Road transport: harmonisation of social legislation, driving times, breaks and rest periods for drivers

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The Commission presented a report on the implementation in 2011-2012 of Regulation (EC) No 561/2006 on the harmonisation of certain social legislation relating to road transport.

This report covers the **2011-2012** timeframe. It is based mainly on the national reports, for which the submission deadline expired on 30 September 2013. Its aim is to provide an overview of how Member States have implemented the above-mentioned set of legislative acts and to highlight the key challenges in enforcement and application of the rules in force.

The report contains both quantitative and qualitative data on checks carried out at roadside and premises, offences detected as well as information on the implementation of Road Transport Working Time Directive.

The Commission report is complemented by a Commission Staff Working Document that contains supplementary information on penalties, cooperation between Member States, comments from enforcement authorities and detailed statistical data.

Implementation of Regulation (EC) No 561/2006 on checks: on average the total number of working days checked in the EU noted an increase of 8.7% from almost 146 million to around 158.6 million working days checked. This rise confirms the general commitment among Member States to enhance the controls of compliance with the social rules in road transport. **On average 80% of all controls took place at the roadside, which shows slight improvement from 82% in the previous reporting period.** Only Ireland was below the threshold for roadside checks. In total over the period of 2011 and 2012 more than 8.6 million vehicles and approximately 8.7 million drivers were controlled during checks at the roadside. These values stand for a decrease of respectively 11.3% and 19.4% in relation to the previous reporting period and are caused by corresponding increases in the checks at premises. The reason for a higher number of drivers than a number of vehicles is twofold: the double manning as well as missing data on this matter from Denmark on the number of vehicles checked at roadside.

Offences: after a significant and constant growth of offences reported over the previous 6 years at the European level, which is tied with increases of minimum working days to be checked, there is a reversed tendency for the current reporting period which marked a decrease of 14% versus the last period in the number of offences detected.

This number should be seen together with the increase of 8.7% in the number of working days checked. In real values it shows a decline from 4.5 million offences reported in 2009-2010 to approximately 3.9 million in the current reporting period. **This change could be interpreted as an improved compliance with the provisions of social legislation thanks to well-established enforcement practices and greater awareness of social rules among drivers**. This is based on an assumption that tachograph manipulation practices did not distort significantly the findings from the controls.

On average there is a distinctive decrease in the number of offences reported, which is even more distinguishable when taking into account the increase in number of working days checked.

These discrepancies in detection rates reveal that the European Union is far from establishing a harmonised enforcement area because of diverging enforcement resources and practices in controlling compliance with road transport legislation, as well as diverging penalty systems.

In the period 2011-2012, 2.2 million roadside offences were detected at European level, which constituted 58% of all detected offences both at roadside and premises. This indicates a decline in quantitative terms by almost 50 thousand, which means by 2% as compared to the previous reporting period.

On average 64% of offences were detected on national vehicles, which correlates with the 69% rate of national vehicles checked in Europe.