

# COMMISSION OF THE EUROPEAN COMMUNITIES

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## TWELFTH REPORT BY THE COMMISSION TO THE COUNCIL

on the implementation of Regulation (EEC) No 543/69  
of the Council of 25 March 1969 on the harmonization  
of certain social legislation relating to road transport

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1 January to 31 December 1978)

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INTRODUCTION

Article 17 of Council Regulation (EEC) No. 543/69 lays down that "each year the Commission shall present to the Council a general report on the implementation of this regulation by Member States" and that "...Member States shall communicate to the Commission the necessary information using a standard form of report...".

This report covers 1982 and gives an overall view of the implementation of Regulations (EEC) Nos. 543/69 and 1463/70 in nine Member States. In spite of the fact that Regulation (EEC) No. 543/69 became applicable to Greece for international transport with effect from 1 January 1982, the Commission has received no information on this subject.

COMPARATIVE ANALYSIS OF  
INFORMATION SUPPLIED BY THE MEMBER STATES

I) ORGANIZATION OF CONTROL

1) Administrative organization of inspection

Administrative measures have been taken in Ireland to improve the application of the Regulations. Other measures are being prepared and are expected to yield results in 1983.

Denmark has stepped up training for police officers and factory inspectors who carry out the controls. This has led to an immediate increase in the number of vehicles checked.

2) Authorized inspecting officers and their powers

Apart from the increase in the number of police officers in Denmark from 300 to 500, and in factory inspectors in France from 49 to 78, there have been no major changes in the figures given in the previous report.

3) Methods of inspection (place and frequency)

The United Kingdom is in the process of equipping its offices with a computerized tachograph tape reader for 1983.

NUMBER OF CHECKS CARRIED OUT IN 1982 (1)		
Member State	Roadside	Undertaking
BELGIUM	8.037 (2)	790
DENMARK	42.950	420 (3)
GERMANY	297.000 (4)	18.980
FRANCE	679.320	42.214
IRELAND	4.631	2.991
ITALY	no information	no information
LUXEMBOURG (5)	795	632
NETHERLANDS	220.000	500 in-depths checks
UNITED KINGDOM	235.924 +47.187 silent checks	not registered

- (1) For the extent of comparability of the checks in the different Member States see also Annexes 1, 2 and 3.
- (2) This figure does not include the 8 000 checks carried out by officials of the Ministry of Transport, the Gendarmerie, Customs and other departments. It is not clear whether the number refers to the number of crews checked or the number of checks.
- (3) This figure refers to the number of checks carried out.
- (4) This is an estimate based on the number of fines imposed, warnings given, and infringements noted.
- (5) These figures refer to the checks carried out by the Inspectorate for Factories and Mines and include approximately 580 checks carried out by Ministry of Transport officials.

The figures for the numbers of checks carried out cannot really be compared, particularly since in some cases it is not clear whether they refer to the number of checks or the number of crews checked.

II) INFRINGEMENTS AND PENALTIES

1) Number of infringements of the Regulation

To make the figures more comparable, they have been brought together, in the same form, where possible, in Annexes 1, 2 and 3, leaving blanks where no information was supplied, or the information received was inadequate or could not be used.

Comments made in previous years concerning this chapter still apply.

A disproportionately high number of infringements of Article 5 (age of drivers) was noted in Italy (see Annex 6).

- 2) Penalties imposed

TABLE OF INFRINGEMENTS - 1982 (the figures relate to both goods and passenger transport operations)					
COUNTRY	Infringe- ments detected	Number of prosecutions	% of in- fringements detected	penalties imposed	% of in- fringements detected
BELGIUM	1.014	444	44	12	1
DENMARK *	-	-	-	-	-
GERMANY	91.957	74.190	82	38.286	42
FRANCE	442.758	151.658	34	14.621***	3***
IRELAND **	2.835	701	28	184	6
ITALY	131.568	-	-	-	-
LUXEMBOURG**	270	35	13	-	-
NETHERLANDS	34.421	8.913	26	890	2
UNITED KINGDOM	12.684	8.550	67	2.808	22

\* Denmark: 2 577 official reports and 315 people prosecuted.

\*\* Ireland and Luxembourg provide no figures on the prosecution of infringements.

\*\*\* France: for the correct interpretation of these figures, see footnote in annex 7.4.

III. MULTILATERAL MUTUAL ASSISTANCE BETWEEN MEMBER STATES AND NOTIFICATION OF INFRINGEMENTS

To explain the disproportion between the number of infringements and the number of prosecutions in Belgium, the Belgian Government points out that the social services inspectors have the right to give warnings and are under no obligation to systematically notify the authorities of every infringement observed.

The Belgian Transport Authorities have been informed of 794 infringements reported by German, Dutch, Luxembourg and French inspectors, involving Belgian vehicles. Belgium has itself transmitted lists of infringements involving drivers of vehicles registered in the other Member States to the authorities of those countries, and has declared that it has no information regarding the sanctions applied in the other Member States.

Denmark has received three reports of infringements committed by Danish nationals in the Netherlands and an unspecified number of reported fines paid by Danish drivers in Germany.

The Federal German Government maintains regular bilateral contacts with representatives of governments of neighbouring countries in order to ensure that the provisions of Regulations (EEC) No. 543/69 and 1463/70 and the AETR are observed. It has also received reports of infringements committed by German nationals in Belgium and France.

France states that it has communicated to the other Member States lists of their nationals who were involved in infringements of the Community Regulations concerned on French territory.

On the other hand, France has declared that it has received similar information about its nationals in other Member States only from Germany, Belgium and the Netherlands.

Ireland reports that it has a system of mutual exchange of information on this subject with the United Kingdom and France.

Italy still has difficulties in informing the other Member States about infringements committed by their nationals.

Luxembourg was informed of 27 reports drawn up by German, Belgian, Dutch and French inspectors regarding infringements committed by Luxembourg drivers, and reports that it has transmitted lists of reported infringements involving foreign drivers to the authorities of their respective countries.

The Netherlands reports that it has transmitted reports concerning 178 infringements to Belgium, one each to Denmark and Italy, 19 to Germany and 12 to France. It has received 170 such reports from Belgium, approximately 4 000 from Germany and 7 from France.

The United Kingdom reports every three months to the authorities of other Member States on infringements committed by their nationals. It reports that it occasionally receives similar reports about British drivers from other Member States.

As in the past, there are certain obvious contradictions in these reports which the Commission is unable to clarify.



#### IV. SUGGESTIONS AND COMMENTS BY THE MEMBER STATES

Belgium again observed how hard it is for firms to meet the demands set out in contracts concluded with clients who totally disregard Regulations (EEC) No. 543/69 and 1463/70 with respect to transporters, and stated that it would like to see these firms placed under the same obligations as the transporters and drivers.

Denmark repeated its request for the standard report to be modified; this should also cover infringements of Regulation (EEC) No. 1463/70 and the AETR.

The Federal Republic of Germany noted an increase in fraud by tampering with tachographs, false records or record sheets; pressure from foreign competitors being the usual pretext. It was also noted that in 1982 infringements committed by foreign drivers on the whole concerned driving time and rest periods; assuming that this is due to some extent to a lack of knowledge, it has been suggested that more and better information should be provided.

A third point which was again raised by Germany was the difficulty in observing the required rest time after continuous hours of driving on roads with heavy traffic due to the lack of space on parking areas, particularly during holiday periods. It was suggested that Regulation (EEC) No. 543/69 should include the provision set out in Article 8(1)(a) of the AETR. The Federal Government attaches great importance to the contacts which the Commission has made with other Member States and supports all measures which may contribute to making the rules clearer and more flexible, without, however, changing them in substance.

With a view to improving inspection at operators' premises, Italy is in favour of a system for the authentication and numbering of the tachograph record sheets, and an extension of the period during which they should be preserved by firms. Italy also suggests that more up-to-date technology should be used, e.g. discs rather than paper, to avoid (sometimes deliberate) damage.

The Netherlands has sent the Commission 1 proposal for a new, simplified, standard report. It also calls for a review of social legislation in the field of transport, the principle rules of which should be simplified in order to improve both application and supervision.

FINAL CONCLUSIONS BY THE COMMISSION

In the spring of 1984 the Commission submitted a proposal amending Regulations Nos. 543/69 and 1463/70. In the explanatory memorandum it gave an account of the experience with these Regulations so far. In the Commission's view the present report confirms the statements and judgements contained in the explanatory memorandum. It does therefore not consider it appropriate to discuss this document here in detail.

One aspect of the proposed amendment is that the report should in future appear once every two years. It would also place the information required from the Member States on a new footing to improve the speed with which it is provided as well as the quality. Further activities will show whether the Member States are prepared to make the necessary joint effort with the Commission to turn the present routine into a real attempt to develop a system of documentation that is of practical use for the development of a social policy in the field of transport.

ANNEXES

1. Goods transport (infringements detected)
2. Regular passenger transport (infringements detected)
3. Occasional passenger transport (infringements detected)
4. Germany. Infringements detected, broken down by article (nationals and foreigners).
- 5.1 Netherlands. Infringements detected, broken down by article and nationality.
- 5.2 Netherlands. Amounts of penalties recorded by nationality.
6. Italy. Infringements detected:
- 7.1 France. Roadside checks. Infringements detected and prosecuted, by nationality.
- 7.2 France. Checks at operators' premises. Overall figures and infringements of Regulation No. 543/69.
- 7.3 France. Checks at operators' premises (contd.), by infringements of Regulation No. 1463/70.
- 7.4 France. Penalties imposed.
- 8.1 United Kingdom Vehicles inspected (goods and passengers), by nationality.
- 8.2 United Kingdom Infringements detected (goods and passengers), by article and by nationality.
- 8.3 United Kingdom Penalties (goods and passengers).

GOODS TRANSPORT (infringements)

	B.		DK (*)		D		F. (**)		IRL.		I.		L.		N.L.		U.K.	
	Nat.	For.	Nat.	For.	Nat.	For.	Nat.	For.	Nat.	For.	Nat.	For.	Nat.	For.	Nat.	For.	Nat.	For.
a) Art. 6	2				167	51					947	452					82	1
b) Art. 7.1																		
(Art. 6)					8.425	934												
Art. 7.2																		
(Art. 6)					15.469	1.398												
Art. 7.4	89						19.564						97	2.771	307		458	102
(Art. 6)	122		39		310	81	25.332				11.926	2.011	47	4.503	440		674	126
Art. 7.1	44						3.441						18	12	3		124	1
(not Art. 6)					4.329	178												
Art. 7.2																		
(not Art. 6)					4.985	183												
Art. 7.4																		
(not Art. 6)					326	53												
c) Art. 8	47				4.637	654							84				690	13
d) Art. 11.1	89		19		8.834	792	47.958				2.716	413	16	4.411	519		494	114
e) Art. 12	12		6		212	67							2	2			368	9
f) Art. 14.1	1													17	1		1237	99
Art. 14.2															6		4561	256
Art. 14others	2										94.262	4.300					421	33
g) Art. 15.1	5				97	46											161	17
Art. 15.2																	273	4
h) Others and Reg. 1463/70	436	19	122	126	30.259	2.355	336.331	10.132	2766	29	6.328	1.705	6	18.653	1.169		791	13
<b>T O T A L</b>	<b>849</b>	<b>19</b>	<b>186</b>	<b>126</b>	<b>78.050</b>	<b>6.792</b>	<b>432.626</b>	<b>10.132</b>	<b>2.766</b>	<b>29</b>	<b>116.179</b>	<b>8.941</b>	<b>223</b>	<b>47</b>	<b>30.369</b>	<b>2.445</b>	<b>10.334</b>	<b>688</b>
Total Nat.+ For.	868		312		84.842		442.758		2.795		125.120		270		32.814		11.112	
Prosecutions	329		312		74.190		151.658						35		8.699		5.327	
Penalties	12				38.286		14.621								(***) 890		2.494	

(\*) Denmark: infringements prosecuted  
 (\*\*\*) Includes passenger transport

(\*\*) France : includes passenger transport. See Annexes 7.2 and 7.3 for details of  
 infringements detected.

REGULAR PASSENGER TRANSPORT (infringements)

	B (*)		DK (**)		D		F		IRL		I		L		NL		UK	
	Nat.	For.	Nat.	For.	Nat.	For.	Nat.	For.	Nat.	For.	Nat.	For.	Nat.	For.	Nat.	For.	Nat.	For.
a) Art. 6					1						84	31						
b) Art. 7.1																		
(Art. 6)					175													
Art. 7.2																		
(Art. 6)					188													
Art. 7.4																		
(Art. 6)					9											3		
Art. 7.1											132	19				2		
(not Art.6)					297													
Art. 7.2																		
(not Art.6)					314													
Art. 7.4																		
(not Art.6)					16													
c) Art. 8					136	9												
d) Art. 11.2			3		139	45					39	11				21		
e) Art. 12																8		
f) Art. 14.1																		
Art. 14.2																		
Art. 14 (others)											749	65				16		
g) Art. 15.1					56											15		
Art. 15.2																18		
h) others																		
(Reg. 1463/70)					1065	51			5		5220	98				181		
T O T A L			3		2396	105			5		6224	224				264		
Total Nat. + For.			3			2501					6448					264		
Prosecutions			3															
Pénalties																		

(\*) Belgium (see Annex 3)

(\*\*) Denmark : infringements prosecuted

## OCCASIONAL PASSENGER TRANSPORT (infringements)

	B (*)		DK		D		F		IRL		I		L		NL		UK (*)		
	Nat.	For.	Nat.	For.	Nat.	For.	Nat.	For.	Nat.	For.	Nat.	For.	Nat.	For.	Nat.	For.	Nat.	For.	
a) Art. 6																			
b) Art. 7.1																			
(Art. 6)					232	26													
Art. 7.2																			
(Art. 6)					319	23													
Art. 7.4																	40	6	
(Art. 6)					15	14									24	1	124	10	
Art. 7.1	5	1													65	3	7	10	
(not Art.6)					374	69													
Art. 7.2																			
(not Art.6)					435	79													
Art. 7.4																			
(not Art.6)					51	24													
c) Art. 8					212	45												31	1
d) Art. 11.2	6	1			762	85									128	3	284	13	
e) Art. 12					85	29									10	2	296		
f) Art. 14.1		1															294	12	
Art. 14.2	7																341	1	
Art. 14 (others)																	13		
g) Art. 15.1					15													22	
Art. 15.2																		26	
h) others																			
(Reg. 1463/70)	92	33			1406	314			35						1103	4	41		
TOTAL	110	36			3906	708			35						1330	13	1519	53	
Total Nat. + For.	146				4614										1343		1572		
Prosecutions	115														214		415		
Penalties																	314		

(\*) Belgium and United Kingdom: includes regular passenger transport.

G E R M A N Y

## Infringements in 1982

Article		Goods		Passengers			
		Nat.	For.	Regular		Occasional	
				Nat.	For.	Nat.	For.
Reg.(EEC) 543/69							
6		167	51	1	-	-	-
(Art. 7.1		8.465	934	175	-	232	26
6) 7.2		15.469	1.398	188	-	319	23
7.4		310	81	9	-	15	14
(not Art. 7.1		4.329	178	297	-	374	69
6) 7.3		4.985	183	314	-	435	79
7.4		326	53	16	-	51	24
8		4.637	654	136	9	212	45
11.1		8.834	792	-	-	-	-
11.2		-	-	139	45	762	85
12		212	67	-	-	85	29
15.1		97	46	56	-	15	-
15.5		147	51	62	13	-	-
Reg.(EEC) 1463/70							
15		5.137	564	-	-	155	46
16		738	23	-	-	86	-
17		23.665	1.648	992	22	1.088	223
18		572	69	11	16	77	45
TOTAL		78.050	6.792	2.396	105	3.906	708

NETHERLANDS

## Infringements in 1982

Art.	B	DK	D	F	IRL	I	L	NL	UK	Non- Member Countries	TOTAL
7.1	168	24	62	29	2	30	-	2.775	6	10	3.106
7.2/3	212	37	108	48	2	31	1	4.548	5	21	5.013
7.4	2	-	-	1	-	-	-	12	-	-	15
11.1	238	38	122	63	2	30	1	4.407	7	22	4.930
11.2	-	-	3	-	-	-	-	149	-	-	152
11.3	-	-	2	-	-	-	-	5	-	-	7
11.4	-	4	24	-	-	7	-	214	-	7	256
12.1	-	-	-	-	-	-	-	20	-	-	20
12.3	-	-	-	-	-	-	-	2	-	-	2
14.1	-	-	-	-	-	-	-	33	-	1	34
14.2	-	-	-	-	-	-	-	-	-	6	6
15.1	-	-	-	-	-	-	-	15	-	-	15
15.5	-	-	-	-	-	-	-	18	-	-	18
16	968	36	188	33	-	62	-	19.527	3	30	20.847
infr. to Reg.1463/70											
TOTAL	1.588	139	509	174	6	160	2	31.725	21	97	34.421



NETHERLANDS  
1982

ANNEX 5.2

16

Total number of official reports drawn up and amount of penalties for goods and passenger transport operations, by nationality:

COUNTRY	Official report	Infringe-ments	Penalties HFL.	Including :
NETHERLANDS	8.173	31.725	1.732.075	451 cases in which no action taken
BELGIUM	278	1.588	13.475	14 cases in which no action taken 178 cases transferred
DENMARK	36	139	-	35 cases in which no action taken 1 case transferred
GERMANY	122	509	7.510	76 cases in which no action taken 19 cases transferred
UNITED KINGDOM	6	21	-	6 cases in which no action taken
FRANCE	50	174	2.275	26 cases in which no action taken 12 cases transferred
IRELAND	2	6	250	1 case in which no action taken
ITALY	34	160	700	28 cases in which no action taken 1 case transferred
LUXEMBOURG	1	2	-	1 case in which no action taken
Other countries	34	97	2.075	25 cases in which no action taken
T O T A L	8.736	34.421	1.758.360	663 cases in which no action taken 211 cases transferred to the foreign authorities responsible

(\* ) To this should be added 177 official reports of infringements committed by Dutch drivers abroad (Belgium and France); in 16 of these cases no action was taken. The total value of penalties imposed as a result of these 177 official reports amounts to HFL 21 280.

I T A L Y

Infringements detected in 1982

Regulation (EEC) No. 543/69					
Infringement	Goods transport		Passenger transport		TOTAL
	Nationals	Foreigners	Nationals	Foreigners	
Article 5	6.328	1.765	5.220	98	13.411
Article 6	947	452	84	31	1.514
Articles 7-8	11.926	2.011	132	19	14.088
Articles 11-12	2.716	413	39	11	3.179
Articles 14-15	94.262	4.300	749	65	99.376
T O T A L	116.179	8.941	6.224	224	131.568

ANNEX 7.1

FRANCE  
1982

## A) Roadside checks :

Number of crews checked	679.320
Number of discs analysed	2.327.030
Number of infringements detected	144.771
Number of infringements prosecuted	109.062

Nationality	Number of infringements detected	Number of infringements followed up with official reports
France	134.639	103.453
Germany	1.825	1.117
Belgium	2.230	1.320
Denmark	64	36
United Kingdom	952	293
Netherlands	982	506
Luxembourg	156	64
Italy	2.319	1.186
Ireland	95	35
Greece	15	11
Non-member countries	1.494	1.041
TOTAL	144.771	109.062

FRANCE

1982

B) Checks at operators' premises1) Overall indicators

Number of crews checked	42.214
Number of discs analysed (1)	437.986
Number of infringements detected (2)	297.987
Number of infringements on which action taken	42.596

(1) Total of all discs analysed by hand or otherwise by appropriate Ministry of Transport department (Transport Inspectors and Factory Inspectors (Transport)).

(2) Including selector switching errors.

2) Breakdown of infringements of Regulation (EEC) No.543/69

Exceeding maximum driving period	continuous	19.564
	daily	25.332
	weekly	2.359
	over 14 days	1.082
Inadequate or no daily rest period		47.958
TOTAL		96.295

FRANCE

1982

Checks at operators' premises (continued)

3) Breakdown of infringements of Regulation (EEC) No. 1463/70

Failure to keep discs	1.998
Use of unsuitable or non-approved discs	664
Incomplete data on record sheets / centre of discs not filled in	2.606
Selector switching error	196.444
T O T A L	201.692

F R A N C E

1982

C) Penalties imposed by the Courts in 1982 (1)Fines

Amount (FF)	Number	%
Less than FF 80	19	13.1
FF 80 to FF 159	3.703	25.4
FF 160 to FF 299	3.090	21.1
FF 300 to FF 599	3.903	26.7
FF 600 to FF 799	1.407	9.6
FF 800 to FF 999	325	2.2
FF 1.000 or more	279	1.9
T O T A L	14.621	100 %

- (1) Action taken on official reports drawn up by the factory inspectors (transport) and road traffic controllers. The action taken on official reports drawn up by other inspectors (police/gendarmerie) is not known.

.../...

UNITED KINGDOM

VEHICLES INSPECTED - 1982

GOODS

UK	B	D	DK	F	GR	I	IRL	L	NL	(*)	TOTAL
199.746	941	1.747	445	4.645	76	756	3.065	34	3.211	1.953	216.620

PASSENGERS

UK	B	D	DK	F	GR	I	IRL	L	NL	(*)	TOTAL
13.795	19	109	15	127	23	22	80	0	87	27	19.304

(\*) Non-member countries

## UNITED KINGDOM - Infringements 1982

GOODS

	UK	B	D	DK	F	GR	I	IRL	L	NL	(*)	TOTAL
ART 6	82							1				83
ART 7.1	458	11	7		64		5	6		5	4	560
ART 7.2	674	3	9	1	50		12	33		14	4	800
ART 7.4	124							1				125
ART 8	690	1		1	3			7			1	703
ART 11	494	5	8	4	49		7	27	3	8	3	608
ART 12	368		2		4		1			1	1	377
ART 14.1	1.237	4	4		17	1	2	57	1	2	11	1.336
ART 14.2	4.561	2	9	14	25		4	151	1	28	22	4.817
ART 14.7	421	3	2		8		1	12		4	3	454
ART 15	434		1		7		2	6			5	455
1463/70	791				2		2	9				804
TOTALS	10.334	29	42	20	229	1	36	310	5	62	52	11.112

(\*) = Non-member countries

PASSENGERS

ART 6												
ART 7.1	40		1		4						1	46
ART 7.2	124			2	2	5		1				134
ART 7.4	7				10							17
ART 8	31	1										32
ART 11	284			1	12							297
ART 12	296											296
ART 14.1	294	1	4		2	4					1	306
ART 14.2	341							1				342
ART 14.7	13											13
ART 15	48											48
1463/70	41											41
TOTALS	1.519	2	5	3	30	9	-	2	-	-	2	1.572



UNITED KINGDOM - Penalties - 1982GOODS

	Oral Warnings	Written Warnings	Prohibitions on Movement	Offences Prosecuted	TOTAL Fines £
ART 6	2	3	6	19	764
ART 7.1	213	7	7	64	1.688
7.2	223	18	55	373	10.089
7.4	35	2	7	60	1.375
ART 8	383	2	2	5	115
ART 11	118	15	32	223	4.858
ART 12	52	1	3	83	2.512
ART 14.1	540	134	18	190	5.260
14.2	2.434	278	33	1.186	30.047
14.7	15	10	1	85	2.631
ART 15	46	3	3	17	327
1463/70	483	114	18	189	12.100
TOTALS	4.555	587	185	2.494	71.766

PASSENGERS

ART 6	2			14	165
ART 7.1	23			35	1.168
7.2	19	3	2	12	868
7.4	11			2	65
ART 8	27				
ART 11	23	5	7	46	3.021
ART 12	15	1	3	50	3.961
ART 14.1	57	6	1	24	2.097
14.2	159	21		102	4.234
14.7				6	645
ART 15	8			9	500
1463/70	19	3		14	320
TOTALS	363	39	13	314	16.879