Road transport: harmonization of social legislation (implem. regul. 3820/85/EEC). 1991-1992 report

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OBJECTIVE: 17th report by the Commission on the implementation of the social legislation relating to road transport (Regulation 3820/85/EEC), the main aim of which is to ensure that the rules on driving time and rest periods are observed in the Member States. SUBSTANCE: The report covers the 1991-1992 period and presents conclusions relating to checks, types of offence, penalties and the national regulatory and administrative initiatives launched in order to ensure compliance with the rules. It also relates to cooperation between the Member States as regards application of the rules. The report has been drawn up by the first time on the basis of the standard form introduced by the decision of 22 February 1993, but the data gathered are often fragmentary, incomplete or for the wrong reference period. Certain conclusions may nonetheless be drawn: - the new standard form has allowed greater standardization of the data, even if it was introduced to late, and the target of checking at least 1% of the total annual number of days worked by drivers has been attained or exceeded; - interpretation of the regulation continues to pose problems and there are frequent differences between the Member States: the Commission presents a series of relevant rulings by the Court of Justice which demonstrate the disputed points in respect of which the Court has expressed its views (for example the definition of the words 'undertaking', 'day', etc); - there have been major developments in European social legislation on road transport including, in particular, the adoption of: . Regulation 3688/92/EEC, which is intended to make tachographs more inviolable; . the Commission Communication on the concept of working time, which concludes that the length of working time, and the methods of calculating it, vary from one Member State to another and that European harmonization is called for. Similarly, harmonized limits on working hours should help to improve road safety. The Commission concludes its report with some comments on the prospects for checks and penalties. To follow up the recommendations contained in the 1994 report it intends to take four main lines of approach: . modernization of tachographs to make them more reliable and to ensure that they produce recordings which are easier to read; . mandatory training for drivers; . tightening up and harmonization of inspection systems; . alignment of penalties and/or establishment of minimum penalties and a uniform approach to the immobilization of vehicles.