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COM (79)713

Vol. 1979/0242

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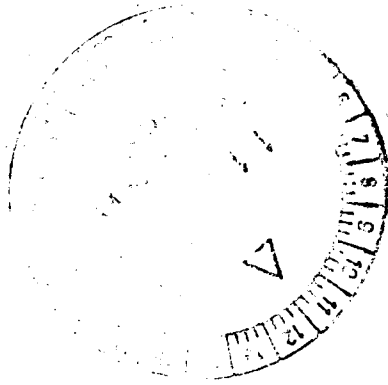
Conformément au règlement (CEE, Euratom) n° 354/83 du Conseil du 1er février 1983 concernant l'ouverture au public des archives historiques de la Communauté économique européenne et de la Communauté européenne de l'énergie atomique (JO L 43 du 15.2.1983, p. 1), tel que modifié par le règlement (CE, Euratom) n° 1700/2003 du 22 septembre 2003 (JO L 243 du 27.9.2003, p. 1), ce dossier est ouvert au public. Le cas échéant, les documents classifiés présents dans ce dossier ont été déclassifiés conformément à l'article 5 dudit règlement.

In accordance with Council Regulation (EEC, Euratom) No 354/83 of 1 February 1983 concerning the opening to the public of the historical archives of the European Economic Community and the European Atomic Energy Community (OJ L 43, 15.2.1983, p. 1), as amended by Regulation (EC, Euratom) No 1700/2003 of 22 September 2003 (OJ L 243, 27.9.2003, p. 1), this file is open to the public. Where necessary, classified documents in this file have been declassified in conformity with Article 5 of the aforementioned regulation.

In Übereinstimmung mit der Verordnung (EWG, Euratom) Nr. 354/83 des Rates vom 1. Februar 1983 über die Freigabe der historischen Archive der Europäischen Wirtschaftsgemeinschaft und der Europäischen Atomgemeinschaft (ABl. L 43 vom 15.2.1983, S. 1), geändert durch die Verordnung (EG, Euratom) Nr. 1700/2003 vom 22. September 2003 (ABl. L 243 vom 27.9.2003, S. 1), ist diese Datei der Öffentlichkeit zugänglich. Soweit erforderlich, wurden die Verschlussachen in dieser Datei in Übereinstimmung mit Artikel 5 der genannten Verordnung freigegeben.

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(79) 713 final



Brussels, 6th December 1979

SIXTH COMMISSION REPORT TO THE COUNCIL

on the application of Council Regulation (EEC)
N° 543/69 of 25 March 1969 on the harmonization of
certain social legislation relating to road transport

Period covered by the report : 1 January 1975 to 31 December 1976

A. INTRODUCTION

1. The Commission is submitting herewith the sixth report on the implementation of Council Regulation (EEC) No 543/69 of 25 March 1969 by the Member States, which it is required by Article 17 of that Regulation to draw up for the Council every year. For technical reasons, this report covers the notification for 1975 and 1976; it therefore applies to the period from 1 January 1975 to 31 December 1976.
2. On 21 February 1975 Denmark promulgated implementing regulations for the application of the Regulation to international and national transport and Ireland did the same in respect of international transport on 1 December 1975, so that data is now available from these countries as well as for the period covered by the report. Because of the special transitional rules for the United Kingdom and Ireland, the provisions of the Regulation were not applied to national traffic; the data provided by these countries thus applies only to international traffic.
3. The annex to the report contains a summary of the notifications from the individual Member States. Section B contains a summary and assessment of the notifications and Section C the conclusions drawn from the reports of the Member States.

B. SUMMARY AND ASSESSMENT

As the information given in the notifications of the Member States continues to vary in nature, it is difficult to make a totally reliable comparative assessment of the situation.

Quantitatively speaking, the report is more informative in that Denmark and the United Kingdom are providing more precise information now that they have promulgated appropriate implementing regulations. In the case of the United Kingdom, this applies only to international transport for the time being. Unfortunately, no information at all is available from Ireland.

Organization of surveillance

The administrative reorganization and improvement of France's control system is to be welcomed, since it will enable a substantially more effective form of surveillance to be carried out. In particular, the systematic and centralized evaluation of the sheets from recording devices and the work done on the automatic evaluation of these sheets is of the greatest interest and should be the subject of an exchange of experiences at the appropriate time.

It is regrettable that the Irish authorities have not yet provided any information on this matter. Exception must be taken to the fact that in Italy controls are carried out only at the entrepreneur's headquarters. The result is that non-Italian vehicles are not subject to any controls on Italian territory.

Infringements and penalties

The information given by most countries about violations and penalties permit the conclusion that an attempt is being made to monitor observance of the Regulation and punish infringements. However, whether this is fully adequate or could be more efficient is another question.

Italy and Ireland provided insufficiently specific information or no information at all, a fact which precludes a comparative assessment. Ireland and the United Kingdom were empowered, initially, to apply the Community Regulation only to international transport. Because of the delay in promulgating its national implementing regulations, Denmark provided information only for 1976 and only on international transport, so that the situation in that country cannot be adequately assessed. The United Kingdom sensibly provided information in respect of international transport covering all the vehicles affected by the Regulation and established the ratio between them and the number of infringements discovered at inspections. This showed that in 1975 infringements were discovered in respect of 1% of the vehicles affected by the Regulation and in respect of 0.6% in 1976. However, a completely satisfactory assessment would be possible only if the number of vehicles checked and found to be in order had been reported as well.

The information provided by France shows a gratifying development in that, with the general introduction of recording devices in vehicles and systematic surveillance by evaluation of check sheets, not only can checks be carried out more rationally and accurately, but the number of infringements is declining. The information provided by Belgium shows a similar trend.

Infringements by foreigners

Unfortunately, the figures provided by the Member States do not permit a reliable comparison. Italy has no data available for this field. Ireland has provided no information at all and extensive checks and a breakdown of infringements by Danish and non-Danish nationals were not yet possible. Furthermore, the nature of the data provided varies from year to year, the layout of the data varies from country to country and, as a rule, absolute figures are given, which tell us very little.

Penalties imposed

Italy, Luxembourg and Ireland provided no quantitative data at all, a fact which must be described as highly unsatisfactory. Denmark imposed no penalties in 1975, though some were imposed in 1976. The information provided by the other Member States indicates that things are undoubtedly better there. However, exception must be taken to the fact that only the Federal Republic of Germany and the Netherlands provide separate information in respect of penalties imposed on foreigners. Since the information provided varies from country to country and is sometimes incomplete, a precise assessment is difficult, and there will be no improvement until all Member States provide uniform, precise and detailed information.

Mutual assistance and notification of infringements

Mutual assistance by the Member States is, unfortunately, making little progress and is still far from the appropriate and desirable volume. The Federal Republic also reported on cooperation with non-Community countries (Austria). Developments are still highly unbalanced - which may be related to differences in the urgency of the situation from country to country. There is no doubt but that the Member States must take more energetic steps in this area.

The closest cooperation appears to be that between the Federal Republic, the Netherlands, France and Belgium. The Netherlands provided precise statistics: in 1975 the Dutch authorities received 3 217 notifications regarding penalties imposed and 4 498 in 1976. While mutual notification of infringements (charges, protocols) made appreciable progress, mutual notification of the penalties subsequently imposed is hardly worth mentioning. Only the Federal Republic and Belgium made such notifications.

Conclusions and proposals of the Member States

- Application of the Regulation

In all, it is the opinion of certain Member States - despite certain reservations - that observance of Community regulations has improved. Yet, although Italy took the view that there had been such an improvement, it must be criticized for failing to provide the Commission with data supporting such a view. Denmark provided data only on international transport, while Ireland provided none at all. Luxembourg took the view that a longer period of experience is needed before reliable assessments can be made.

The Federal Republic, whose experience carries particular weight because of its geographical location and its position in international transport, is the main source of complaints that there seems to be a far from uniform application of the Regulation by the various Member States or by foreigners in the Federal Republic and that this lack of uniformity applies both to checks and to the imposition of penalties. Italy and Belgium think it important that the import of the Regulation should be brought home more forcibly, particularly to small and medium-sized undertakings, while Belgium has again suggested that thought be given to whether some knowledge of the Regulation should be required in driving licence tests.

The French authorities take the view that a substantial improvement of controls - and thus of the application of the Regulation - could be achieved by an improved standardization and typification of control methods within the Community.

- Use of the individual control book

In view of the general step-by-step introduction of recording devices in vehicles, this question has lost much of its importance in respect of transport within the Community. It is still important in traffic with non-Community countries, where the situation as regards the correct keeping of the control books and provision for adequate controls - particularly in respect of vehicles from South-East European countries - still leaves much to be desired. With the general application of the European Agreement Concerning the Work of Crews of Vehicles Engaged in International Road Transport (AETR) not only throughout the Community¹, but also in as large as possible a number of non-Community countries, conditions will be substantially improved. In this connection, it must be pointed out that Regulation (EEC) No 1463/70 on the introduction of recording equipment in vehicles has not yet been applied in the United Kingdom and Ireland. The situation in Ireland was totally unsatisfactory, since the Irish authorities have not even made the individual control book mandatory.

- Standard form

All Member States are satisfied with the standard form.

- Proposals for measures which could improve application of the Regulation

Particular attention is drawn to the need to inform employers and driving crews more adequately about Community regulations. The Federal Republic repeated its proposal that instruction sheets be distributed, while Belgium again suggested that a knowledge of certain regulations should be tested. France again pointed to the importance of standardizing the control sheets of recording equipment and the equipment itself.

Finally, Britain, Denmark and the Netherlands again stressed the importance of efforts to give a sufficiently flexible form to Community regulations along the lines of the views they had expressed in the Council.

¹ In accordance with Council Regulation (EEC) No 2829/77 of 12 December 1977 on the coming into force of the AETR (OJ No L 334/11 of 24 December 1977), all Member States except Ireland are Contracting Parties. Effective 1 January 1978, the provisions of the AETR apply to all vehicles from non-Community countries on Community territory.

C. CONCLUSIONS

It is an unfortunate fact that - in varying degrees - the situation does not come up to what is desirable or, in many cases, even what is necessary.

A reliable survey enabling serviceable comparisons to be made is rendered difficult not only by the major differences from country to country in the data provided or by the total lack of data, but is also limited by the fact that the United Kingdom and Ireland confined their application of the Regulation to international transport and that some Member States need to acquire more experience with their implementing regulations on some points before they can get a better grip on the situation.

A transitional situation involving certain difficulties in adaptation was created by the more general introduction of recording equipment as a control device and the replacement of the individual control book. An unsatisfactory situation has arisen in that the United Kingdom and Ireland have not yet applied Regulation (EEC) No 1463/70 on the introduction of recording equipment. For lack of national regulations, it is not even mandatory in Ireland to keep the individual control book. It is essential that certain Member States should not content themselves with filling in the standard form in a totally inadequate manner, but should provide complete and detailed data. Only then will an assessment of the application of Community regulations in the Member States be possible.

Some points of the Regulation having been amended with effect from 1 January 1978 at the request of the Member States and made more flexible, and since all traffic with non-Community countries is now based without exception on the provisions of the Agreement Concerning the Work of Crews of Vehicles Engaged in International Road Transport (AETR), the Commission wishes to express the hope at this point that these developments will bring about a more meticulous observance of Community regulations and exert a positive influence on controls. The Commission at any rate intends to insist on an improvement in this area.

To this end, the Commission, together with government experts, will study the possibility of approximating to some extent the different national penalty systems, at least in their practical effects in order to avoid the most flagrant differences in this field. There will also have to be a general and specific examination of how mutual assistance by the Member States, a matter which in some cases is still in its infancy, can be improved. The Commission will do everything in its power to contribute to such improvement.

A N N E X

SUMMARY OF INFORMATION RECEIVED FROM THE MEMBER STATES
ON THE IMPLEMENTATION OF REGULATION (EEC) NO 543/69
DURING THE PERIOD 1 JANUARY 1975 TO 31 DECEMBER 1976

I. Organization of controls

1. Administrative organization of controls

Since the information received from the Member States does not make a distinction between

(a) roadside controls and

(b) control visits to the premises of a road haulage firm,

these two types of control have been examined together.

Federal Republic of Germany

The bodies appointed by the Governments of the Länder (Aufsichtsbehörden) were responsible for checking compliance with social legislation relating to road transport in the Federal Republic of Germany in 1975 and 1976. The Bundesanstalt für den Güterverkehr (BAG) (Federal Institute for Road Haulage Transport) may also check that the rules relating to the employment and activities of road haulage drivers are respected.

Vehicle, road and border checks are carried out to monitor compliance with Regulation (EEC) No 543/69. The Federal supervisory bodies (Gewerbeaufsichtsämter) are responsible for vehicle checks. Road and border checks are carried out in close conjunction by the police, the BAG and Gewerbeaufsichtsbehörden.

Belgium

Administrative controls in 1975 and 1976 were organized in the same way as in 1974. Details can be found in the first two reports.

France

In 1975 and 1976 application of Regulation (EEC) No 543/69 of 25 March 1969 was monitored in the same way as in 1974 and previous years by means of roadside checks and visits to the offices or premises of road haulage firms.

The efficiency of these controls has been improved by the appointment of new categories of officials - mainly control officers for surface transport operations and customs officials - under Law No 75-1335 of 31 December 1975.

These new officials started work in April 1976 after receiving the necessary training.

Controls may in future be carried out by:

- (a) factory inspectors;
- (b) officers supervising the application of social legislation in agriculture;
- (c) transport inspectors and officials appointed by the Minister for Transport to supervise surface transport operations;
- (d) officials responsible for detecting infringements of social legislation in firms under the technical control of the Ministry of Industry and Research;
- (e) customs officials;
- (f) officials responsible for detecting road traffic offences or infringements.

Factory inspectors (transport) and control officers for surface transport operations carry out road checks in conjunction with local and national police but have no legal power to stop vehicles.

Visits to firms in 1976 involved the manual checking of 80 000 tachograph records. Intensive research was carried out into the development of an automatic reader.

Italy

Various public bodies are responsible for ensuring that the relevant Community rules are applied. Factory inspectors make visits to the premises of road haulage and passenger transport firms. No roadside checks are hence carried out.

Luxembourg

Monitoring application of Regulation (EEC) No 543/69 mainly took the form of visits to firms by factory inspectors and road checks by the road

transport supervisory service. There has been no change in the control system used since 1973.

Netherlands

There has been no change in the control system which is described in previous reports.

United Kingdom

1. In the United Kingdom there are eleven Traffic Areas for which Traffic Commissioners are responsible. These are:

- | | |
|------------------|-------------------|
| 1. Northern | 7. South Wales |
| 2. Yorkshire | 8. Western |
| 3. North Western | 9. South Eastern* |
| 4. West Midland | 10. Metropolitan |
| 5. East Midland | 11. Scottish |
| 6. Eastern | |

* Greater London and parts of adjoining counties.

2. The Secretary of State for Transport has appointed three Traffic Commissioners for each Traffic Area, except the Metropolitan where there is only one. Each panel of Traffic Commissioners has overall responsibility for licensing and monitoring passenger transport operations in their Area. The full time Chairman of each panel is also the Licensing Authority for goods transport in his Area.

3. Checks are made by the staff of the Licensing Authorities and the police. Each month, the Traffic Areas send reports of the checks made by the Licensing Authorities' staff to the Department of Transport HQ in London. Quarterly reports on subsequent action are also submitted. The check reports do not include records of prosecutions and other details of action taken by the police because these are internal matters for the police authorities, but convictions are reported to the Licensing Authorities for possible action against the licences of those concerned.

4. In Northern Ireland, the staff of the Department of the Environment (Northern Ireland) and the police are responsible for checking the implementation of the Regulation.

Denmark

Details of the system used, which has not changed, can be found in the 1974 (fifth) report. The police and factory inspectorate monitor application of Regulation (EEC) No 543/69, the police being responsible for road checks and the factory inspectorate for visits to firms.

Ireland

No information has been received.

2. Control officials and their powers

Federal Republic of Germany

Some 2 500 officials (police, BAG, Gewerbeaufsichtsbehörden) are concerned with monitoring the employment and activities of commercial road haulage drivers in the Federal Republic of Germany as part of their wider-ranging duties. Between 250 and 300 officials in the Federal Gewerbeaufsichtsämten undertake this work in the course of their other duties. The competent officials are empowered to carry out investigations and to report offences.

Belgium

(a) Factory inspectorate

	Number of officials	Theoretical number of staff	Powers
1975	126 inspectors and deputy inspectors	132	see previous reports
1976	213 inspectors and deputy inspectors	244	see previous reports

(b) Transport authorities

	Number of officials	Theoretical number of staff	Powers
1975	52 control officers and inspectors	61	see previous reports
1976	50 control officers and inspectors	61	see previous reports

(c) National police, customs and other departments

No figures available.

France

The following are primarily concerned with monitoring application of Regulation (EEC) No 543/69:

Factory inspectorate (transport): 40 officials

Surface transport control: 230 officers.

They make roadside checks and pay visits to road haulage firms. Their roadside checks are carried out in conjunction with local and national police since they have no legal authority to stop vehicles.

A total of 6 500 motor cycle police officers (local and national force) are directly involved in road checks.

Reports are made of offences to the competent courts (Tribunal de Police and Tribunal Correctionnel).

The Police Judiciaire (criminal investigation department) and officials authorized to record road traffic offences may impound vehicles if their drivers have breached the rules on driving and rest periods in road transport (Article R 278-10 of the Highway Code).

Italy

In Italy, various public authorities are responsible for the enforcement of Community rules. It was not possible to specify the number of persons occupied in supervision, or the number of inspections carried out.

Luxembourg

Details are given in the report for 1973. Since then there have been no changes in the control system.

Netherlands

There has been no change since the last report. The number of controlling officials in the National Transport Inspectorate will soon be considerably increased.

United Kingdom

The 11 Traffic Areas have a staff complement in 1975 of 250 Traffic Examiners. These officers have wide powers to inspect the condition of vehicles and their loads, vehicle weights and any relevant documentation including drivers' record books and licences. The officers have powers to issue warnings and to prohibit the continuation of journeys in certain circumstances. Offences may be reported to the Traffic Commissioners for prosecution in the Courts. Traffic Examiners may also enter operators' premises to check drivers' records (amongst other data) and may in order to check their validity compare these written records with wage sheets or other relevant operating material. Any police officer has the same powers to check and verify drivers' records and may stop and prohibit vehicles at any time.

The Secretary of State has appointed in 1976 210 Traffic Examiners who are concerned with the safe and proper use of public service and goods vehicles. They are attached to the eleven Traffic Areas and work under

the control and supervision of the Clerks to the Licensing Authorities. At present, there are vacancies for a further 30 Traffic Examiners which have not been filled.

A separate group of examiners, known as "Vehicle Examiners", is concerned with the mechanical condition of goods and public service vehicles.

Denmark

Road checks are carried out by approximately 600 members of the road safety police.

Checks on operators' premises are carried out by approximately 180 inspectors of work.

Ireland

No information has been received.

3. Control methods (place and frequency of controls)

Federal Republic of Germany

Road checks are carried out partly in the course of general traffic supervision, partly in the course of special checks made by the police,

the BAG and the industrial and occupational inspectorates.

During the regular inspections carried out at operators' premises, documents relating to the occupation (drivers' record books, printouts from the tachograph and other control instruments), covering a fairly long period, are checked. Any other papers relevant to the occupation and activities carried out are evaluated at the same time. In addition to routine checks, there are special controls and targeted controls based on reports, complaints and information. In such cases, members of the crew and their management are always given a hearing.

In 1975 a total of 82 613 controls were carried out. Of these 11 784 were carried out at operators' premises and 70 829 on the road.

In 1976 a total of 63 945 controls were carried out. Of these 11 083 were carried out at operators' premises and 52 862 on the road.

Belgium

- (a) In 1975 the Inspection sociale carried out 387 controls at operators' premises.

The service gave up road checks because of a shortage of inspectors. Controls are carried out in conjunction with other duties arising out of the normal activities of the Inspection sociale, the body responsible for the enforcement of about 30 other penal laws.

In 1976 it carried out 853 inspections at operators' premises, 480 of which were in road haulage, 373 in passenger transport and 4 were road checks.

- (b) Transport administration officers carried out some 8 000 controls in 1975, 7 000 of which concerned road haulage and 1 000 passenger transport.

In 1976 they carried out some 8 300 controls, 7 200 of which concerned road haulage and 1 100 passenger transport.

- (c) Gendarmerie, customs and others: no figures available. Given the number of policemen responsible for road controls, the number carried out amounted to several thousand a year.

France

1. (a) Road controls: method

In road controls, priority goes to checking the correct application of written instruments of control (individual logbook), and mechanical instruments (tachograph) and adherence to the standards directly affecting road safety and the particular transport operation involved, i.e.: maximum continuous and daily driving periods; minimum daily rest period.

In the same vein, the inter-Ministry decision of 16 June 1976 (already referred to in the 1975 report), and taken pursuant to the provisions of Article 17(6) of Regulation (EEC) No 1463/70 have, in respect of national traffic, reduced to two days the period immediately prior to a road check in respect of which crew members using a standard tachograph have to justify their activities.

1. (b) Controls at operators' premises: method

Controls on excessive driving period (weekly driving period, driving period per 14-day period, weekly rest period) are carried out directly at the operators' premises.

The use of discs recorded under the abovementioned conditions, in homogeneous series covering a consecutive period of two weeks for a single driver, has enabled the administration to check whether the requirements of Regulation No 543/69 of 25 March 1969 are being complied with and to write official reports in cases where the Inspection due Travail (Transports) (work inspectorate) have noted an infringement.

2. (a) Road controls on national and non-national crews - frequency

1975: the Inspection du Travail carried out 3 367 controls on French crews and 16 on non-national crews.

1976: the Inspection du Travail, the overland transport inspectors, the police and gendarmerie carried out 62 567 controls of French crews and 8 153 on non-national crews.

2. (b) Controls at operators' premises - frequency

1975: the Inspection du Travail lists 5 411 controls at operators' premises, 2 700 of which were the result of information obtained from discs.

1976: the same service, collaborating with other authorities (see 2.(a), carried out 6 380 controls at operators' premises. These controls included the manual analysis of 80 000 tachograph records.

Italy

According to information received from Italy, most controls in 1975 and all the 1976 controls were carried out at operators' premises.

Because of a shortage of staff and the fact that those available also have other duties to perform, the frequency of controls varies from region to region. Nevertheless, at the request of workers or following a communication by the trade unions, the controls were carried out and in many cases repeated several times throughout the year.

Luxembourg

Controls were carried out at operators' headquarters at least two or three times a year. Regular checks were made at the borders and on the roads.

Netherlands

Checks by the officials of the National Transport Inspectorate:

These officials conduct regular individual road checks.

In addition, there is a monthly check in each district of the National Transport Inspectorate, sometimes in collaboration with other inspection bodies. A quarterly report is drawn up to record the date, checkpoint and the bodies taking part. In addition, there are regular inspections of heavy traffic in collaboration with the national police force which deals with the technical side while the National Transport Inspectorate deals with the administrative side. The total number of vehicles inspected was at least 160 000 in 1975 and 140 000 in 1976.

Apart from the operational checks resulting from violations recorded during journeys, the officials from the National Transport Inspectorate conducted some 50 extensive operational inspections in 1975 and around 90 in 1976 which led to penalties.

United Kingdom

On average, Traffic Areas organize twice weekly vehicle checks on trunk roads in cooperation with the police. At least 10-15% of incoming vehicles are also checked at their port of entry into the United Kingdom. During 1975, almost 15 000 vehicles and during 1976 about 13 000 vehicles subject to the Regulation (which applied only to international transport) were physically examined by Traffic Area staff.

Spread of national and non-national vehicles controlled in 1975 and 1976

UK		B		FRG		DK		FR		IT	
1975	1976	1975	1976	1975	1976	1975	1976	1975	1976	1975	1976
4975	5758	650	432	702	643	545	285	3605	2354	269	170
EIRE		LUX		NL		NON-COMMUNITY COUNTRIES		TOTAL			
1975	1976	1975	1976	1975	1976	1975	1976	1975	1976		
405	392	14	10	2044	1817	1768	1161	14977	13022		

Enforcement of the drivers' hours law in Great Britain also involves "silent" or unseen checks on vehicle movements by Traffic Examiners. Observations of the time and place of vehicles movements are made regularly and, where appropriate, are subsequently cross-checked with the records returned by drivers to their operator's premises as a means of revealing discrepancies and offences. Over 66 000 such observations were recorded altogether in 1975, resulting in 45 000 visits to operator's premises and in 1976, over 54 000 observations were recorded, resulting in 37 000 visits to operator's premises. This method of checking applies nationally at present and will continue to apply when Regulation 543/69 or its successor has effect for domestic as well as international transport operators in the United Kingdom. It represents an important adjunct to physical vehicle inspections. Police officers employ the same "silent" check procedures and on a similar scale.

At present, this important adjunct to the physical examination of vehicles is used solely for domestic transport. It will be continued when the Regulation, or its successor, is implemented in the United Kingdom for domestic as well as international transport. The police also cooperate in providing information on vehicle movements.

Denmark

As there have been no changes under this heading since the report for 1974 (fifth report), please refer to that report.

Ireland

No information provided.

II. Breaches and penalties

1. Number of breaches of the Regulation

Federal Republic of Germany

In 1975 the total number of established infringements of Regulation (EEC) No 543/69 was 78 200, of which roughly 75 000 occurred in goods and roughly 3 200 in passenger transport.

Of the 78 200, approximately 32 700 concern the provisions relating to driving periods and approximately 42 300 to the provisions relating to service documents.

In 1976 the total number was roughly 49 600, of which some 48 000 occurred in goods and 1 600 in passenger transport.

Of the 49 600, roughly 19 700 concern the rules governing working hours and about 29 900 the rules about proof of activity. The number of infringements in 1976 as against 1975 fell, because fewer checks were carried out.

Belgium

(a) Introductory remarks

1. In 1975 and 1976 road checks were carried out by administration officials and the gendarmerie; checks on the premises of undertakings were made by the Social Security Inspectorate.

2. It should be remembered in connection with the large disparity between the number of breaches recorded and the number before the courts that inspectors and controllers have the right to give warnings and do not have to notify systematically every infringement to the legal authority.

This prerogative is required by Article 17(2) of International Convention No 81 on Work Inspection and is confirmed by Article 4 of the Law on Work Inspection of 16 November 1972 (published in the Moniteur Belge of 8 December 1972).

3. Previous reports have explained why a relatively long period of time elapses between the date when the "pro justitia" is issued and the date of conviction, if any. The history of these reports also shows that the number of police reports made out in any one year - and the follow-up to them - does not accurately reflect the penalties that have actually been imposed by the time each report is prepared. The same applies to this report for 1975-76.

(b) Goods transport

Number of breaches recorded in 1975 and 1976

	<u>1975</u>	<u>1976</u>
(a) Distance restriction (450 km) (Art. 6)	9	17
(b) Driving periods (Art. 7)		
- continuous	19	7
- daily	9	18
- weekly	0	3
(c) Interruption of driving (Art. 8)	4	4
(d) Daily rest period (Art. 11)	23	11
(e) Weekly rest period (Art. 12)	0	7
(f) Control books (Art. 14 and annex) Art. 14 1;		
Crew members not carrying a control book	951	512
Art. 14 - 1 (annex): books not produced	6	0
Art. 14 - 2: books improperly kept or not at all	310	182
Art. 14 - 4: no tachograph	-	7
Art. 14 - 7: registers not kept	45	45
Art. 14 - 7: registers improperly kept	22	26
Art. 14 - 8: books not preserved	9	22
Annex 4: weekly report not signed	1	1
(g) Checks on regular services (Art. 15)		
Failure to draw up a service timetable	1	8
Failure to draw up a duty roster	3	3
Obligation on each crew member to carry an extract from the duty roster and a copy of the service timetable	0	0
(h) Community tachograph (Art. 16)	-	10
TOTAL	<u>1403</u>	<u>883</u>

(c) Regular passenger transport services

19 controls were carried out in 1975 and 216 in 1976 by the Social Legislation Inspectorate on the premises of Belgian firms. The following breaches were established as a result:

	<u>1975</u>	<u>1976</u>
Distance restriction (450 km) (Article 6)	-	15
Weekly driving periods (Article 7)	-	1
Failure to draw up service timetable (Article 15)	1	5
Failure to draw up duty roster (Article 15)	2	6
	<u>3</u>	<u>27</u>
TOTAL	<u>3</u>	<u>27</u>

These infringements did not give rise to any penalty through the "pro justitia" procedure in 1975. In 1976, however, one infringement of Article 15 was the subject of a "pro justitia", the outcome of which had still not been decided at 31 December 1976.

(d) Occasional passenger transport services

Road checks carried out in 1975 and 1976 established the following infringements:

	<u>1975</u>
(a) Distance restriction (450 km)(Article 6)	0
(b) Driving period (Article 7) (1B)	1
(c) Interruption of driving (Article 8)	0
(d) Daily rest period (Article 11) (4B)	4
(e) Weekly rest period (Article 12)	0
(f) Control book (Article 14 and annex):	
Article 14 - 1 (annex): books not produced (4B)	4
Article 14 - 1 no book (49B, 10D, 14F, 5NL, 1I, 5GN, 3L)	87
Article 14 - 2: books improperly kept or not at all (24B, 1L, 1I, 3NL)	29
Article 14 - 7: registers improperly kept (1B)	1
Article 14 - 8: books not preserved (1B)	1

Total for 1975: 127.

The twenty-three checks carried out in 1975 on the premises of undertakings established the following infringements:

Art. 14 - 7: register not kept	2
Art. 14 - 7: register improperly kept	<u>3</u>
TOTAL	5

None of these infringements was dealt with by "pro justitia". In 1976, checks on the road and in firms established the following infringements:

	<u>1976</u>
(a) Distance restriction (450 km) (Art. 6)	4
(b) Driving periods (Art. 7)	3
(c) Interruption of driving (Art. 8)	0
(d) Daily rest period (Art. 11)	4
(e) Weekly rest period (Art. 12)	0
(f) Control books (Art. 14 and annex)	
Art. 14 - 1 (annex): books not produced	1
Art. 14 - 1: crew members not carrying a control book	56
Art. 14 - 2: books improperly kept or not at all	25
Art. 14 - 7: registers improperly kept or not kept at all	16
Art. 14 - 8: books not preserved	<u>3</u>
TOTAL	<u>112</u>

France

In 1975, France supplied figures on the breaches recorded by the Factory Inspectorate and figures from the collection of tachograph discs carried out on firms' premises during the last quarter of 1975.

1. Checks on crew members in France

Number of crews checked	8 778
of which 3367 on the road and 5 411 in firms;	

Infringements to Regulations 543/69 and 1463/70	35 182
of which 24 743 to Regulation 543/69;	

Infringements recorded in police report	5 915
Infringements recorded in report by gendarmerie	10 835
No of reports entered officially	1 026

2. Checks on foreign crew members in France

No of crews checked	16
No of infringements recorded	6
No of reports	5

The figures for 1976 were as follows:

1. Road checks on the correct use of handwritten and mechanical control procedures (individual control books and tachograph respectively) and on the observance of driving hours and rest periods

No of French crews checked	62 567
No of infringements recorded	16 553
No of reports entered	2 569

No of foreign crews checked	8 153
No of infringements recorded	1 663
No of reports entered	149

2. Checks on firms' premises

Infringements of Regulation 543/69	46 128
Infringements of Regulation 1463/70 (tachograph)	14 433

established after verification of discs

Italy

No information available.

Luxembourg

8 288 infringements were recorded in 1975 and 8 166 in 1976. The distribution was as follows:

	1975	1976
(a) Distance restriction (450 km)(Art.6)	2 409	2 115
(b) Driving periods (Art.7 §§ 1 and 2)	3 201	3 607
(Art.7 § 3)	131	149
(c) Interruption of driving (Art.8)	1 347	1 243
(d) Daily rest period (Art.11)(Goods transport)	943	866
(e) Weekly rest period (Art. 12)	33	29
(f) Control book (Art. 14)	224	157
	8 288	8 166

Netherlands

Articles in the Regulation	Goods transport		Passenger transport			
			Regular services		Occasional services	
	1975	1976	1975	1976	1975	1976
6	6 540	4 029	-	-	-	-
7/1	1 406	1 898	20	-	3	2
7/2	8 328	5 437	-	1	1	14
7/3	1 199	736	26	1	20	4
7/4	254	80	-	-	2	-
8	1 171	92	-	-	-	8
11/1	4 695	4 896	-	-	-	-
11/2	-	-	164	4	44	28
12	25	19	20	2	21	17
14/1	7 284	6 113	27	79	128	84
14/2	16 781	10 007	483	94	348	120
14/4	2 219	9 086	-	5	-	124
16	222	2 216	1	1	3	26
TOTAL	50 124	44 609	741	187	570	427

United Kingdom

Throughout 1975 and 1976, Regulation 543/69 applied in the U.K. only to international transport under paragraph 1 of Part III of Annex VII of the Treaty of Accession. Of the total of 14.977 vehicles subject to the Regulation and inspected by Traffic Examiners during 1975 a total of 157 vehicles (1%) were found to be in breach of the Regulation. During 1976 an amount of 13.022 vehicles subject to the Regulation were inspected by Traffic Examiners. Of these 73 (0.6%) were found to be in breach of the Regulation. As in previous years, these breaches were mainly concerned with failure to carry the appropriate control book or failure to maintain it in the required manner. Cases brought before the Courts by Traffic Commissioners during 1975 and 1976 related only to U.K. operators. They included some offences committed during 1974 and 1975 but not brought to trial until 1975 and 1976 and offences discovered by checks at the premises of undertakings. In a number of instances one driver was charged with more than one category of offence or with repeated offences.

In all, 82 breaches of Article 14(1) were recorded in 1975 and 46 in 1976; 58 breaches of Article 14(2) were recorded in 1975 and 20 in 1976.

Denmark

The Danish measures applying the Regulation to international transport came into force on 21 February 1975. During 1975 no breaches of the Regulation were established and no penalty was applied.

In 1976, however, there were 19 breaches of the Regulation. These concerned Article 14 (individual control book) and were committed by Danish nationals engaged in international transport.

The Regulation has only applied to national transport since 1 February 1977. It is possible to provide information on the nationality of persons infringing the regulation, since the form used by the police for their report to the labour inspectorate and the road transport authority contains headings concerning the nationality of the driver, driver's mate, and the owner or user of the vehicle. In addition, the road transport authority, which is also informed of the infringements, may withdraw operational permits if a breach is committed. The road transport authority notifies the labour inspectorate of any measure which it takes.

Under Article 4 of the Ministry of Transport Decree No 41, dated 21 February 1975, on the protection of workers engaged in international road transport within the European Community, any infringements which are established may be punished by a fine, where current legal provisions do not impose a heavier penalty.

Infringements where a penalty may be imposed are notified to the labour inspectorate on the report form mentioned above.

Ireland

No information available.

2. Significance of breaches committed by nationals and non-nationals

Federal Republic of Germany

In 1975, the total number of established infringements of Regulation (EEC) No 543/69 was 78 200, of which roughly 75 000 occurred in goods and roughly 3 200 in passenger transport.

Of the 78 200, approximately 32 700 concern the provisions relating to driving periods and approximately 42 300 the provisions relating to service documents.

In 1976 the total number was roughly 49 600, of which some 48 000 occurred in goods and 1 600 in passenger transport.

Of the 49 600, roughly 19 700 concern the provisions relating to driving periods and about 29 900 the provisions relating to service documents. Among the infringements of the provisions relating to driving periods those concerning the daily driving period and the daily rest period were the most numerous.

The table below sets out the type and number of infringements of Regulation No 543/69 by national and non-national offenders.

Articles of the Regulation	GOODS TRANSPORT				PASSENGER TRANSPORT							
					Regular services				Occasional services			
	1975		1976		1975		1976		1975		1976	
	Natl.*	Non-natl.	Natl.	Non-natl.	Natl.	Non-natl.	Natl.	Non-natl.	Natl.	Non-natl.	Natl.	Non-natl.
Art.6 Distance of 450km	4 630	1 118	992	42	1	-	-	-	3	3	-	2
Art.7(1) Driving periods (4hrs)	5 608	1 637	3324	275	-	1	-	-	144	144	97	26
Art.7(2) Daily driving period	6 041	1 791	5512	195	2	1	4	-	16	23	1	5
Art.7(3) Daily driving period (2x9hrs per week)	1 112	231	783	39	-	-	-	3	193	223	158	25
Art.7(4) Weekly driving period (48hrs/wk or 92hrs/fortnight)	653	68	268	2	-	-	-	-	7	22	-	-
Art.8 Interruption of driving	2 287	661	2282	136	15	-	-	-	71	78	67	20
Art.11 Daily rest period - goods	5 966	2 408	4757	251	3	-	-	-	-	-	2	7
Art.11 Daily rest period - passenger	-	-	-	-	5	-	-	-	224	161	195	24
Art.12 Weekly rest period	180	41	67	2	30	-	-	-	10	12	18	1
Art.14(1) Control books	15 256	2 540	4964	208	2	4	-	-	215	301	236	63
Art 14(2) Keeping of control books	18 848	3 889	21851	2113	7	-	-	-	863	326	454	105
Art.15(1) Duty roster - operator	27	7	4	24	41	10	-	-	-	-	-	-
Art.15(2) Duty roster - crew	29	4	7	1	46	34	37	-	-	-	-	-
T O T A L	60 637	14395	44811	3288	152	50	41	3	1746	1263	1228	283

In both 1975 and 1976 the majority of breaches consisted of the failure to carry the prescribed service documents (individual control books, extract from the duty roster, copy of the service timetable, inspection sheets for recording equipment), or the failure to enter the required information completely, correctly or even at all.

* Natl. = national.
Non-natl. = Non-national.

Belgium

1. Carriage of goods

(a) Infringements by non-nationals recorded in 1975 and 1976

Articles	DK		NL		L		G		I		F		TOTAL	
	1975	1976	1975	1976	1975	1976	1975	1976	1975	1976	1975	1976	1975	1976
Art. 6: 450 km distance restriction	-	-	-	-	-	-	-	-	1	-	3	-	4	-
Art. 7: continuous, daily and weekly driving periods	-	-	1	-	-	-	-	-	-	-	6	-	7	-
	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Art. 8: breaks	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Art. 11: daily rest period	-	-	-	-	-	-	-	-	1	-	2	-	3	-
Art. 12: weekly rest period	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Art. 14(1) no control book	1	-	22	6	5	1	2	2	4	2	26	4	60	15
Art. 14(2) control book not entered up or incomplete	-	-	7	-	-	-	-	-	7	5	18	3	32	8
TOTAL	1	-	30	6	5	1	2	2	13	7	55	7	106	23

(b) Infringements by nationals recorded in 1975 and 1976

	<u>1975</u>	<u>1976</u>
(a) Distance restriction (450 km) (Article 6)	5	17
(b) Driving period (Article 7)		
Continuous	3	7
Daily	9	18
Weekly	-	3
(c) Breaks (Article 8)	4	4
(d) Daily rest period (Article 11)	20	11
(e) Weekly rest period (Article 12)	-	7
(f) Control book (Article 14 and annex)		
Article 14(1): no control book	891	497
Article 14(1)(annex): control book not handed in	6	-
Article 14(2): control books not entered up or incomplete	278	174
Article 14(4): exemption from obligation to use tachograph	-	7
Article 14(7): no registers kept	45	45
Article 14(7): registers not properly kept	22	26
Article 14(8): control books not retained	9	22
Annex 4: weekly report not signed	1	1
(g) Checking regular services (Article 15)		
1. Drawing up a service timetable	1	8
Drawing up a duty roster	3	3
2. Each member of the crew required to carry a copy of the service timetable and duty roster	-	-
(h) European tachograph (Article 16)	-	10
TOTAL:	<u>1 297</u>	<u>860</u>

2. Carriage of passengers (1976)

Articles	NL	G	F	UK	Total	Non-nationals	Nationals
Art. 6: distance restriction(450 km)	-	-	-	-		-	4
Art. 7: driving period	-	-	-	-		-	3
Art. 8: breaks	-	-	-	-		-	-
Art.11: daily rest period	-	-	-	-		-	4
Art.12: weekly rest period	-	-	-	-		-	-
Art.14(1): no control book	1	1	1	-		3	54
Art.14(2): control book not entered up or incomplete	-	-	-	2		2	23
Art.14(7): registers not kept or not properly kept	-	-	-	-		-	16
Art.14(8): control books not retained	-	-	-	-		-	3
TOTAL	1	1	1	2		5	107

France

1. French crews (1975)

Number of infringements recorded: 24 743

Breakdown of infringements of Regulation (EEC) No 543/69 recorded by the Factory Inspectorate after discs had been analysed during control visits to firms in the last quarter of 1975

Excessive daily driving period	7 066
Excessive continuous driving period	4 708
Insufficient daily rest period	6 875
450 km limit exceeded	1 857
Excessive weekly driving period	784
Excessive fortnightly driving period	391
Failure to enter up control books properly	2 054
No control books kept	224
Miscellaneous	784
TOTAL	<u>24 743</u>

2. National and non-national crews by country (1976)

(a) Infringements noted in road checks carried out

COUNTRY	NUMBER OF CREWS CHECKED	NUMBER OF INFRINGEMENTS NOTED	NUMBER OF OFFICIAL REPORTS MADE
FRANCE	62 567	16 553	2 569
FEDERAL REPUBLIC OF GERMANY	1 844	113	11
BELGIUM	1 946	417	53
DENMARK	115	27	3
UNITED KINGDOM	512	90	17
NETHERLANDS	1 164	210	9
LUXEMBOURG	76	-	-
ITALY	1 007	276	48
IRELAND	65	11	-
NON-COMMUNITY COUNTRIES	1 424	519	8*
TOTAL	70 720	18 216	2 718

* Nationals of non-Community countries claimed to be unaware of applicable rules and required control measures. Control officials preferred to pass on information rather than resort to sanctions.

(b) Infringements noted in control visits to firms

Breakdown of infringements of Regulation (EEC) No 543/69 recorded:

Exceeding maximum	continuous	} driving period	9 686
	daily		14 351
	weekly		2 018
	fortnightly		991
No or insufficient daily rest			19 082
TOTAL			46 128

3. Number of infringements of Regulation (EEC) No 1463/70 noted

1975: 10 439

1976: 14 433

Italy

It was stated that the most frequent infringements had been of Articles 14 and 15 of Regulation No 543/69 but did not give details of their number or of the countries in which the vehicles of the offenders were registered. The use of control books and duty rosters would improve considerably with the entry into force of Law No 62 on 14 February 1974

Luxembourg

Details of the infringements discovered in 1975 and 1976 are given in point 1 (number of infringements of the Regulation) of Part II (infringements and sanctions) of Luxembourg's report. They were mainly by nationals effecting international road haulage operations using vehicles listed in Article 6 of Regulation No 543/69.

Netherlands

The following is a breakdown of infringements recorded in 1975 and 1976 by Articles of the Regulation and countries in which the vehicles of the offenders are registered:

Articles	1975	1976
6	6 525	3 966
7/1	1 429	1 852
7/2	8 314	5 362
7/3	1 241	740
7/4	256	80
8	1 169	100
11/1	4 673	4 837
11/2	208	32
12	56	38
14/1	7 380	6 231
14/2	17 542	10 115
14/4	2 215	9 190
16*	221	2 184
TOTAL	51 229	44 727

* Article 16 concerns the implementation of Regulation (EEC) No 1463/70.

NON-NATIONAL CREWS

Articles	BELGIUM		FR OF GERMANY		UNITED KINGDOM		FRANCE		ITALY		NON-COMMUNITY COUNTRIES	
	1975	1976	1975	1976	1975	1976	1975	1976	1975	1976	1975	1976
6	3	54	9	2	1	-	2	5	-	-	-	2
7/1	-	29	-	4	-	-	-	8	-	-	-	7
7/2	2	64	12	10	-	-	1	11	-	-	-	5
7/3	3	-	-	1	1	-	-	-	-	-	-	-
7/4	-	-	-	-	-	-	-	-	-	-	-	-
8	-	-	-	-	-	-	2	-	-	-	-	-
11/1	7	28	13	15	1	-	1	10	-	-	-	6
12	-	-	10	-	-	-	-	-	-	-	-	-
14/1	29	24	22	10	3	1	2	4	1	2	2	4
14/2	13	65	32	34	3	2	2	1	20	-	-	4
14/4	2	-	2	-	-	-	-	23	-	-	-	2
16	1	43	4	8	-	-	-	7	-	1	-	-
TOTAL	60	307	104	89	9	3	10	69	21	3	2	30

United Kingdom

The following is a breakdown of infringements noted in 1975 and 1976 by Articles of the Regulation and countries in which the vehicle of the offenders are registered:

NATIONAL CREWS

Articles	1975	1976
Article 7: driving period	1	-
Article 8: breaks	2	-
Article 11: daily rest period	2	-
Article 14(1): no control book	34	22
Article 14(2): control book not kept	27	9
T O T A L	66	31

NON-NATIONAL CREWS

Articles	B		D		DK		F		IT		IRL		NL		NON-COMMUNITY COUNTRIES	
	1975	1976	1975	1976	1975	1976	1975	1976	1975	1976	1975	1976	1975	1976	1975	1976
Art. 6 (450 km)	1	-	-	-	-	-	1	-	-	-	-	-	-	-	1	-
Art. 7 (driving period)	2	-	-	-	-	-	2	1	-	-	1	-	-	1	-	-
Art. 11 : (daily rest period)	1	1	-	-	-	-	1	2	-	-	2	-	-	2	-	-
Art. 14/1 (no control book)	1	-	-	-	6	2	5	2	-	-	14	17	11	-	11	3
Art. 14/2 (control book not kept)	-	-	1	-	4	-	10	1	2	-	4	7	4	1	6	2
TOTAL	5	1	1	-	10	2	19	6	2	-	21	24	15	4	18	5

NON NATIONAL CREWS (cont'd)

	<u>TOTAL</u>	
	1975	1976
Article 6 (450 km)	3	-
Article 7 (driving period)	5	2
Article 11 (daily rest period)	4	5
Article 14(1) (no control book)	48	24
Article 14(2) (control book not kept)	31	11
<u>TOTAL</u>	<u>91</u>	<u>42</u>

Ireland

No information available.

Denmark

No infringements were recorded in 1975. Nineteen cases of infringement of Regulation No 543/69, in respect of the carriage of goods, by Danish operators in international transport operations were reported in 1976. They mainly concern Article 14 (individual control book).

3. SANCTIONS APPLIED

FEDERAL REPUBLIC OF GERMANY

1. Type and number of sanctions imposed in 1975 and 1976 on members of national crews.

Type of sanction	1975	1976
Verbal warning (without fine)	(	7 998
Written warning (without fine)	(20 062	1 238
Warning and fine (a) to firms	5 965	3 718
(b) to drivers	26 260	19 991
Administrative order imposing fine (a) firms	10 181	5 834
(b) drivers	18 006	17 312
Notification of sanctions	132	3

2. Type and number of sanctions imposed in 1975 and 1976 on non-national crew members

Carriage of passengers and goods by road

YEAR	Informative note	Warning without fine	Warning with fine	Administrative order imposing fine
1975	2 168	1 095	12 390	8 168
1976	2 698	503	13 991	9 633

Carriage of goods by road

YEAR	Informative note	Warning without fine	Warning with fine	Administrative order imposing fine
1975	2 147	1 075	12 389	8 110
1976	2 691	492	13 991	9 591

Carriage of passengers by road

YEAR	Information note	Warning without fine	Warning with fine	Administrative order imposing fine
1975	21	20	1	58
1976	7	11	-	42

In 1975, 5 965 operators and 26 260 drivers were warned that they were liable for a fine. In 1976 this figure was 3 718 and 19 991 respectively.

Notification of sanctions were served in 132 cases in 1975 and in three cases in 1976.

BELGIUM

Breakdown of official reports in 1975 and 1976 of infringements in respect of the carriage of goods and action taken:

Articles	Number of official reports		Filed No action taken		Settlements		Acquittals		Convictions		Follow-up	
	1975	1976	1975	1976	1975	1976	1975	1976	1975	1976	1975	1976
6	9	2	2	4	1	1	-	-	1	-	5	-
7	10	3	-	-	2	-	-	-	-	-	8	-
11(1)	23	-	-	-	-	-	-	-	-	-	23	-
14(1)	951	513	82	46	154	90	-	-	50	22	665	3
14(2)	310	124	4	3	61	21	-	-	9	9	256	-
14(4)	-	7	-	-	-	-	-	-	-	-	-	-
14(7)	45	3	-	-	-	-	-	-	-	1	45	-
14(8)	9	6	-	1	-	-	-	-	-	-	9	-
16	-	10	-	2	-	1	-	-	-	-	-	-
Annex Paragraph 4*	1	-	-	-	-	-	-	-	-	-	1	-
TOTAL	1.558	668	88	52	218	113	-	-	60	32	992	3

* Daily or weekly quota not signed.

The following is a breakdown of officials reports in 1976 relating to the carriage of passengers and action taken.

Articles	Number of official reports	Filed No action taken	Settlements	Acquittals	Convictions	Follow-up unknown
7	2	-	-	-	-	2
11(1)	4	-	-	-	-	4
14(1)	56	3	8	-	-	45
14(2)	13	1	-	-	-	12
14(7)	2	-	-	-	-	2
14(8)	-	-	-	-	-	-
15	1	-	-	-	-	1
TOTAL	78	4	8	-	-	66

FRANCE

Fines imposed by French courts in 1975

Fines	Number of fines	Percentage	Total	Total percentage percentage for 1974
FF 12 and less	367	16 %	16 %	17 %
FF 12 to 20	23	1 %	17 %	23 %
FF 21 to 30	192	8 %	25 %	33 %
FF 31 to 60	628	27 %	52 %	62 %
FF 61 to 100	612	26 %	78 %	78 %
FF 101 to 150	146	6 %	84 %	90 %
FF 151 to 200	221	10 %	94 %	97 %
FF 201 to 240	83	4 %	98 %	98 %
over FF 240	57	2 %	100 %	100 %
TOTAL	2 329	100 %		

The smallness of some of the fines is due to the fact that several fines are often imposed at the same time and that the courts take this into account when determining their magnitude (although, strictly speaking, the law does not permit concurrence of penalties for such infringements).

The following table shows the number of fines imposed by French courts in 1976.

1. Fines

Amounts in francs	Number	%
less than FF 40	600	27.00
FF 41 to 100	384	17.30
FF 101 to 160	311	14.00
FF 161 to 220	723	32.60
more than FF 220	202	9.10
TOTAL	2.220	100

2. Prison sentences

Number	Length	Type of infringement
1	6 months suspended	Exceeding the daily driving period - fatal accident -

ITALY

We may assume that the coming into force of law No 62 of 14 February 1974 and, in particular, the penalties provided by that law for infringements have contributed to general use of the documents provided for by Articles 14 and 15 of Regulation 543/69, but while control books and logbooks have been issued in large numbers, they have not always been kept correctly.

In many cases, administrative fines were imposed; however, in some cases, it was thought preferable to limit the inspectors' action to explaining the proper application of the Community rules.

LUXEMBOURG

The action taken consisted of oral and written injunctions and, in the case of severe or repeated infringements, the transmission of reports to the legal authorities for investigation. No information was provided about the action taken on these reports.

NETHERLANDS

Police reports and control reports on carriage of goods and passengers

COUNTRY	Police reports		Control reports*		Infringements		Fines in guilders		Police reports filed	
	1975	1976	1975	1976	1975	1976	1975	1976	1975	1976
Netherlands	14 293	13 605	-	-	51 229	44 727	914 675	1177131	369	525
Belgium	13	35	29	23	80	307	305	1525	4	16
Germany	4	6	41	26	104	84	30	205	3	4
United Kingdom	-	-	4	2	9	3	-	-	-	-
France	1	13	4	1	10	69	-	115	1	11
Italy	-	1	4	2	21	3	-	-	-	-
Non-Community countries	-	6	2	3	2	30	-	30	-	-
TOTAL	14 311	13 666	84	57	51 435	45 223	915 010	1179006	377	557

*No penalties imposed.

Under Article 6 of the law on the length of driving time (Netherlands Official Journal 1936, 802), the maximum penalty for infringements is Fl 300 or a month's imprisonment and, if the offence is repeated within two years, Fl 600 or two months' imprisonment.

The following table gives a breakdown of the penalties per article infringed imposed on Dutch undertakings in respect of the carriage of goods by road.

Article	Number of police reports		Number of infringements recorded in police reports		Total of fines in <u>guilders</u>	
	1975	1976	1975	1976	1975 (guilders)	1976 (guilders)
6	42	33	110	70	6 275	2 670
7(1)	1	9	1	13	50	780
7(2)	11	30	49	115	660	2 825
7(3)	10	13	60	72	1 335	1 275
8	-	5	-	8	-	300
11(1)	32	59	5	79	2 560	5 430
14(1)	6 905	5 085	6 914	5 119	243 870	216 221
14(2)	3 498	1 655	9 711	6 274	162 805	87 955
14(4)	1 056	2 326	1 299	3 575	80 305	275 035
16	109	788	125	1 366	7 300	67 465
Several articles	2 339	3 250	31 646	27 433	393 730	490 995
TOTAL	14 003	13 253	49 965	44 124	898 890	1 150 951

Breakdown by infringed article of penalties imposed on Dutch passenger transport undertakings

Article	Number of police reports		Number of infringements recorded in police reports		Total of fines in guilders	
	1975	1976	1975	1976	1975	1976
Scheduled transport						
12	-	1	-	2	-	50
14(1)	24	75	24	75	850	3 800
14(2)	32	44	60	93	1 055	2 305
14(4)	-	2	-	4	-	190
16	-	1	-	1	-	75
Several articles	16	3	656	9	3 975	520
TOTAL	72	126	740	184	5 880	6 940

Breakdown by infringed article of penalties imposed on Dutch passenger transport undertakings (cont'd)

Article	Number of police reports		Number of infringements recorded in police reports		Total of fines in guilders	
	1975	1976	1975	1976	1975	1976
Unscheduled transport						
7(2)	-	1	-	1	-	150
7(3)	-	1	-	1	-	150
11(2)	-	5	-	5	-	375
12	-	1	-	1	-	75
14(1)	114	59	114	59	3 705	2 580
14(2)	79	30	224	71	4 010	1 325
14(4)	-	69	-	95	-	7 635
16	-	20	-	23	-	1 210
Several articles	25	40	186	163	2 190	5 740
TOTAL	218	226	524	419	9 905	19 240

The following tables provide a breakdown of the penalties imposed on Dutch road transport undertakings based in countries other than the Netherlands.

Dutch undertakings based in Belgium (1975-76)

Goods haulage

Articles of the Regulation	Number of police reports		Number of infringements recorded in police reports		Total of fines in guilders	
	1975	1976	1975	1976	1975	1976
6	-	5 (1 filed)	-	5	-	260
14(1)	113	36 (3 filed)	123	36	3 610	2 565
14(2)	113	21 (4 filed)	168	52	4 145	895
14(4)	2	1	2	1	75	150
15(5)	-	1	-	2	-	120
16	-	14 (2 filed)	-	32	-	1 210
Several articles	27	6 (1 filed)	167	17	2 710	1 225
TOTAL	255	84 (11 filed)	460	145	10 540	6 375

Unscheduled transport

Articles of the Regulation	Number of police reports		Number of infringements recorded in police reports		Total of fines in guilders	
	1975	1976	1975	1976	1975 (guilders)	1976 (guilders)
14(1)	5	5	5	5	190	265
14(2)	3	1	6	1	80	filed
TOTAL	8	6	11	6	270	265

Penalties imposed on transports to the Netherlands in vehicles registered abroad

(1) Belgian undertakings - Goods haulage

Articles of the Regulation	Number of police reports		Control reports		Number of infringements recorded in police reports and control		Total of fines in guilders	
	1975	1976	1975	1976	1975	1976	1975	1976
14(1)	10	13	17	7	27	20	170	345
14(2)	2	9	7	9	12	64	110	300
16	-	3	-	4	-	18	-	150
Several articles	1	10	3	1	19	203	25	625
TOTAL	13	35	27	21	58	305	305	1 525

Scheduled passenger transport

	1975	1976	1975	1976	1975	1976
14(1)	-	-	1	1	1	1

(2) German undertakings - Goods haulage

Articles of the Regulation	Number of police reports		Number of control reports		Total of infringements recorded in police and control reports		Total fines	
	1975	1976	1975	1976	1975	1976	(1975) (guilders)	(1976) (guilders)
11(1)	-	-	-	1	-	1	-	-
14(1)	-	1	9	3	9	4	-	-
14(2)	3	-	4	7	10	32	30	-
14(4)	-	-	2	-	2	-	-	-
16	-	-	-	3	-	5	-	-
Several articles	1	5	10	6	38	36	-	205
TOTAL	4	6	25	20	59	78	30	205
<u>Unscheduled passenger transport</u>								
7(2)	-	-	1	-	1	-	-	-
12	-	-	1	-	6	-	-	-
14(1)	-	-	10	4	10	4	-	-
14(2)	-	-	1	2	21	2	-	-
16	-	-	2	-	2	-	-	-
Several articles	-	-	1	-	5	-	-	-
TOTAL	-	-	16	6	45	6	-	-

(3) French undertakings - Goods haulage

Articles of the Regulation	Number of police reports		Number of control reports		Total of infringements recorded in police and control reports		Total fines (in guilders)	
	1975	1976	1975	1976	1975	1976	1975	1976
14(1)	-	-	2	-	2	-	-	-
14(2)	-	-	1	1	1	1	-	-
14(4)	-	1	-	-	-	16	-	-
16	-	1	-	-	-	1	-	-
Several articles	1	11	1	-	7	51	-	115
TOTAL	1	13	4	1	10	69	-	115

(4) Italian undertakings - Goods haulage

Articles of the Regulation	Number of police reports		Number of control reports		Total of infringements recorded in police and control reports		Total fines	
	1975	1976	1975	1976	1975	1976	1975 (guilders)	1976 (guilders)
14(1)	-	1	1	1	1	2	-	-
14(2)	-	-	3	-	20	-	-	-
16	-	-	-	1	-	1	-	-
TOTAL	-	1	4	2	21	3	-	-

(5) British undertakings - Goods haulage

Articles of the Regulation	Number of police reports		Number of control reports		Total of infringements recorded in police and control reports		Total fines	
	1975	1976	1975	1976	1975	1976	1975 (guilders)	1976 (guilders)
14(1)	-	-	2	-	3	-	-	-
14(2)	-	-	1	-	3	-	-	-
Several articles	-	-	1	-	3	-	-	-
TOTAL	-	-	4	-	9	-	-	-
							<u>Unscheduled passenger transport</u>	
14(1)	-	-	-	1	-	1	-	-
14(2)	-	-	-	1	-	2	-	-
TOTAL	-	-	-	2	-	3	-	-

(6) Non-Community undertakings - Goods haulage

Articles of the Regulation	Number of police reports		Number of control reports		Total of infringements recorded in police and control reports		Total fines	
	1975	1976	1975	1976	1975	1976	1975 (guilders)	1976 (guilders)
14(1)	-	1	2	-	2	1	-	30
14(2)	-	2	-	-	-	2	-	-
Several articles	-	3	-	1	-	25	-	-
TOTAL	-	6	2	1	2	28	-	30
						<u>Unscheduled passenger transport</u>		
14(1)	-	-	-	2	-	2	-	-
TOTAL	-	-	-	2	-	2	-	-

UNITED KINGDOM

Details of breaches and penalties imposed are shown for 1975 and 1976 in the following table:

Articles of the Regulation	Verbal warnings		Written warnings		Suspensions		Police reports		Total fines in £	
	1975	1976	1975	1976	1975	1976	1975	1976	1975	1976
Art. 6 (450 km)	3	-	-	-	-	-	4	1	-	20
Art. 7 contd. driving.	-	-	-	-	-	-	20	3	110	60
daily "	2	-	-	-	3	2	7	17	25	50
weekly "	1	-	-	-	-	-	-	-	-	-
Art. 8 (interrupt.)	-	-	2	-	-	-	2	-	25	-
Art. 11 (daily rest)	-	-	2	-	4	6	5	11	72	145
Art. 12 (weekly rest)	-	-	-	-	-	-	2	-	75	-
Art. 14 carrying of control book)	47	14	11	8	19	15	40	12	837	200
(keeping of control book)	49	8	3	3	3	5	98	61	1224	1190
(keeping of logbook)	-	-	-	-	-	-	7	2	160	-
TOTAL	102	22	18	11	29	28	185	107	2558	1665

Cases brought before the Courts by the Licensing Authorities during 1975 and 1976 related only to UK operators or undertakings. They included some offences committed during 1974 and 1975 but not brought to trial until 1975 and 1976. In 1975 some offences were discovered by checks at the premises of undertakings. In a number of instances one driver was charged with more than one category of offence or with repeated offences.

DENMARK

Since no infringements were recorded in 1975, no penalties were imposed that year.

The following penalties were imposed for infringements discovered in 1976:

- (a) eight warnings
- (b) eight fines imposed on employers (operators). The fines varied from Dkr 200 to 600.
- (c) four fines imposed on drivers. The fines varied from Dkr 100 to 200.

One infringement resulted in a penalty affecting both the operator and the driver. The fine totalled Dkr 4 900.

IRELAND

No information available.

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

FEDERAL REPUBLIC OF GERMANY

As in previous years, the Federal Government continued to make every effort in 1975 and 1976 to discuss the implementation of Regulation No 543/69 with its neighbours.

Bilateral talks were held with the French Government in Paris on 7 and 8 November 1975, with the Dutch Government in Münster on 27 and 28 November 1975 and with representatives of the Austrian Government in Vienna on 14 and 15 September 1976.

BELGIUM

1. Mutual assistance (Article 18(2))

In 1975 and 1976 the Ministry of Transport forwarded a total of four official reports by French inspecting officers on Belgian crew members to the competent courts for further action.

2. Notification of infringements (Article 18(3))

The Ministry of Transport sent lists of official reports on drivers of vehicles registered in other Member States to the relevant authorities of these countries for information.

It was notified of offences committed by Belgian nationals in the Federal Republic of Germany and France.

3. Notification of sanctions

No details were received of sanctions imposed in other Member States. Details of action taken on official reports by French inspecting officers referred to under point 1 were sent to the relevant French department.

FRANCE

France informed all the Member States concerned of infringements committed by their nationals in France.

ITALY

No information available.

LUXEMBOURG

The Member States were notified of a number of serious offences.

NETHERLANDS

Assistance was rendered and received by the Netherlands in a large number of cases.

A total of 41 cases in 1975 and 26 in 1976 were reported to the Federal Republic of Germany. The Netherlands was notified of 3 217 cases by the Federal Republic of Germany in 1975 and of 4 498 cases in 1976.

Belgium reported a total of 260 cases in 1975 and 84 in 1976.

Two cases of offences were reported by France in 1975.

The Netherlands was notified of 3 217 cases in which sanctions were imposed by the Federal Republic of Germany in 1975 and of 4 498 in 1976.

UNITED KINGDOM

Discussions with other Member States are held from time to time. Repeated offences by the same operator are reported every three months in a standard form to the other Member State concerned.

DENMARK

No offence or sanctions were reported in 1975. Belgium notified the Danish authorities of one offence in 1976.

IRELAND

No information available.

IV. CONCLUSIONS AND SUGGESTIONS BY THE MEMBER STATES

1. Assessment of the application of the Regulation

FEDERAL REPUBLIC OF GERMANY

A large number of serious breaches of the rules on driving periods, breaks and rest periods was also reported in 1975 and 1976. These concerned crews from South-east European countries in particular. German road haulage operators and drivers had respected the social rules relating to road transport more strictly thanks largely to control measures taken. Drivers and operators had endeavoured to comply with the provisions of Regulation (EEC) No 543/69. As a result of fines imposed, operators planned their schedules more carefully to ensure that their crews complied with the rules. In some cases, additional drivers were employed or journeys broken to allow other drivers to take over or for overnight stops.

A specific programme of control measures and information campaign are required to ensure stricter compliance with social legislation in this area.

German operators and road haulage and transport organizations generally complain that checks on compliance with Regulation (EEC) No 543/69 vary and offences are not punished hard enough. In the view of the Federal Government, this situation leads to serious distortions of competition.

BELGIUM

Control bodies again found that only large-scale operators belonging to trade organizations were fully acquainted and up-to-date with the provisions of Regulation (EEC) No 543/69.

The suggestion put forward in previous reports of making the provisions of Regulation (EEC) No 543/69 better known by making the issue of a commercial driving licence in all Member States conditional on passing a theoretical examination on the main provisions of the Regulation should be given further thought.

The increase in the number of checks in 1976 (+ 9% compared with 1975) was matched by a decrease of 40% in the number of offences in the same period. This trend is probably attributable to the fact that the road haulage sector is better acquainted with the provisions of Regulation (EEC) No 543/69.

FRANCE

The conclusions and suggestions made in the preceding report are still valid (standardization of record sheets for control equipment - harmonization of the type and number of documents used by approved national equipment for international transport operations on those used for standard Community equipment).

ITALY

Analysis of the information in the Italian authorities' possession reveals that the provisions of the Regulation had been generally respected in the preceding year although reservations must be made about the keeping of duty rosters and individual control books. This weakness should be overcome by the gradual introduction of tachographs. Better results

could undoubtedly be obtained by taking steps to make - particularly small and medium-sized - firms aware of the provisions of the Regulation, i.e. by organizing a regular and hence efficient programme for inspecting officers.

LUXEMBOURG

Obvious progress was made in applying the provisions of Regulation (EEC) No 543/69 since the last report (covering period 1 January 1974 to 31 December 1974), the general number of offences noted in the 1975 and 1976 reports being lower. This positive trend is mainly attributable to the dissuasive influence of the Luxembourg regulation of 23 December 1972 which provides for sanctions for breaches of Regulation No 543/69. It is impossible to say with any certainty how far Community rules are respected until the above Luxembourg regulation has been in force for a number of years.

NETHERLANDS

Available information reveals that official reports were made on 9% of vehicles stopped in 1975 and in 9.8% in 1976. Of the total offences reported, 53.5% in 1975 and 62% in 1976 concerned the use of control equipment, 48.7% in 1975 and 36% in 1976 the use of the control book (Article 14(1) and (2)) and 4.8% in 1975 and 26% in 1976 the use of the tachograph (Article 14(4) and Article 16).

UNITED KINGDOM

The number of vehicles checked rose from 12 000 in 1974 to 15 000 in 1975 and was again substantial in 1976, while the number of drivers satisfactorily using a control book rose from 98% in 1974, 99% in 1975, to 99.7% in 1976. The number of offences prosecuted in the Courts substantially reflecting external factors rather than an increase

in the number of offences committed. These factors include improved data collection, to encompass all cases decided during the years and more rigorous enforcement now that operators have had time to become accustomed to the Regulation.

These encouraging figures again show a high and increasing degree of compliance with the Regulation, though it should be recalled that Regulation 543/69 has applied during this period only to international transport which represents less than 10% of all journeys.

DENMARK

It is impossible to make a general assessment of how Regulation (EEC) No 543/69 has been implemented since it has only applied to international transport operations since 1975.

2. Difficulties in checking whether the individual control book is used in international transport operations

FEDERAL REPUBLIC OF GERMANY

Major problems are still experienced in checking vehicles from non-Community countries entering the Federal Republic of Germany. It is virtually impossible to check driving and rest periods since crew members do not usually carry any record of their activities. In many cases it is not until the driver has been questioned thoroughly (in many instances with difficulties of communication) or the documents carried have themselves been examined that it becomes clear that the rules have not been respected. Firms and drivers will be made more aware of the rules governing driving and rest periods once the AETR has been ratified, as planned, in all Member States. The entry into force of the AETR in the Community will be of indisputable value from the viewpoint of road safety and social progress.

BELGIUM

Control bodies again found that only large-scale operators belonging to trade organizations were fully acquainted and up-to-date with the rules of Regulation (EEC) No 543/69 on the use of the individual control book in international transport operations.

FRANCE

See above.

ITALY

Thorough examination of data revealed that the provisions of Regulation (EEC) No 543/69 on the use of the individual control book in international transport operations were generally respected throughout most of Italy.

LUXEMBOURG

No comment made.

NETHERLANDS

No new comments by the Netherlands.

UNITED KINGDOM

No difficulties in checking of individual control books have been reported.

DENMARK

No problems encountered in checking the use of the individual control book in international transport operations between Member States.

3. Suggestions on possible changes to the layout of the standard report

FEDERAL REPUBLIC OF GERMANY

The Federal Government had no special suggestions to make.

BELGIUM

Belgium has no comments to make at present.

FRANCE

There is still room for the layout of the report to be simplified. The section under which offences must be entered separately according to whether they apply to the carriage of goods, regular passenger services or occasional passenger services could, for example, be deleted.

Experience has shown that none of the Member States has the requisite statistical resources to do this, and that incomplete details supplied by some Member States may give rise to questionable interpretations.

ITALY

No comment made.

4. Suggested ways of improving the application of Regulation (EEC) No 543/69

FEDERAL REPUBLIC OF GERMANY

The Federal Government feels that steps should be taken to make the industry more aware of social legislation on road transport and believes that the most effective way of doing this is to issue leaflets containing details of these rules.

BELGIUM

Control bodies again found that only large-scale operators belonging to trade organizations were fully acquainted and up-to-date with the provisions of Regulation (EEC) No 543/69. The idea put forward in previous reports of making the industry more aware of the rules of Regulation No 543/69 by making the issue of a commercial driving licence conditional on passing a theoretical examination on the main provisions of the Regulation could hence be given further thought.

FRANCE

The conclusions and suggestions made in the previous report are still valid (standardization of record sheets for control equipment - harmonization of the type and number of documents used by approved national equipment for international transport operations on those for standard Community equipment).

UNITED KINGDOM

The United Kingdom maintains that greater flexibility is required as a result of the Commission's review. If this is achieved, the United Kingdom hopes to maintain the same high degree of compliance with the Regulation when it is applied to domestic operations.

DENMARK

Denmark would like a greater degree of flexibility in the standards to be used.