

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

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The Commission presents a report on the implementation 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. The report gives an overview of the implementation of the EU social rules in road transport in the Member States for the period of 1 January 2015 until 31 December 2016. Regulation (EC) No 561/2006 (the Driving Time Regulation) establishes the minimum requirements on daily and weekly driving times, breaks and daily and weekly rest periods.

## *Checks*

[Directive 2006/22/EC](#) (the Enforcement Directive) establishes minimum levels of roadside checks and controls at the premises of transport undertakings to verify compliance with the provisions of the Driving Time Regulation. Over the 2015-2016 period, all but three Member States (Greece, Malta and the Netherlands) have met the minimum threshold of working days to be checked. The national data submitted to the Commission shows that a total number of working days<sup>13</sup> checked in the EU dropped by around 12.8%, meaning a decrease from 151 million to 131.7 million of working days checked. This is a sharper decrease compared to the decrease of 4.8% between the previous reporting periods 2011-2012 and 2013-2014. However, it seems that this decrease can be mainly explained by a drop of working days checked in three Member States (Germany, Romania and France). The overall EU average of working days checked is 6.3% (it was 7% in 2013-2014), which is twice what is required under the Directive.

The largest share of working days checked is still performed during roadside checks and even though the share at premises is growing, only six out of 28 Member States have reached the required distribution of at least 50% of checks at premises and at least 30% at the roadside.

## *Offences*

Even though the number of working days checked has sharply decreased, the number of offences detected has increased slightly. The total number of offences reported was around 3.46 million, which constitutes an increase by 6% compared to the last report (3.3 million). The slight increase may be explained by the fact that Latvia has provided for the first time the number of offences, which would almost offset the difference with the last report. Whereas offences detected at the premises rose by 19%, offences detected at the roadside decreased by 3%. The share of roadside offences decreased from 63% to 58% of total offences detected compared to the last report.

## *Offence rates*

The average offence rate has increased from 2.17 in 2013-2014 to 2.6. The detection rate at premises remains twice as high as the detection rate at the roadside, which illustrates that checks at the premises are much more efficient than ad hoc roadside controls. The detection rate per transport undertaking checked has tripled. The report states that this may be a combined effect of more effective enforcement and more offences committed. Detection rate varies significantly throughout the EU and only a small group of Member States (Germany, Poland, Austria, Latvia and Italy) have reported over two thirds of offences

detected in the EU. The report emphasizes that some Member States, which have very low offence rates, are among the top seven

Member States with the highest percentage of working days checked.

### ***Different types of infringements***

The shares of the different types of infringements remain similar compared to the last reporting period. Offences regarding breaks and driving time respectively decreased from 23% to 21% and 16% to 13%, whereas offences of the driving time records rose from 17% to 24%. Out of all offences detected throughout the EU at both roadside and premises, offences for rest periods constitute 24% (25% in the last report), recording equipment represent 11% (10% in the last report) and the lack/availability of records for other work constitute 7% (8% in the last report).

However, the Commission points to two developments to be noted.

- 1) The number offences detected on manipulation of the tachograph has risen compared to the other types of offences detected at the roadside. The increase in offences detected on misuse and manipulation of the tachograph also shows that there is a need to deploy, as soon as possible, a more tamper proof version of the recording equipment, namely the smart tachograph, which will be mandatory in new vehicles from 15 June 2019 onwards. The smart tachograph will have a new set of communication capabilities that are more advanced than the current digital tachograph, such as satellite geolocalisation or short-range communication for the transmission of information to enforcement authorities.
- 2) Checks at premises show that there is a significant increase in offences related to driving time records, which are either incomplete or incorrect. This may indicate that undertakings and/or drivers experience difficulties with storing the relevant data appropriately. Enforcers also reported that significantly lower fines for missing time records compared to the fines for excessive driving times or insufficient rest periods could encourage drivers and operators to hide the records which could reveal infringements leading to higher penalties. The entry into force of Commission Regulation (EU) 2016/403 on 1 January 2017 with regard to the classification of serious infringements of the Union rules may deter developments as missing driving time records are classified as a very serious infringement and thus should lead to fines that are proportionate to the level of seriousness.

### ***Concerted checks***

15 Member States fulfilled the requirement of six concerted joint checks per year, which is similar to the findings of the last report. Overall, Member States stressed that concerted checks were a valuable way to share, maintain and improve expertise and knowledge. The Commission is therefore encouraging Member States to further strengthen their efforts in improving international cooperation. The Commission proposal tabled as part of Mobility Package I envisages boosting administrative cooperation between Member States, which should also lead to a better exchange of best practices and expertise in the field of enforcement.