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) - 27/06/2005 - Commission opinion on Parliament's position at 2nd reading

Overall, the Commission can accept 26 amendments to the common position out of a total of 35. They aim in particular to:

- advocate interoperability and practicability in monitoring systems. In terms of enforcement officer equipment and electronic exchange of intelligence, interoperability is highly desirable. The objective would need redrafting to highlight the need for coordination at EU level through the proposed comitology procedure;

- include checks on weekly and fortnightly driving limits at the roadside, which the Commission strongly supports, particularly as a logical consequence of the introduction of the digital tachograph. Mention of checks of the preceding 28 days would have to be redrafted to take account of the staged approach to this provision;

- highlight that repeated offences should be more heavily penalised;

- set out in detail what the Commission’s report on penalties for serious infringements should include. The issue raised in the amendment could form part of a more general aim of the report, but should not restrict it to this aspect;

- require enforcement staff at roadside checks to specify where their checks are carried out which might compromise their inspection regime. Moreover they are to demand information from the driver that he might not know (number of vehicles owned by the company). However the Commission could support noting the country of registration of the vehicle and country of origin of the driver and undertaking which could help inform enforcement operations, and serve to ensure non-discrimination;

- list a series of places for checks. The Commission could accept ‘service stations’ and ‘other safe locations’ which could indeed cover the other examples given.

On the other hand, the amendments rejected by the Commission aim to: set out the type of journeys to which this Directive should apply; introduce more ambitious deadlines for the staged increase in the percentage of checks; The Commission prefers a set of more realistic and achievable deadlines to enable all Member States to respect the rules; seek an immediate increase in the number of checks at company premises from 25% to 50% of all checks undertaken, the Commission prefers a more managed approach and one that includes an increase in the minimum percentage of roadside checks from 15% to 30%; introduce an unnecessary burden on undertakings and enforcement officers respectively; run counter to the principle of extraterritoriality in terms of sanctions introduced by the proposed new Regulation on driving times and rest periods. It returns to the largely ineffective and rarely used current system of exchange of information on infringements detected; advocate that the Commission make a proposal to harmonise penalties for serious infringements following its report on this issue. The Commission

considers that this amendment would unduly restrict the right of initiative of the Commission; remove the provision enabling the Community to negotiate primarily within the context of the AETR agreement to ensure similar enforcement standards are also applied beyond the Union’s borders.