

Penalties for serious infringements against the social rules in road transport

In May 2010 the European Parliament called for a unified European coordination and control with regard to EU rules on driving times, rest times and the regulation of tachographs in its report adopted unanimously in Strasbourg¹.

Although European rules on driving times, rest times and the regulation of tachographs exist, different application of legislation in the individual Member States makes any attempt at real harmonisation futile. The penalty for the same offence can vary between €300 and €4000. 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. This leads to unacceptable legal uncertainties for undertakings, drivers and enforcers as well. An improved system for coordinating European controls and a single system for managing individual violations of the social rules are called for.

The Report sets out clearly that the Members of the European Parliament would like to see the EU executive to propose a document presenting a uniform binding interpretation of social legislation in road transport – primarily rules on driving and rest time and the use of tachographs. The Parliament regretted the “many imprecise formulations” in Regulations 3821/85 (digital tachographs), 561/2006 (driving and rest time) and Directive 2006/22/EC (sanctions), noting that they prevent uniform application of the rules in the member states. MEPs also noted that minimum and maximum sanctions should be set for each infringement of social rules in road transport.

Memorandum of Understanding

Whereas the EU created a framework of social rules in road transport to ensure the functioning of the internal market, to improve road safety and to guarantee fair competition;

Whereas the regulations 3821/85 and 561/2006 are executed very differently in the member states, which negatively affects the declared aims of the Report and therefore legal uncertainty arises and consequently leads to huge pressure on undertakings, drivers and enforcing bodies and has a negative impact on road safety within the European Union;

Whereas that this legal uncertainty is a danger to the well-functioning of the internal road transport market which should be removed as soon as possible;

¹ Report on penalties for serious infringements against the social rules in road transport (2009/2154(INI))

The undersigned parties,

Call on the European Commission to make sure that all Member States adopt legislation on social rules in road transport which is effective and proportionate and has a dissuasive effect and that this legislation is enforced in a non-discriminatory way;

Call on the European Commission for a harmonized approach on European minimum standards for inspection bodies and underline the importance of vocational training for police forces and therefore remind on the existence of a pilot project for a common training for police forces in order to insure a harmonized interpretation;

Call on the Commission to examine new legislative means² in the field of judicial cooperation in criminal matters and to analyse possible harmonisation measures, including aspects relating to road safety, the internal market and the cross-border application of fines;

Call on the European Commission to harmonize the interpretation of the application of social legislation with a common article-by-article interpretation of the application of Regulation No 561/2006 and Directive 3821/85/EC.

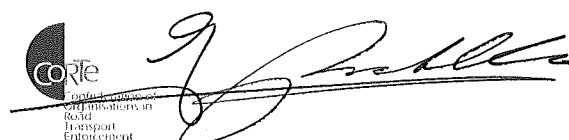

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CORTE


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International Road Transport Union
IRU


Small Transport Companies Netherlands
Marius van der Valk


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² Article 83(2) Treaty on the Functioning of the European Union