



25.9.2009

NOTICE TO MEMBERS

Subject: Petition 1738/2008 by Claudia Peters (German), on behalf of Ari All Road International GmbH, on harmonisation of traffic penalties in Europe

1. Summary of petition

The petitioner's firm is an international haulage business. From transport operations throughout Europe it is apparent that the level of penalties for certain types of traffic offences varies considerably from one country to another. As one example she cites the exceeding of maximum driving times. Exceeding the maximum time by 10 minutes is punishable in France by a fine of EUR 153. In Germany it merely attracts a verbal caution. The petitioner asks for traffic penalties to be harmonised, especially as these differences in financial penalties also have the effect of distorting competition.

2. Admissibility

Declared admissible on 30 March 2009. Information requested from Commission under Rule 202(6).

3. Commission reply, received on 25 September 2009.

Regulation (EC) No 561/2006¹ lays down precise rules on maximum driving times and minimum rest periods for drivers engaged in professional transport. These rules are directly applicable to all drivers driving vehicles which fall under the scope of the Regulation. However, it is up to the Member States to provide for penalties which have to be effective,

¹ Regulation (EC) No 561/2006 of the European Parliament and of the Council of 15 March 2006 on the harmonisation of certain social legislation relating to road transport and amending Council Regulations (EEC) No 3821/85 and (EC) No 2135/98 and repealing Council Regulation (EEC) No 3820/85, OJ L 102, 11.04.2006, p.1

proportionate, dissuasive and non-discriminatory (Article 19(1) of Regulation (EC) No 561/2006).

However, the Commission can only work within the given limit of competences. In the framework of the committee foreseen by the Regulation, the Commission actively supports the dialogue between Member States in order to harmonise further the approach on controls. As one of the results of this work, six "Guidelines" have been adopted that help to harmonize enforcement practice, e.g. when a driver was not able to find a suitable parking area in order to take a break or a rest period¹.

Moreover, the Commission has adopted a directive² laying down a categorisation of infringements against the social rules in road transport. The categorisation harmonises the understanding of what kind of infringements should be considered as very serious, as serious or as minor infringements. Member States are obliged to transpose this directive at the latest on 31 December 2009 in order 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.

On 15 May 2009, the Commission adopted a report³ analysing these penalties which are applied by Member States to serious infringements against the social rules in road transport. This report confirms that, currently, wide differences in penalties exist; it will raise awareness of the national authorities on this situation.

Conclusion

The Commission is aware of the important differences between penalties applied by Member States for infringements against the Regulation on driving time and rest periods. The Commission has already taken several initiatives: a report that raises awareness of Member States on the current situation, a Commission directive which categorises infringements, guidance notes to help harmonise control practices. The Commission will continue to work within the given limits of its competence.

¹ See http://ec.europa.eu/transport/road/social_provisions/guidance_notes_en.htm

² Commission Directive 2009/5/EC of 30 January 2009 amending Annex III to Directive 2006/22/EC of the European Parliament and of the Council on minimum conditions for the implementation of Council Regulations (EEC) Nos 3820/85 and 3821/85 concerning social legislation relating to road transport activities, OJ L 29, 31.01.2009, p.45

³ COM(2009)225