Penalties for serious infringements against the social rules in road transport

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The European Parliament adopted a resolution on penalties for serious infringements against the social rules in road transport.

Parliament welcomes the Commission report on this issue but regrets that because of incomplete data from some Member States the report does not constitute a comprehensive analysis of the current situation in Europe. It asks the Commission to call on the Member States to supply the missing data.

Members call on the Commission and the Member States to do their utmost to ensure that the objectives set out in Regulation (EC) No 561/2006 are fulfilled more quickly, so that more recent statistics are available for future harmonisation measures.

Significant differences between Member States: the resolution notes that the differences in penalties for serious infringements against the social rules in road transport as provided for in the legislation of the Member States concern not only the level of fines, but also the types and the categorisation of the penalties. Member States are called upon to adopt national legislation that has an effective, proportionate and dissuasive effect and that takes **due account of how serious an infringement is**.

Broad harmonisation: emphasising that an effective, balanced and dissuasive penalty system can only be based on clear, transparent and comparable penalties across the Member States, the resolution calls on the Member States to **find legislative and practical ways** of reducing the in some cases very substantial differences in the type and level of penalties applied. Members call on the European Commission, after consulting inspection bodies and representatives of the transport sector, to come up with a **uniform and binding interpretation of the Regulation on driving and resting hours**.

Members take the view that to achieve further approximation of the types of penalties and of the levels of fines, a categorization of fines linked to a categorization of penalties is needed, and **minimum and maximum penalties** for each infringement against the social rules in road transport should be laid down.

The resolution also stresses the need to **harmonise the interpretation of the application of social legislation**. With this in mind, it calls on the Commission, in cooperation with Corte, Tispol and Euro Contrôle Route, to submit proposals seeking to put an end to the discriminatory application of social legislation in road transport.

Checks: Members emphasise that a **harmonised and effective approach to checks** is essential for the transposition of the social rules in road transport. They believe that the Commission should develop and promote such harmonised approaches to checks and take regulatory action so as to remove obstacles to the European single market and improve road safety. They point out that the traffic situation, in terms of infrastructure, volume of traffic and congestion, varies widely between the Member States and therefore consider that these factors, inter alia, could be taken into account in determining the frequency of checks, bearing in mind that one of their main purposes is to ensure compliance with social welfare rules.

The Commission is asked to **improve the collection of statistical information** and to draw up recommendations and **European minimum standards for the training of inspection bodies** and for coordinating cooperation between the inspection bodies. Member States are called upon to train their enforcement staff in the latest developments in data collection and, in implementing common standards, to

work closely with the European Commission in order to promote a harmonised approach to checks, thus creating legal certainty.

Parliament takes the view that more frequent and thorough checks must be made both at the roadside and at the premises of undertakings. It calls on the Commission to ensure that the Member States respect the amount of checks to be organised, as referred to in Article 2(3) of Directive 2006/22/EC and to inform the European Parliament of the further steps it intends to take with regard to these checks. The Commission is called upon to submit, as soon as possible, a report on the checks made on the **shortcomings affecting digital tachographs** and the steps taken to prevent their vulnerability.

The resolution also suggests the **following initiatives**:

- an easily understandable **brochure** in all official languages of the European Union would be useful for undertakings and for lorry drivers which would provide the relevant social rules and the penalties applicable to infringements in the various Member States;
- Member States should **reinforce cooperation** on the basis of existing structures such as Euro Contrôle Route and in this way to improve coordination of common checks, exchange of best practice and joint organisation of training programmes for control bodies;
- all **available technology** should be used to inform lorry drivers, including those coming from neighbouring countries, in real time about the relevant social rules and the penalties applicable to infringements in the various Member States, for example with the use of GPS or other tools available;
- Member States should establish an appropriate infrastructure, including a sufficient number of **safe parking spaces and services**, on the European road network so that drivers can in fact comply with the provisions on driving times and rest periods and so that checks can be carried out efficiently. The Commission and the Member States are called upon to encourage and finance schemes for the construction of secure parking areas.