Basic information

2009/2154(INI) INI - Own-initiative procedure	Procedure completed
Penalties for serious infringements against the social rules in road transport **Subject** 3.20.05 Road transport: passengers and freight 3.20.06 Transport regulations, road safety, roadworthiness tests, driving licence 3.20.10 Transport undertakings, transport industry employees 4.15.03 Arrangement of working time, work schedules 4.15.04 Workforce, occupational mobility, job conversion, working conditions	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
TRAN Transport and Tourism	RANNER Hella (PPE)	05/10/2009
	Shadow rapporteur ERTUG Ismail (S&D) TREMOSA I BALCELLS Ramon (ALDE) LICHTENBERGER Eva (Verts/ALE) BRADBOURN Philip (ECR)	

Committee for opinion	Rapporteur for opinion	Appointed
EMPL Employment and Social Affairs	The committee decided not to give an opinion.	
LIBE Civil Liberties, Justice and Home Affairs	The committee decided not to give an opinion.	

European Commission

Commission DG	Commissioner
Mobility and Transport	KALLAS Siim

Key events

Date	Event	Reference	Summary
15/05/2009	Non-legislative basic document published	COM(2009)0225	
22/10/2009	Committee referral announced in Parliament		
28/04/2010	Vote in committee		Summary
30/04/2010	Committee report tabled for plenary	A7-0130/2010	
17/05/2010	Debate in Parliament		
18/05/2010	Decision by Parliament	T7-0175/2010	Summary
18/05/2010	Results of vote in Parliament		
18/05/2010	End of procedure in Parliament		

Technical information	
Procedure reference	2009/2154(INI)
Procedure type	INI - Own-initiative procedure
Procedure subtype	Initiative
Legal basis	Rules of Procedure EP 55
Stage reached in procedure	Procedure completed
Committee dossier	TRAN/7/01308

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE439.252	02/03/2010	
Amendments tabled in committee		PE440.037	07/04/2010	
Committee report tabled for plenary, single reading		A7-0130/2010	30/04/2010	
Text adopted by Parliament, single reading		T7-0175/2010	18/05/2010	Summary

European Commission

Document type	Reference	Date	Summary
Follow-up document	COM(2009)0225	15/05/2009	Summary

Penalties for serious infringements against the social rules in road transport

2009/2154(INI) - 18/05/2010 - Text adopted by Parliament, single reading

The European Parliament adopted a resolution on penalties for serious infringements against the social rules in road transport.

Parliament welcomes the Commission report on this issue but regrets that because of incomplete data from some Member States the report does not constitute a comprehensive analysis of the current situation in Europe. It asks the Commission to call on the Member States to supply the missing data.

Members call on the Commission and the Member States to do their utmost to ensure that the objectives set out in Regulation (EC) No 561/2006 are fulfilled more quickly, so that more recent statistics are available for future harmonisation measures.

Significant differences between Member States: the resolution notes that the differences in penalties for serious infringements against the social rules in road transport as provided for in the legislation of the Member States concern not only the level of fines, but also the types and the categorisation of the penalties. Member States are called upon to adopt national legislation that has an effective, proportionate and dissuasive effect and that takes **due account of how serious an infringement is**.

Broad harmonisation: emphasising that an effective, balanced and dissuasive penalty system can only be based on clear, transparent and comparable penalties across the Member States, the resolution calls on the Member States to **find legislative and practical ways** of reducing the in some cases very substantial differences in the type and level of penalties applied. Members call on the European Commission, after consulting inspection bodies and representatives of the transport sector, to come up with a **uniform and binding interpretation of the Regulation on driving and resting hours**.

Members take the view that to achieve further approximation of the types of penalties and of the levels of fines, a categorization of fines linked to a categorization of penalties is needed, and **minimum and maximum penalties** for each infringement against the social rules in road transport should be laid down.

The resolution also stresses the need to **harmonise the interpretation of the application of social legislation**. With this in mind, it calls on the Commission, in cooperation with Corte, Tispol and Euro Contrôle Route, to submit proposals seeking to put an end to the discriminatory application of social legislation in road transport.

Checks: Members emphasise that a **harmonised and effective approach to checks** is essential for the transposition of the social rules in road transport. They believe that the Commission should develop and promote such harmonised approaches to checks and take regulatory action so as to remove obstacles to the European single market and improve road safety. They point out that the traffic situation, in terms of infrastructure, volume of traffic and congestion, varies widely between the Member States and therefore consider that these factors, inter alia, could be taken into account in determining the frequency of checks, bearing in mind that one of their main purposes is to ensure compliance with social welfare rules.

The Commission is asked to **improve the collection of statistical information** and to draw up recommendations and **European minimum standards for the training of inspection bodies** and for coordinating cooperation between the inspection bodies. Member States are called upon to train their enforcement staff in the latest developments in data collection and, in implementing common standards, to work closely with the European Commission in order to promote a harmonised approach to checks, thus creating legal certainty.

Parliament takes the view that more frequent and thorough checks must be made both at the roadside and at the premises of undertakings. It calls on the Commission to ensure that the Member States respect the amount of checks to be organised, as referred to in Article 2(3) of Directive 2006/22/EC and to inform the European Parliament of the further steps it intends to take with regard to these checks. The Commission is called upon to submit, as soon as possible, a report on the checks made on the **shortcomings affecting digital tachographs** and the steps taken to prevent their vulnerability.

The resolution also suggests the **following initiatives**:

- an easily understandable **brochure** in all official languages of the European Union would be useful for undertakings and for lorry drivers which would provide the relevant social rules and the penalties applicable to infringements in the various Member States;
- Member States should **reinforce cooperation** on the basis of existing structures such as Euro Contrôle Route and in this way to improve coordination of common checks, exchange of best practice and joint organisation of training programmes for control bodies;
- all **available technology** should be used to inform lorry drivers, including those coming from neighbouring countries, in real time about the relevant social rules and the penalties applicable to infringements in the various Member States, for example with the use of GPS or other tools available;
- Member States should establish an appropriate infrastructure, including a sufficient number of **safe parking spaces and services**, on the European road network so that drivers can in fact comply with the provisions on driving times and rest periods and so that checks can be carried out efficiently. The Commission and the Member States are called upon to encourage and finance schemes for the construction of secure parking areas.

Penalties for serious infringements against the social rules in road transport

2009/2154(INI) - 15/05/2009

PURPOSE: to analyse the penalties for serious infringements against the social rules in road transport as provided for in the legislation of the Member States.

CONTENT: the report analyses the penalties for serious infringements against the social rules in road transport provided for in the legislation of the Member States.

The infringements concern two regulations. Regulation (EC) No 561/2006 contains very precise rules on the maximum driving times and the minimum rest periods and breaks for drivers engaged in professional transport. Regulation (EEC) No 3821/85 concerns the instalment and use of the tachograph.

26 Member States had informed the Commission of their rules at the time this report was being drawn up. Portugal has not yet complied with its obligations and is therefore involved in an infringement procedure.

The report examines the types of penalties imposed by Member States: financial penalties, immobilisation of the vehicle, driving bans and imprisonment. These penalties can also differ for drivers and for undertakings. A basic distinction can be made between Member States whose legislation does not specify any differences between the different infringements (Austria, the Czech Republic, Ireland, Luxembourg and the United Kingdom) and Member States whose legislation distinguishes between specific infringements and applies different levels of penalties to these infringements.

On the basis of information provided by Member States to the Commission, the report concludes that the **rules on penalties applicable to serious infringements of the social legislation vary appreciably between Member States** as regards the types of penalties, the level of fines and the categorisation of infringements.

While all Member States use fines as a penalty, not all of them provide for the immobilisation of vehicles or imprisonment, for example. In some Member States, withdrawal of a driver's driving licence (Bulgaria, Denmark, Greece, Italy and the United Kingdom) or driver card is possible (Slovakia).

When looking at how Member States grade the different types or levels of infringements, the situation becomes even more complex. The amounts of the fines vary significantly between Member States, from a fixed fine of €58.23 in Malta to €5 000 and more in Austria, Cyprus, Germany and Ireland. This means that **a maximum fine can be several times higher in one country than in another**. This disparity can partly be explained by the socio-economic differences between the Member States, which make the same fine dissuasive and proportionate for drivers and undertakings in one country, but not necessarily in another. However, this reasoning cannot be applied, for example, to the relatively high penalties in Spain or Hungary.

For infringements against rules on driving times and rest periods, it is clear which infringements must be considered more serious than others. However, for infringements against Regulation (EEC) No 3821/85, the categorisation of infringements varies considerably between Member States Some infringements are seen as serious infringements in one country, but not necessarily in another. For drivers and undertakings engaged in international transport, it is therefore very difficult to receive a clear message concerning the gravity of possible infringements when they do not comply with certain provisions of Regulation (EC) No 561/2006 and Regulation (EEC) No 3821/85, as the penalties they risk in the different Member States give contradictory feedback.

The **Commission considers this situation to be unsatisfactory in terms of equal conditions for drivers and undertakings**. The new Annex to Directive 2006/22/EC, introduced by Commission Directive 2009/5/EC, provides a basis for a common understanding of what should be considered as serious infringement. Member States are encouraged to take the necessary steps to provide for more harmonised application of the social rules in road transport and thus to improve observance of the social rules in road transport.

The Commission will continue to work on this issue, in particular by supporting dialogue between Member States concerning national interpretation and application of the social rules in road transport through comitology, and taking into account the limits of the competence that Member States and the legislators have decided to give to the Commission.

The report analyses the penalties for serious infringements against the social rules in road transport provided for in the legislation of the Member States, as required by Article 10 of Directive 2006/22/ECon minimum conditions for the implementation of social legislation relating to road transport activities.