki yrittäjäkuljettajien työajasta tieliikenteessä/ Lag om arbetstid i vägtrafik för förare som är egenföretagare (349/2013) 2. Landskapslag om tillämpning på Åland av lagen om arbetstid i vägtrafik för förare som är egenföretagare (2013/72)
France	1. Transport Code (Articles L.1321-1 to L.1321-10 and L3312-1 to L3312-9) Decrees on application of these articles: - le Décret n° 83-40 du 26 janvier 1983 modifié, relatif à la durée du travail dans les entreprises de transport routier de marchandises ; - le Décret n° 2003-1242 du 22 décembre 2003 modifié, relatif à la durée du travail dans les entreprises de transport routier de personnes ; - le Décret n° 2012-921 du 26 juillet 2012 relatif aux infractions à la durée du travail des conducteurs indépendants du transport public routier
Germany	1. The Working Time Act of 6 June 1994 (Federal Law Gazette Part I, pp. 1170 and 1171), as last amended by Article 7 of the Act of 15 July 2009 (Federal Law Gazette Part I, p. 1939). 2. Documentary Evidence Act of 20 July 1995 (Federal Law Gazette Part I, p. 946), as last amended by Article 32 of the Act of 13 July 2001 (Federal Law Gazette Part I, p. 1542). 3. Act on the organisation of the working time of self-employed drivers of 11 July 2012 (Federal Law Gazette Part I, page 1479).
Greece	Presidential Decree No 167/2006 (GG, Series I, No 179).
Hungary	No information provided.
Ireland	European Communities (Organisation of Working Time of Persons performing mobile Road Transport Activities) Regulations 2012 (Statutory Instrument No. SI. 36 of 2012).
Italy	Legislative Decree No 234/2007.
Latvia	Directive implemented in national legislation.
Lithuania	Resolution No 543 of 17 May 2005 amending Resolution No 587 of the Government of the Republic of Lithuania of 14 May 2003.
Luxembourg	1. Law of 21 December 2007 on Working Time of Persons Performing Mobile Road Transport Activities amending the Labour Code

	2. Law of 28 July 2011 concerning self-employed drivers.
Malta	1. Motor Vehicles (Carriage of Goods by Road) Regulations. 2. Passenger Transport Services Regulations. The amendments to the Motor Vehicles (Carriage of Goods by Road) Regulations (SL 65/19) and the Passenger Transport Services Regulations (SL 499/56), to include self-employed drivers, have been drafted and are expected to be published shortly.
the Netherlands	Decree on working time in the transport sector.
Poland	1. Act of 16 April 2004 on working time of drivers. 2. On 16 July 2013 entry into force of Act that includes self-employed drivers in the scope of provisions of working time of drivers.
Portugal	1. Decree-Law No 237/2007 of 19 June 2007. Draft legislation amending Decree-Law No 237/2007. 2. Decree-Law No 117/2012 (as regards self-employed workers).
Romania	Romanian Government Decision 38/2008.
Slovakia	1. Act No 462/2007, came into effect in 1/11/2007. This act superseded Act No 121/2004 on working time and rest periods in the field of transport.
Slovenia	Zakon o delovnem asu in obveznih poitkih mobilnih delavcev ter o zapisovalni opremi v cestnih prevozih (27/08/2005)
Spain	1. Royal Decree 902/2007 of 6 July amending Royal Decree 1561/1995 on special working time, in relation to the working time of workers performing mobile road transport activities. 2. Royal Decree 1635/2011 of 14 November amending Royal Decree 1561/1995 of 21 September on special working time, regarding periods of availability in road transport.
Sweden	As of 1/06/2012 self-employed have been covered by the Act (2005:395) on working time in certain forms of road transport.
United Kingdom	Amendments of regulations (i.e. the Road Transport (Working Time) (Amendment) Regulations 2012 and the Road Transport (Working Time) (Amendment) Regulations (Northern Ireland) 2012) to include self-employed drivers.

19. Issues in relation to enforcement of Directive 2002/15/EC

Various problems were brought up in relation to performing controls of compliance with working time rules. Recurrent issues of complexity, length and labour intensity of control procedures were mentioned. Slovenia referred to necessary double data records due to use of both types of recording equipment and other work. Checks should be carried out by comparing data records which might be in forms of analogue tachograph record, digital data and other manual records or forms. The drivers who are employed in several undertakings present additional difficulty during checks. In addition, Czech labour inspection bodies found it problematic to check compliance with working time rules where a bus driver has, for a part of his working time, driven on a bus route of up to 50 km in length, not covered by Regulation (EC) No 561/2006 (and hence by Directive 2002/15/EC) and for the rest has driven on a longer route.

Additional difficulties when inspecting self-employed drivers were indicated. Bulgaria referred to an issue of selecting drivers for a control as there is no official list indicating the number or location of self-employed drivers. In addition, according to Bulgarian Regulation self-employed drivers are required to keep their journals ready for inspection by the Labour Inspectorate. However, in the same time self-employed drivers have to carry their journals with them in order to register relevant entries. With a view to increase the number of self-employed drivers undergoing controls, in Bulgaria a special campaign was launched in 2013 and was continued the following year. A different arrangement was put in place in Denmark where self-employed hauliers are monitored by means of administrative request to submit records of the number of hours worked, backed up by tachograph data. All monitored hauliers provided evidence of compliance with the working time rules.

In Denmark social partners drew attention to the fact that there is no authority that imposes penalties under the Directive, to that end efforts to obtain a decision are based on handling of each case under labour and civil law, which is clearly not in the interest of employees. A parallel issue was reported in Ireland, where prosecuting a case relating to working time is perceived by Road Safety Authority as significantly more onerous and complex than for driver's hours and tachograph related infringements.

Germany reported that many infringements are due to improper operation of the recording equipment. The most of infringements in Poland were reported in connection to provisions on certificates of basis of employment or of proof of being self-employed, average weekly driving time or other working time performed out of scope of employment relationship, as well as maximum daily working time if work was performed at night.

20. Stakeholders' views on implementation of Directive 2002/15/EC in Member States

In Ireland, both employer and employee organisations were of an opinion that the Directive contributed to the health and safety protection of drivers. In view of employers, rules on driving times, breaks and rest periods are of bigger importance. Nevertheless, Ireland pointed out difficulties with getting a broad scope of views as a vast majority of drivers and a bulk of operators are not represented by trade unions and trade associations respectively.

In France, social partners are preoccupied by the loss of competitiveness of transport undertakings and disloyal competition that might lead to a decrease in employment opportunities. To this end, there are expectations towards harmonisation of social rules going beyond the Directive and beyond the scope of EU legislation.

Similar views were submitted by Slovenian transport associations, which call for uniform and simpler rules on working time that should be implemented in all Member States in the homogenous manner. They stress that better enforcement of the working time rules will contribute to improved working conditions, road safety and competition.

The British Trade Unions still believe that the working time rules have not significantly decreased the working hours of heavy goods vehicle drivers and they largely attribute it to the misuse of periods of availability.

The German Lorry Drivers' Union expressed the view that the compensation for professional drivers performing night work is not defined precisely enough and exact figures should be laid down on how much time compensation is to be provided. In addition, they called for the statutory break to be at least 45 minutes and that the possibility of splitting the break into 15 minutes followed by 30 minutes later on should be eliminated, since it misses the intended objective. In their view, it should be guaranteed by law that the driver can spend his rest time in a hotel or boarding house at the expense of his employer because if this is made compulsory in the entire EU, no operator will be able to refuse it on the grounds of distortion of competition.

In addition, the following comments were submitted by the German Motor Vehicle Drivers' Union: they suggested a significant reduction in the maximum weekly working time of 60 hours that should only be 55 hours per week. These 55 hours must include driving times, periods of availability and breaks. The possibility of working 15 hours' 'shift time' should be abolished as a matter of urgency. The average working time of 48 hours per week over a period of four months must not be exceeded.

There are three countries, namely Ireland, Malta and United Kingdom, where consulted parties considered that their geographic specificities should have been taken into account by enforcement authorities. The latter country highlighted the risks of ambiguous interpretation in relation to periods of availability during ferry crossings.

21. Monitoring and control arrangements of Directive 2002/15/EC in Member States

The majority of Member States restated that they have an enforcement system in place that enables them to carry out checks on compliance with working time provisions. Various national bodies are responsible for monitoring working time rules in Member States. The following bodies in charge of checks can be enumerated: labour protection inspectorates, police, health and safety offices, road safety authorities, road transport administration and road transport departments of competent ministries in charge of transport or labour policies.

Member States carry out their checks as part of routine controls at premises of undertakings, at roadside in collaboration typically with police force or targeted checks on the basis of obtained data indicating potential irregularities. The checks on working time seem to go hand in hand with checks on the social rules in most Member States. Czech Republic indicated that working time of persons performing mobile road transport activities cannot be established during checks at the roadside but only at premises where additional proof is made available. United Kingdom made an analogue remark that working time records are not checked at the roadside due to the fact that 17 weeks of records are not required to be held in the cab. In Italy, there is an intention to focus control activities on companies that lack specific collective agreements as they might be more at risk of irregularities when there are no first checks performed by trade unions.

22. Statistics on minimum checks to be carried out

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

Member States	Minimum checks (3%) for 2011-2012	NUMBER OF WORKING DAYS CHECKED				
		Total	At roadside	At premises	% at roadside	% at premises
AT	1,402,560	4,520,840	3,740,865	779,975	83%	17%
BE	1,435,868	1,711,680	1,060,809	650,871	62%	38%
BG	2,844,732.00	9,402,041	5,810,473	3,591,568	62%	38%
CY	216,000	217,068	87,009	130,059	40%	60%
CZ	1,629,980.61	4,307,605	3,327,748	979,857	77%	23%
DK	660,000	523,909	377,985	145,924	72%	28%
EE	198,000	262,542	137,550	124,992	52%	48%
FI	1,126,778	1,208,752	740,180	468,572	61%	39%
FR	6,696,690	36,485,238	32,538,559	3,946,679	89%	11%
DE	8,720,179	46,773,960	42,831,863	3,942,097	92%	8%
EL	4,479,405	458,227	137,923	320,304	30%	70%
HU	1,632,915	1,675,230	1,281,787	393,443	77%	23%
IE	949,164	1,190,424	264,058	926,366	22%	78%
IT	9,938,958	9,180,324	6,238,454	2,941,870	68%	32%
LV	414,004	386,417	233,279	153,138	60%	40%
LT	719,625.00	758,116	343,212	414,904	45%	55%
LU	162,014	195,485	144,689	50,796	74%	26%
MT	2,160	2,178	840	1,338	39%	61%
NL	1,724,496	1,111,188	914,515	196,673	82%	18%
PL	6,556,532	10,606,121	7,057,156	3,548,965	67%	33%
PT	950,400	1,620,558	981,223	639,335	61%	39%
RO	1,999,312	7,318,843	6,290,322	1,028,521	86%	14%
SK	504,105	607,593	261,586	346,007	43%	57%
SL	450,900	492,418	296,256	196,162	60%	40%
ES	5,907,060	9,618,094	7,071,142	2,546,952	74%	26%
SE	1,029,600	1,219,420	1,205,983	13,437	99%	1%
UK	5,648,623	6,794,106	4,280,018	2,514,088	63%	37%
TOTAL	68,000,061	158,648,377	127,655,484	30,992,893	80%	20%

23. Statistics on number of working days checked at roadside

The table below illustrates the number of working days checked at the roadside by country of registration of vehicles

Member States	NUMBER OF WORKING DAYS CHECKED AT ROADSIDE			
	National vehicles	Non-national vehicles	Third countries vehicles	Total
AT	1,688,105	1,953,336	99,424	3,740,865
BE	314,667	720,426	25,716	1,060,809
BG	3,552,877	956,805	1,300,791	5,810,473
CY	87,009	no data	no data	87,009
CZ	2,070,828	1,173,656	83,264	3,327,748
DK	283,680	94,305	no data	377,985
EE	119,865	14,432	3,253	137,550
FI	680,800	55,790	3,590	740,180
FR	15,380,989	16,741,089	416,481	32,538,559
DE	26,352,685	14,643,264	1,835,914	42,831,863
EL	104,277	26,703	6,943	137,923
HU	713,447	370,871	197,469	1,281,787
IE	235,886	28,061	111	264,058
IT	5,561,569	593,272	83,613	6,238,454
LV	172,116	47,017	14,146	233,279
LT	238,095	42,293	62,824	343,212
LU	43,949	99,364	1,376	144,689
MT	392	448	0	840
NL	494,943	389,122	30,450	914,515
PL	3,999,759	1,867,554	1,189,843	7,057,156
PT	941,458	37,260	2,505	981,223
RO	5,698,217	492,012	100,093	6,290,322
SK	138,681	117,676	5,229	261,586
SL	87,478	49,082	159,696	296,256
ES	6,158,217	806,898	106,027	7,071,142
SE	798,919	387,632	19,432	1,205,983
UK	2,018,663	2,173,428	87,927	4,280,018
TOTAL	77,937,571	43,881,796	5,836,117	127,655,484

24. Statistics on checks at roadside by the number of drivers checked at roadside by country of registration and type of carriage

Member States	ROADSIDE CHECKS					
	Number of drivers checked by country of registration				Number of drivers checked by type of carriage	
	Total drivers	Nationals	Non-nationals (EEA/CH)	Third countries	Carriage of passengers	Carriage of goods
AT	246,279	106,956	124,963	14,360	4,081	242,198
BE	64,441	25,686	37,160	1,595	4,374	60,067
BG	541,581	404,750	52,593	84,238	122,323	419,258
CY	8,024	8,024	no data	no data	1,820	6,204
CZ	179,692	111,667	62,928	5,097	4,539	175,153
DK	25,199	18,912	6,287	no data	1,627	23,572
EE	8,715	7,671	825	219	753	7,962
FI	82,565	73,666	8,540	359	3,574	78,991
FR	1,501,243	739,809	712,420	49,014	85,819	1,415,424
DE	2,448,021	1,537,118	799,994	110,909	41,323	2,406,698
EL	46,446	39,559	4,504	2,383	7,644	38,802
HU	115,256	57,170	33,094	24,992	9,384	105,872
IE	47,217	39,874	7,309	34	5,186	42,031
IT	575,271	509,450	55,176	10,645	13,278	561,993
LV	9,879	7,345	1,956	578	304	9,575
LT	79,283	41,533	20,256	17,494	4,840	74,443
LU	8,942	3,112	5,734	96	132	8,810
MT	30	14	16	0	1	29
NL	31,535	17,067	13,418	1,050	2,442	29,093
PL	495,745	317,111	85,386	93,248	103,602	392,143
PT	46,571	45,034	1,492	45	3,508	43,063
RO	514,318	466,837	34,922	12,559	110,777	403,541
SK	15,460	8,432	6,587	441	1,399	14,061
SL	18,292	4,732	2,361	11,199	2,028	16,264
ES	1,370,930	1,192,737	152,216	25,977	198,967	1,171,963
SE	53,037	34,765	17,169	1,103	2,300	50,737
UK	204,141	105,184	94,065	4,892	15,905	188,236
TOTAL	8,738,113	5,924,215	2,341,371.00	14,360	751,930	7,986,183

25. Statistics on checks at roadside by the number of vehicles stopped at roadside check by country of registration and type of tachograph

Member States	Number of vehicles checked						
	Nationals	Non-nationals	Total	Analogu e	Digital	% Analogu e	% Digital
AT	106,956	139,323	246,279	84,114	162,165	34%	66%
BE	23,998	37,333	61,331	22,337	38,994	36%	64%
BG	404,750	136,831	541,581	289,025	252,556	53%	47%
CY	8,024	no data	8,024	7,885	139	98%	2%
CZ	110,742	67,424	178,166	103,907	74,259	58%	42%
DK	no data						
EE	7,671	1,044	8,715	5,579	3,136	64%	36%
FI	74,955	7,609	82,564	41,260	41,304	50%	50%
FR	721,796	737,291	1,459,08	no data			
DE	1,508,75	803,257	2,312,00	1,372,66	2,776,46	33%	67%
EL	37,918	8,528	46,446	37,271	9,175	80%	20%
HU	47,703	52,410	100,113	75,726	24,387	76%	24%
IE	39,874	7,343	47,217	25,491	21,726	54%	46%
IT	508,486	66,234	574,720	362,705	188,292	66%	34%
LV	7,127	2,500	9,627	6,357	3,270	66%	34%
LT	33,502	40,289	73,791	48,851	24,940	66%	34%
LU	3,104	5,767	8,871	1,620	7,251	18%	82%
MT	14	16	30	22	8	73%	27%
NL	16,697	12,951	29,648	15,993	13,655	54%	46%
PL	311,045	177,651	488,696	342,929	145,764	70%	30%
PT	43,968	1,499	45,477	27,655	17,822	61%	39%
RO	465,390	47,182	512,572	261,561	251,011	51%	49%
SK	8,302	7,027	15,329	6,533	8,796	43%	57%
SL	4,732	13,560	18,292	12,421	5,871	68%	32%
ES	1,365,65	153,570	1,519,22	no data			
SE	34,765	18,272	53,037	20,284	32,753	38%	62%
UK	105,184	98,957	204,141	139,021	65,120	68%	32%
Average						44%	56%

26. Statistics on checks at premises by the number of drivers, undertakings and working days checked at premises

Member States	CHECKS AT THE PREMISES		
	Number of drivers checked	Number of undertakings checked	Number of working days checked
AT	12,835	1,856	779,975
BE	31,290	6,545	650,871
BG	128,274	9,472	3,591,568
CY	1,457	644	130,059
CZ	9,969	1,504	979,857
DK	6,744	588	145,924
EE	2,449	270	124,992
FI	15,288	no data	468,572
FR	87,084	15,474	3,946,679
DE	104,069	15,923	3,942,097
EL	7,045	3,552	320,304
HU	7,758	2,456	393,443
IE	9,219	1,001	926,366
IT	37,103	11,088	2,941,870
LV	1,182	200	153,138
LT	15,611	1,500	414,904
LU	500	44	50,796
MT	10	5	1,338
NL	11,632	1,434	196,673
PL	30,764	5,103	3,548,965
PT	7,291	1,789	639,335
RO	51,803	10,375	1,028,521
SK	7,653	1,089	346,007
SL	1,742	354	196,162
ES	98,140	16,746	2,546,952
SE	248	19	13,437
UK	3,695	37,170	2,514,088
Total	690,855	146,201	30,992,893

27. Table of number of undertakings, drivers checked and offences detected by size of the fleet of all Member States²⁰

	Size of fleet	Number of undertakings checked	Number of drivers checked	Number of offences detected
AUSTRIA	1	174	538	453
	2 - 5	559	1,717	2,060
	6 - 10	366	1,821	2,058
	11 - 20	394	3,284	3,045
	21 - 50	268	3,316	2,374
	51 - 200	90	1,959	1,401
	201 - 500	3	135	131
	Over 500	2	65	132
	Total:	1,856	12,835	11,654
BELGIUM	1	3,208	3,334	2,616
	2 - 5	1,781	5,018	6,003
	6 - 10	692	5,529	4,757
	11 - 20	458	5,282	4,898
	21 - 50	322	7,602	4,918
	51 - 200	82	4,170	1,962
	201 - 500	2	355	375
	Over 500	0	0	0
	Total:	6,545	31,290	25,529
BULGARIA	1	1,895	25,655	79
	2 - 5	5,209	70,550	218
	6 - 10	947	12,827	38
	11 - 20	484	6,414	22
	21 - 50	379	5,131	16
	51 - 200	284	3,848	12
	201 - 500	190	2,565	5
	Over 500	84	1,284	5
	Total:	9,472	128,274	395
CYPRUS	1	80	86	99
	2 - 5	365	735	548
	6 - 10	110	293	182
	11 - 20	57	198	92
	21 - 50	19	87	29
	51 - 200	13	58	19
	Total:	644	1,457	969

²⁰ Finland did not provide any information and Spain provided total amounts that are not divided by drivers checked at premises by size of the fleet of the undertaking.

	Size of fleet	Number of undertakings checked	Number of drivers checked	Number of offences detected
CZECH REPUBLIC	1	402	444	437
	2 - 5	573	1,870	4,660
	6 - 10	247	1,857	2,931
	11 - 20	149	1,846	2,912
	21 - 50	96	2,071	7,667
	51 - 200	34	1,658	3,650
	201 - 500	2	178	78
	Over 500	1	45	0
	Total:	1,504	9,969	22,335
GERMANY	1	4,994	18,283	167,769
	2 - 5	3,748	10,628	84,342
	6 - 10	3,016	16,147	130,594
	11 - 20	2,345	20,443	181,974
	21 - 50	1,317	20,890	183,690
	51 - 200	471	15,360	115,213
	201 - 500	31	2,306	15,768
	Over 500	1	12	182
	Total:	15,923	104,069	879,532
DENMARK	1	55	75	22
	2 - 5	173	495	296
	6 - 10	106	729	251
	11 - 20	126	1,248	397
	21 - 50	128	4,197	1,421
	51 - 200			
	201 - 500			
	Over 500			
	Total:	588	6,744	2,387
ESTONIA	1	7	5	7
	2 - 5	99	289	294
	6 - 10	58	377	447
	11 - 20	44	429	424
	21 - 50	45	772	386
	51 - 200	17	577	325
	201 - 500	0	0	0
	Over 500	0	0	0
	Total:	270	2,449	1,883
FRANCE	1	291	370	55
	2 - 5	886	1,363	952
	6 - 10	1,354	2,805	908
	11 - 20	2,357	5,435	1,381
	21 - 50	4,648	10,129	5,207
	51 - 200	4,422	23,553	14,314
	201 - 500	1,087	19,116	11,133
	Over 500	429	24,313	11,874
	Total:	15,474	87,084	45,824

	Size of fleet	Number of undertakings checked	Number of drivers checked	Number of offences detected
GREECE	1	1,622	2,461	49
	2 - 5	1,196	1,721	18
	6 - 10	177	532	
	11 - 20	129	714	
	21 - 50	167	669	
	51 - 200	261	948	9
	201 - 500			
	Over 500			
	Total:	3,552	7,045	76
HUNGARY	1	558	591	4,073
	2 - 5	1,057	2,479	18,422
	6 - 10	459	1,821	9,711
	11 - 20	234	1,385	7,297
	21 - 50	104	945	3,163
	51 - 200	38	518	1,672
	201 - 500	5	19	198
	Over 500	1	0	0
	Total:	2,456	7,758	44,536
IRELAND	1	65	266	796
	2 - 5	185	949	2,552
	6 - 10	220	1,419	4,464
	11 - 20	225	1,712	6,284
	21 - 50	200	2,656	4,234
	51 - 200	95	1,959	2,884
	201 - 500	11	258	100
	Over 500	0	0	0
	Total:	1,001	9,219	21,314
ITALY	1	2,444	3,042	15,909
	2 - 5	4,491	10,142	61,918
	6 - 10	2,154	7,879	43,741
	11 - 20	1,157	5,483	60,883
	21 - 50	632	6,232	48,151
	51 - 200	185	3,746	31,420
	201 - 500	16	569	1,946
	Over 500	9	10	141
	Total:	11,088	37,103	264,109
LATVIA	1	16	20	6
	2 - 5	81	269	34
	6 - 10	47	261	26
	11 - 20	31	249	21
	21 - 50	18	186	11
	51 - 200	6	182	3
	201 - 500	1	15	1
	Over 500	0	0	0
	Total:	200	1,182	102

	Size of fleet	Number of undertakings checked	Number of drivers checked	Number of offences detected
LITHUANIA	1	126	146	446
	2 - 5	314	1,295	3,126
	6 - 10	385	2,770	4,580
	11 - 20	514	6,691	5,130
	21 - 50	109	2,710	1,110
	51 - 200	47	1,168	3,654
	201 - 500	5	831	398
	Over 500	0	0	0
	Total:	1,500	15,611	18,444
LUXEMBOUR	1	7	7	0
	2 - 5	10	12	174
	6 - 10	5	9	284
	11 - 20	11	61	324
	21 - 50	6	22	254
	51 - 200	4	389	3,329
	201 - 500	1	0	0
	Over 500	0	0	0
	Total:	44	500	4,365
MALTA	1	0	0	0
	2 - 5	1	1	12
	6 - 10	1	1	1
	11 - 20	1	2	23
	21 - 50	2	6	41
	51 - 200	0	0	0
	201 - 500	0	0	0
	Over 500	0	0	0
	Total:	5	10	77
THE NETHERLANDS	1	370	1,216	4,015
	2 - 5	384	1,345	3,703
	6 - 10	224	1,870	4,744
	11 - 20	193	2,305	5,172
	21 - 50	156	2,732	4,400
	51 - 200	92	1,965	2,365
	201 - 500	8	104	16
	Over 500	7	95	17
	Total:	1,434	11,632	24,432
POLAND	1	752	1,859	5,596
	2 - 5	1,885	6,607	40,448
	6 - 10	1,074	6,912	32,210
	11 - 20	730	6,357	17,769
	21 - 50	431	4,485	17,476
	51 - 200	210	4,210	7,729
	201 - 500	20	317	1,264
	Over 500	1	17	11
	Total:	5,103	30,764	122,503

	Size of fleet	Number of undertakings checked	Number of drivers checked	Number of offences detected
PORTUGAL	1	194	265	29
	2 - 5	719	1,591	83
	6 - 10	333	1,301	46
	11 - 20	209	1,053	21
	21 - 50	170	1,143	23
	51 - 200	130	1,727	7
	201 - 500	21	131	1
	Over 500	13	80	no data
	Total:	1,789	7,291	210
ROMANIA	1	2,388	2,282	280
	2 - 5	4,014	11,916	981
	6 - 10	1,773	6,480	422
	11 - 20	1,159	6,263	265
	21 - 50	701	7,302	235
	51 - 200	291	10,890	111
	201 - 500	39	5,011	20
	Over 500	10	1,659	19
	Total:	10,375	51,803	2,333
SLOVAKIA	1	131	155	687
	2 - 5	445	1,519	5,274
	6 - 10	208	1,508	4,254
	11 - 20	147	1,849	5,077
	21 - 50	91	1,432	3,758
	51 - 200	61	1,105	3,385
	201 - 500	6	85	548
	Over 500	0	0	0
	Total:	1,089	7,653	22,983
SLOVENIA	1	32	44	290
	2 - 5	134	411	4,884
	6 - 10	67	385	3,599
	11 - 20	52	342	3,032
	21 - 50	38	336	2,561
	51 - 200	30	212	1,272
	201 - 500	1	12	1
	Over 500	no data	no data	no data
	Total:	354	1,742	15,639
SWEDEN	1	0	0	0
	2 - 5	9	46	856
	6 - 10	5	8	524
	11 - 20	3	55	1,120
	21 - 50	2	139	701
	51 - 200	0	0	0
	201 - 500	0	0	0
	Over 500	0	0	0
	Total:	19	248	3,201

**UNITED
KINGDOM**

Size of fleet	Number of undertakings checked	Number of drivers checked	Number of offences detected
1	3,479	445	1,407
2 - 5	7,049	720	2,967
6 - 10	4,237	468	1,714
11 - 20	4,589	467	1,996
21 - 50	6,003	590	2,606
51 - 200	7,134	619	3,300
201 - 500	2,813	233	1,121
Over 500	1,866	153	743
Total:	37,170	3,695	15,854

28. Statistics on types of offences at roadside

Member States	TYPE OF OFFENCES AT THE ROADSIDE						
	Driving time	Breaks	Rest periods	28 days record sheets	Recording equipment	Lack/availability of records for other work	Total
AT	63,814	53,941	53,521	14,390	2,000	4018	191,684
BE	1,852	799	1,595	436	375	22	5,079
BG	383	968	1,851	3,365	174	100	6,841
CY	91	57	50	40	228	2	468
CZ*	6,890	8,014	11,752	20,060	2,384	4,223	53,323
DK	1	no data	6	3	no data	no data	10
EE	295	839	819	1,436	1,532	404	5,325
FI	3,178	788	2,132	1,135	220	0	7,453
FR	69,573	52,869	110,456	33,576	32,782	no data	299,256
DE	241,431	237,304	254,749	101,138	121,387	59,248	1,015,257
EL	6,751	5,660	2,063	1,104	5,132	259	20,969
HU	3,775	1,537	4,357	1,994	3,043	3,309	18,015
IE	2,298	2,949	2,068	1,091	3,186	1,870	13,462
IT	17,219	17,496	17,471	59,821	4,554	23,648	140,209
LV	170	407	509	1,605	50	337	3,078
LT	2,026	1,543	2,962	5,200	1,381	1,991	15,103
LU	1,106	735	1,238	1	65	35	3,180
MT	0	0	0	10	1	0	11
NL	1,486	2,677	2,406	149	2,757	2	9,477
PL	14,481	13,259	26,120	4,624	18,427	3,664	80,575
PT	4,168	6,301	5,096	5,490	4,653	3,602	29,310
RO	6,338	3,868	5,458	3,788	4,019	628	24,099
SK	1,714	4,504	4,849	2,011	697	97	13,872
SL	646	980	1,399	1,195	668	535	5,423
ES	24,282	8,414	28,395	56,942	16,468	0	134,501
SE	6,108	10,018	10,551	794	89	450	28,010
UK	3,705	2,977	14,102	37,646	31,692	9,300	99,422
Total	483,781	438,904	565,975	359,044	257,964	117,744	2,223,412

29. Statistics on types of offences at premises

Member States	TYPE OF OFFENCES FOUND AT THE PREMISES						
	Driving time	Breaks	Rest periods	Driving time records	Recording equipment	Lack/availability of records for other work	Total
AT	1,952	6,376	2,862	18	446	no data	11,654
BE	6,041	9,791	5,259	2,965	2,020	0	26,076
BG	70	67	74	95	89	0	395
CY	133	390	374	7	65	no data	969
CZ	4,567	3,733	5,384	6,989	364	1,298	22,335
DK	195	648	729	361	55	0	1,988
EE	299	624	811	73	0	76	1,883
FI	11,141	42,997	14,687	4,014	1,077	247	74,163
FR	6,562	12,244	15,114	4,682	7,222	0	45,824
DE	170,324	389,03	228,527	29,964	26,515	38,011	882,372
EL	49	no data	27	no data	no data	no data	76
HU	1,343	1,809	2,900	2,027	110	36,347	44,536
IE	1,441	7,577	3,675	212	3,786	4,623	21,314
IT	18,922	38,142	26,874	174,770	4,366	1,037	264,111
LV	5	2	1	90	2	2	102
LT	3,748	1,674	5,872	6,020	120	698	18,132
LU	1,288	1,100	1,828	0	120	29	4,365
MT	5	38	21	10	3	0	77
NL	5,086	9,541	5,406	240	4,159	0	24,432
PL	13,082	18,705	31,808	35,784	7,858	15,266	122,503
PT	no data	no data	no data	282	no data	no data	282
RO	464	461	989	290	64	65	2,333
SK	3,966	7,121	9,911	1,430	499	56	22,983
SL	1,969	3,218	4,523	3,566	671	1,692	15,639
ES	4,192	1,158	3,438	2,531	798	no data	12,117
SE	184	456	307	1,056	1,161	37	2,040
UK	996	3,485	2,564	307	6,318	2,184	15,854
Total	258,024	560,38	373,965	277,783	67,888	101,668	1,638,555