

# **Road transport, working time: enforcing social legislation (implem. Regulations (EEC) No 3820/85 and (EEC) No 3821/85/EEC, repeal. Directive 88/599/EEC)**

2003/0255(COD) - 21/10/2003 - Legislative proposal

**PURPOSE** : to lay down minimum conditions for the implementation of Directive 2002/15/EC and Council Regulations 3820/85/EEC and 3821/85/EEC concerning social legislation relating to road transport activities. **PROPOSED ACT** : Directive of the European Parliament and of the Council. **CONTENT** : this proposal abrogates Directive 88/599/EC and replaces it with a new set of rules. It follows on from the Commission's White Paper on European transport policy for 2010: time to decide, in which the Commission indicated that it would tighten up on checks and penalties. It also responds to the generally perceived view - expressed consistently by the European Parliament - that an improvement in enforcement of Community law concerning road transport operations within the Union is imperative. The proposal aims to update and enhance the quantity and quality of enforcement operations. From the statistics provided for the Commission's biennial reports, it appears that some Member States have already reached or exceeded the proposed increase in checks on a regular basis. The introduction of the digital tachograph without retro-fitting will initially cause difficulties in enforcement given the need to check a mixture of old tachograph discs and the new electronic data to obtain a coherent picture. Hence it is proposed that the rise in quantity of checks is introduced in stages, reflecting the gradual replacement of vehicle fleets and the consequent predominance of the new tachograph. Deterrence is not only the potential fine imposed, it is also the likelihood of being detected. An increase in the number of checks can therefore encourage greater compliance. In order to enhance the quality of checks, it is essential that enforcement officers from all the relevant competent authorities be given sufficient training and equipment. Whereas it is in the first place up to Member States themselves to ensure that officers receive the necessary training in a national context, the proposal places a requirement on Member States to establish joint training programmes and exchanges with other Member States and to provide officers with a standard set of equipment. Only when enforcement officers have the means to address the increasing problem of offences against Community rules, can the Community rightly expect results. The list of equipment may be updated by the Commission acting on advice from the committee of national representatives. It is often the case that a number of competent authorities within a Member State are responsible for enforcing European road transport social legislation. This leads to a lack of coordination of checks within the Member State as well as difficulties for the enforcement authorities of neighbouring Member States to identify correctly the competent authority with which they should be maintaining dialogue. It can also mean that differing priorities are assigned to checks and that liaison between those checking at the premises and at the roadside is variable. Instead of a coherent enforcement strategy in road transport, separate agencies may pursue their own activities to enforce compliance, perhaps to the detriment of an effective and efficient use of the overall resources. The Commission's related proposal on enforcement in the field of roadsafety also recognises this as a problem and in both instances a common approach is proposed, namely via the designation by the Member States of an enforcement co-ordination point as explained below. The Commission proposal requires Member States to designate an enforcement coordination point and places upon the relevant competent authority the requirement to co-ordinate not only statistical returns but also the development and implementation, in consultation with other internal competent authorities, of a coherent enforcement strategy, to be communicated regularly to the Commission and other Member States. The Commission is aware that dialogue between enforcement agencies in different Member States is currently variable and recognises that a system should be put in place for a regular exchange of information and best practice between Member States. To that end it proposes four measures: - the promotion of electronic data exchange systems between enforcement

coordinating points; and in any case the revision of the current Community common format data exchange document as set out in Commission Decision 93/172/EEC; - an increase in the minimum number of concerted checks by Member State competent authorities; - the setting up of a standing committee comprising representatives of enforcement agencies from all Member States to exchange experience, information and best practice and to address jointly any enforcement issues arising at a European level; and - encouragement of joint training initiatives between enforcement authorities, such as that currently undertaken by Euro Control Route. FINANCIAL IMPLICATIONS : - Budget line : B2-704A. - Total allocation for action : EUR 40 000. - Staff and administrative expenditure : EUR 43 200. - Total : EUR 83 200.