

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) - 15/03/2006 - Final act

PURPOSE: to set out minimum conditions for the implementation of legislation relating to road transport activities.

LEGISLATIVE ACT: Directive 2006/22/EC of the European Parliament and of the Council on minimum conditions for the implementation of Council Regulation 3820/85/EC, 3821/85/EC and repealing Council Directive 88/599/EEC.

CONTENT: the purpose of this Directive is to lay down minimum conditions for implementing:

- Regulation 3820/85/EEC on the harmonisation of certain social legislation relating to road transport; and
- Regulation 3821/85/EEC on recording equipment in road Transport.

In adopting this Act the previous implementing Directive (88/599/EEC) has been repealed. The Directive seeks to achieve two objectives. Firstly, to improve road safety. Secondly, to harmonise working conditions that can be uniformly applied across the EU.

It intends to achieve these objectives by stepping up checks on lorries as well as improving cross-border inspections. This Directive, has been adopted alongside, and complements, Regulation 561/2006/EC on the harmonisation of certain social legislation relating to road transport. The two legislative acts were adopted on the same day. (For a summary of Regulation 561/2006/EC see COD/2001/0241)

In summary, the Directive, sets out the following provisions:

Checking systems: Member States will be obliged to set up a system of appropriate and regular checks, both at the roadside and on the premises of transport undertakings. The number of checks will increase gradually from 1% to 3% of days worked by drivers. As from 1 January 2012, this minimum percentage could be increased to 4% by the Commission, provided that statistics indicate that, on average, more than 90% of all vehicles checked are equipped with a digital tachograph.

Roadside checks: Roadside checks will be organised in various places and at any time. They will cover a sufficiently extensive part of the road network. In a new development, it will be possible for inspectors to check the driving time of drivers over the previous 28 days and to take the vehicle off the road immediately in the case of a serious infringement.

Checks at the premises of undertakings: Checks at an undertaking will take place based on past experience and in cases where a serious infringement of the two Regulations has been detected at the roadside. In future, at least 50% of all checks must take place on the premises of an undertaking.

Improved quality control: The Member States must ensure that the enforcement units carrying out the checks are properly equipped. They must carry with them equipment capable of downloading data from the vehicles unit and the driver card of the digital tachograph. They must be able to analyse and transmit their findings to a central database.

Concerted Checks and intra-Community liaison: At least six times a year the Member States must undertake concerted roadside checks on drivers and vehicles. They should be taken at the same time by two or more Member States, each operating in its own territory. A new designated body will be created to ensure coordination with equivalent bodies in the other Member States. The exchange of data and intelligence will be actively promoted through the establishment of a new electronic data and transmission system.

Risk rating system: the Member States must introduce a risk-rating system for undertakings based on the relative number and severity of any infringement. Undertakings with a high risk rating will be checked more closely and more often.

ENTRY INTO FORCE: 1 May 2006

TRANSPOSITION: 1 April 2007.