

must be attached to another rest of a least eight hours and shall be granted, at the request of the driver concerned, at the vehicle's parking place or driver's base.

6. The daily rest period may be taken in a vehicle as long as it is fitted with a bunk and is stationary.'

#### Article 6

Article 15 of Regulation (EEC) No 3820/85 is hereby replaced by the following:

#### Article 15

1. The transport undertaking shall organize drivers' work in such a way that drivers are able to comply with the relevant provisions of this Regulation and of Regulation (EEC) No 3821/85.

2. The undertaking shall make periodic checks to ensure that the provisions of the aforesaid regulations have been complied with. If breaches are found to have occurred the undertaking shall take appropriate steps to prevent their repetition.

3. The undertaking shall make all relevant documentation available to the competent authorities upon request, thereby facilitating checks on compliance with the provisions of this Regulation and of Regulation (EEC) No 3821/85.'

#### Article 7

Article 16 of Regulation (EEC) No 3820/85 is hereby replaced by the following:

#### Article 16

1. The Commission shall produce a report every year on the implementation of this Regulation by Member States. The Commission shall forward the report to the Council and the European Parliament within 13 months following the period covered by the report.

2. To enable the Commission to draw up the report referred to in paragraph 1, Member States shall, using a standard form, communicate the necessary information to the Commission every year. This information must reach the Commission no later than nine months following the end of the period covered by the report.

3. The Commission shall draw up the standard form after consultation with the Member States.'

#### Article 8

Article 15 (7) of Regulation (EEC) No 3821/85 is hereby replaced by the following:

7. 'Whenever requested by an authorized inspecting officer to do so, the driver shall produce record sheets for the current driving week and the driving week preceding that week.'

#### Article 9

This Regulation shall enter into force on 5 September 1988.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

### Proposal for a Council Directive on standard checking procedures for the implementation of Regulation (EEC) No 3820/85 on the harmonization of certain social legislation relating to road transport and Regulation (EEC) No 3821/85 on recording equipment in road transport

COM(88) 21 final

(Submitted by the Commission to the Council on 18 April 1988)

(88/C 116/21)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 75 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Having regard to the opinion of the Economic and Social Committee,

Whereas Regulations (EEC) No 3820/85<sup>(1)</sup> and (EEC) No 3821/85<sup>(2)</sup>, as amended by Regulation (EEC) No . . . ., are essential for the creation of a common market for inland transport services;

Whereas proper application of the social regulation in road transport requires uniform and effective checking by Member States;

Whereas it is necessary to introduce minimum requirements to check compliance with the relevant provisions in order to reduce and prevent infringements;

<sup>(1)</sup> OJ No L 370, 31. 12. 1985, p. 1.

<sup>(2)</sup> OJ No L 370, 31. 12. 1985, p. 8.

Whereas checking procedures should be both retrospective and preventive;

Whereas effective and efficient control throughout the Community will require the exchange of information on the enforcement of the Regulations in Member States;

Whereas the exchange of information should be compulsory and take place at regular intervals;

Whereas to facilitate the exchange of information it is necessary to introduce a standard reporting form,

HAS ADOPTED THIS DIRECTIVE:

#### *Article 1*

##### **Definitions**

For the purposes of this Directive:

1. 'Check' means inspection of driving records, duty rosters, work schedules, wage records, driving licences and other relevant documentation.
2. 'Duty roster' means manual record of driving hours.
3. 'Driving record' means mechanical and/or manual record of hours driven.
4. 'Work schedule' means programme/timetable of driving and other work activities.
5. 'Competent authority' means the national authority or authorities empowered to enforce and control the implementation of social regulations in the road transport sector.
6. 'Authorized inspecting officer' means any official authorized by the competent authority to carry out checks within the meaning of this Directive and Regulations (EEC) No 3820/85 and (EEC) No 3821/85.

#### *Article 2*

##### **Control**

Member States shall, from . . . ., ensure that the minimum requirements, as laid down in this Directive, for the control of the correct and uniform application of Regulations (EEC) No 3820/85 and (EEC) No 3821/85, are introduced.

#### *Article 3*

1. Member States shall organize checks in such a way that each year they cover 30 % of the vehicles circulating in their territory and falling within the scope of the above Regulations and 30 % of the undertakings

established in their territory carrying out transport operations falling within the scope of the above Regulations.

2. The checks referred to in paragraph 1 shall cover passenger and goods undertakings and drivers, both own account and hire and reward. The number of checks shall be commensurate with the relative importance of these categories.

3. Checks shall be carried out both at the roadside and at premises of undertakings.

4. Checks, for the purposes of this Directive, shall include verification of the recording equipment and/or duty rosters to ensure compliance with driving periods, breaks and rest periods, the driver's licence and other relevant documentation.

To facilitate the authorized inspecting officers' task they shall be provided with a language chart containing expressions currently used and relating to transport operations.

5. Roadside checks shall be organized at a variety of locations and times.

6. Checks at premises of undertakings, for the purposes of this Directive, shall include examination of driving records, past work schedules and wage records.

Authorized inspecting officers shall, under the provisions of Article 15 of Regulation (EEC) No 3820/85, also check future work schedules.

7. The number of checks carried out and the results of such checks shall be included in the annual report submitted to the Commission in accordance with Article 16 of Regulation (EEC) No 3820/85.

8. Checks at the premises of undertakings may be carried out by the national authorities at the request of the competent authorities of another Member State.

#### *Article 4*

1. Member States shall, four times each year, undertake simultaneous operations to check vehicles falling within the scope of the aforesaid Regulations. Such operations shall be carried out on the following days:

— the third working Monday of January,

— the third working Monday of April,

— the third working Monday of July,

— the third working Monday of October.

2. The results of the simultaneous operations shall be communicated to the Commission in the annual report submitted by Member States in accordance with Article 16 of Regulation (EEC) No 3820/85.

*Article 5*

**Exchange of information**

1. Member States shall exchange information on the application of the provisions of the aforesaid Regulations.

2. Every three months, commencing the first working day of . . . ., each Member State shall inform the other Member States of

- breaches of the Regulations committed by non-residents on their territory during the previous three months,
- penalties, if any, imposed during that period on non-residents for such breaches,

— penalties, if any, imposed by the competent authority on its residents for such breaches committed in other Member States during that period.

3. For this purpose the competent authorities in each Member State shall use the standard reporting form set out in the Annex to this Directive.

4. Member States shall, to ensure a full implementation of the aforesaid Regulations, upon request by the competent authorities of another Member State, furnish all relevant details of specific breaches committed on its territory by its residents and/or non-residents.

*Article 6*

Member States shall communicate to the Commission all the laws, regulations and administrative provisions which they adopt for the application of this Directive.

*Article 7*

This Directive is addressed to the Member States.

ANNEX

STANDARD REPORT FORM

| Identification                             |                              | Breach                              | Place of breach | Action taken              |
|--|------------------------------|-------------------------------------|-----------------|---------------------------|
| Driver                                     | Undertaking                  | (Article and description of breach) |                 | (Description of sanction) |
| (Name of driver — date of driving licence) | (Name and registered office) |                                     |                 |                           |
|  |                              |                                     |                 |                           |