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REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL

on the implementation in 2021-2022 of Regulation (EC) No 561/2006 on the harmonisation of certain social legislation relating to road transport and of Directive 2002/15/EC on the organisation of the working time of persons performing mobile road transport activities
(32nd report from the Commission on the implementation of the social legislation relating to road transport)

{SWD(2024) 215 final}

Introduction

This report gives an overview of the implementation of the EU social rules in road transport in the Member States for the period of 1 January 2021 until 31 December 2022. It provides a summary of analyses of control activities and highlights the key challenges in enforcement and application of the relevant legal provisions set out in the following four legislative acts:

1) Regulation (EC) No 561/2006[1] (also known as the **Driving Time Regulation**) establishing the minimum requirements on daily and weekly driving times, breaks and daily and weekly rest periods;

2) Directive 2002/15/EC[2] (also known as the **Road Transport Working Time Directive**) laying down the rules on the organisation of the working time of mobile workers. It establishes the requirements on maximum weekly working times, minimum breaks in work and nighttime work. It applies to drivers within the scope of the Driving Time Regulation;

3) Directive 2006/22/EC[3] (also known as the **Enforcement Directive**) establishing minimum levels of roadside checks and controls at the premises of transport undertakings to verify compliance with the provisions of the Driving Time Regulation;

4) Regulation (EU) No 165/2014[4] (also known as the **Tachograph Regulation**) setting the requirements on the installation and use of tachographs in vehicles within the scope of the Driving Time Regulation.

Contrary to the previous report, the analysis of the implementation of Council Directive 96/53/EC[5] (also known as the **Weights and Dimensions Directive**) laying down for heavy-duty vehicles the maximum authorized dimensions in national and international traffic and the maximum authorized weights in international traffic, is not included in the present report due to the lack of necessary information, as only five Member States[6] complied with the legal obligation to submit their national reports.

[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, 11.4.2006, p. 1).
[2] Directive 2002/15/EC of the European Parliament and of the Council of 11 March 2002 on the organisation of the working time of persons performing mobile road transport activities (OJ L 80, 23.3.2002, p. 35).
[3] Directive 2006/22/EC of the European Parliament and of the Council of 15 March 2006 on minimum conditions for the implementation of Regulations (EC) No 561/2006 and (EU) No 165/2014 and Directive 2002/15/EC as regards social legislation relating to road transport activities, and repealing Council Directive 88/599/EEC (OJ L 102, 11.4.2006, p. 35.
[4] Regulation (EU) No 165/2014 of the European Parliament and of the Council of 4 February 2014 on tachographs in road transport, repealing Council Regulation (EEC) No 3821/85 on recording equipment in road transport and amending Regulation (EC) No 561/2006 of the European Parliament and of the Council on the harmonisation of certain social legislation relating to road transport (OJ L 60, 28.2.2014, p. 1).
[5] Council Directive 96/53/EC of 25 July 1996 laying down for certain road vehicles circulating within the Community the maximum authorized dimensions in national and international traffic and the maximum authorized weights in international traffic (OJ L 235, 17.9.1996, p. 59).
[6] Only Austria, the Netherlands, Lithuania, Poland and Sweden have provided information pursuant to Article 10g of Council Directive 96/53/EC for the period 2021-2022.

This report is based on Article 17 of the Driving Time Regulation and Article 13 of the Road Transport Working Time Directive[7].

It is structured into three sections: Section I provides the analysis of the national data on checks and offences in the implementation of Directive 2006/22/EC and Regulation (EC) No 561/2006, whereas Section II gives a descriptive outline of the implementation by the Member States of Directive 2002/15/EC. Section III draws the main conclusions of this report. A Commission Staff Working document complements the Commission report with supplementary information on penalties, cooperation between Member States, comments from enforcement authorities, and more detailed statistics on checks.

Data submission

The national reports on the implementation of the provisions of Directive 2002/15/EC and Regulation (EC) No 561/2006 must be submitted by 30 September of the year following the end of the two-year period concerned, by means of the standard reporting form established by the Commission Implementing Decision of 30 March 2017[8]. The deadline for submitting reports covering years 2021-2022 expired on 30 September 2023.

All Member States have submitted their national data on the implementation of Regulation (EC) No 561/2006, though many beyond the deadline[9]. The Member States provided the requested breakdown of detailed statistics on controls of compliance carried out at the roadside and at the premises. However, some did not provide data sorted by the requested categories, e.g. data sorted by type of tachograph[10] and type of offences[11].

Only 21 Member States have submitted the information on the implementation of Directive 2002/15/EC, out of which only 11 Member States provided statistical data on controls and their outcomes, which differs as to the level of detail[12]. Such lack of quantitative and comparable data from Member States makes an assessment difficult.

I. Overview of enforcement activities for Directive 2006/22/EC and Regulation (EC) No 561/2006

1. Checks

[7] Article 17 of Regulation (EC) No 561/2006 requires Member States to communicate every two years the necessary information to enable the Commission to draw up a report on the application of that Regulation and the developments in the fields in question. Article 13 of Directive 2002/15/EC provides that Member States should report to the Commission on the implementation of the Directive, indicating the views of the two sides of the industry. The reports on Directive 2002/15/EC and Regulation (EC) No 561/2006 can be presented in one single document as both legislative acts cover the same two-year reporting period and establish complementary rules for professional drivers.

[8] C(2017) 1927 final.

[9] The last national report was submitted on 30 May 2024.

[10] This is the case for Lithuania who informed that data on analogue and smart tachographs was not available due to technical error.

[11] Like in the previous reporting period, Latvia did not provide this categorisation for offences at premises.

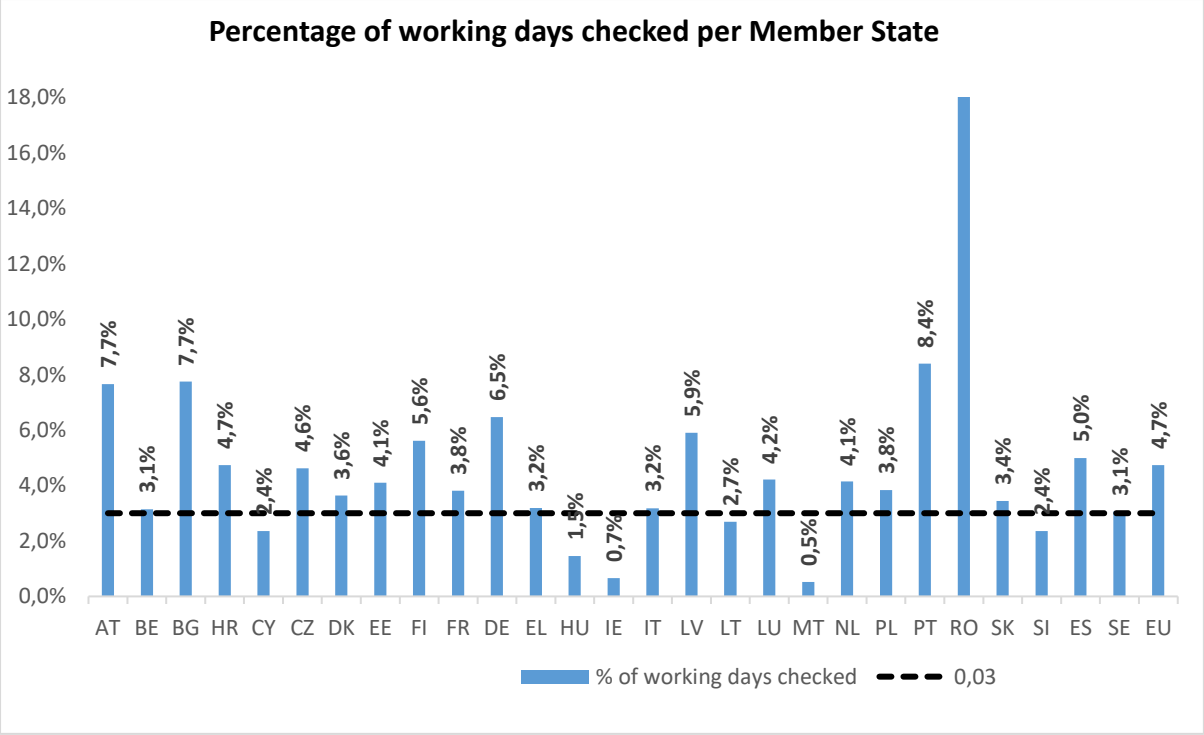
[12] Most detailed statistics were provided by the Czech Republic, Finland, Greece, Poland and Slovenia.

Article 2 of Directive 2006/22/EC requires Member States to organise a system of appropriate and regular checks at the roadside and at the premises of undertakings that are subject to the provisions of Regulation (EC) No 561/2006. This Article also establishes that the minimum number of checks shall cover at least 3% of days worked by drivers[13] of vehicles falling within the scope of Regulation (EC) No 561/2006.

The national data shows that the total number of working days[14] checked in the EU increased from around 108.9 million in 2019-2020 to 111.7 million working days checked in the current reporting period. This constitutes an increase by 3%. Looking at the national figures the increase of working days checked is most important in Malta (+450%[15]) and the Netherlands (+185%), while the decrease of working days checked is most visible in Slovenia (-48%), France (-45%) and Hungary (-39%).

As illustrated in Figure 1 below, **the EU average of working days checked is 4.7%**, which is higher than required under the Directive[16], but presents a decreasing trend compared to previous reporting periods (5.4% in 2017-2018 and 6.3% in 2015-2016), except for 4.5% in 2019-2020. Nevertheless, the score achieved by Romania (21.3%) is high.

Figure 1: Percentage of working days checked per Member State



Most of the Member States checked more working days than the minimum required by the Directive. Nevertheless, six Member States have not met the threshold of 3%, namely Cyprus,

[13] This figure is based on the number of working days for two years and the number of registered vehicles in scope of the Regulation during that period for each Member State.
[14] The term 'working days' is used interchangeably with the term 'days worked' by a driver in the relevant legislation: Regulation (EC) No 561/2006, Directive 2006/22/EC and Decision (EU) 2017/1013.
[15] Nevertheless, Malta has still not met the threshold of 3% of working days checked.
[16] Especially in Austria, Bulgaria, Germany, Portugal and Romania.

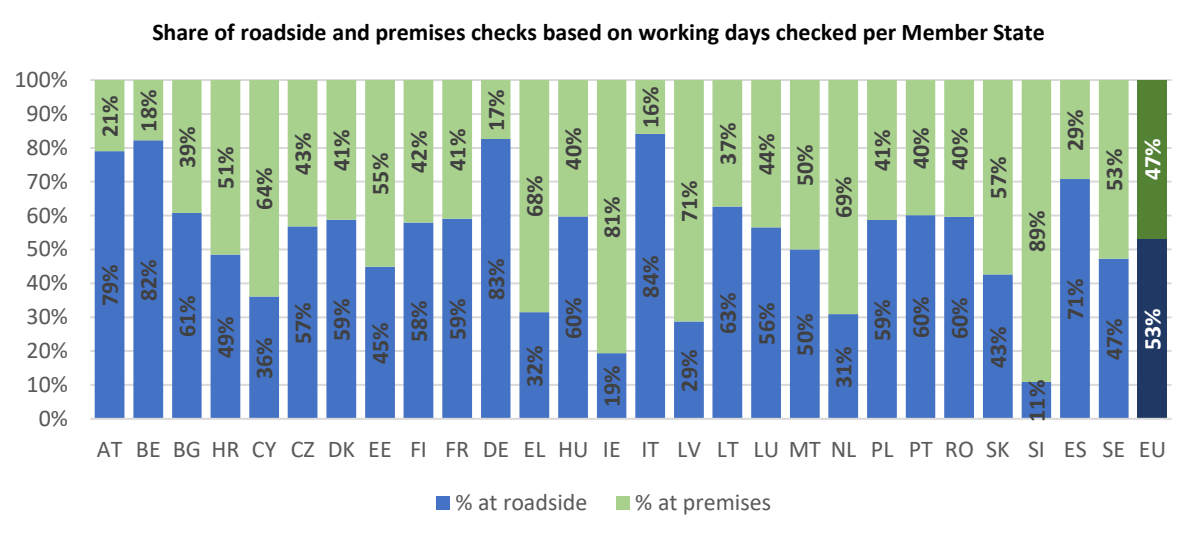
Hungary, Ireland, Lithuania, Malta and Slovenia. This is similar as in the two previous reporting periods (where six Member States have not met the 3% threshold in the years 2019-2020 and 2017-2018, and three Member States in 2015-2016). Among the six Member States which had not met the threshold of 3% in 2021-2022, only Hungary, Ireland and Malta remained in this group, joined by the three other Member States, which performed well in the previous reporting period. Greece increased its enforcement efforts significantly (improvement from 0.1% in 2015-2016, 0.7% in 2017-2018, 2.4% in 2019-2020 to 3.2% in the current period), and for the first time since 10 years, it performed above the threshold.

Article 2 of Directive 2006/22/EC also sets out the ratio of the working days to be checked at the roadside and at the premises, namely at least 30% and at least 50% respectively. The calculation of this proportion is based on the number of checks actually performed by enforcement authorities and not on the minimum number of working days to be checked.

On average, 53% of the working days checked have been done at the roadside whereas 47% were checked through inspections at the premises. This is a decrease in checks at the roadside compared to the last period (60% in 2019-2020) and a positive increase in checks at the premises compared to the last period (40% in 2019-2020). In most Member States a large share of checks were performed at the roadside. Ireland and Slovenia reported a low number of checks at the roadside. Eight Member States meet the required balanced share between premises and roadside checks compared to six Member States in 2019-2020[17].

For details on the national share of roadside and premises checks see Figure 2.

Figure 2: Share of roadside and premises checks based on working days checked per Member State



1.1 Roadside checks

In total, 3,564,138 vehicles and 3,745,458 drivers were checked at the roadside throughout the EU compared to 4,112,717 vehicles and 4,323,245 drivers checked in 2019-2020. The

[17] Croatia, Cyprus, Estonia, Greece, Malta, the Netherlands, Slovakia and Sweden, In 2019-2020 these countries were: Bulgaria, Cyprus, Estonia, Latvia, Lithuania and Slovakia.

difference between the number of vehicles and drivers checked may be explained by multi-manning driving, i.e. where there are at least two drivers in the vehicle to do the driving in turns. Differences between the number of drivers and vehicles are mainly present in reports from Belgium, Germany, Latvia and Romania.

Compared to the report for 2019-2020, the reported number of vehicles checked decreased by 548,579 vehicles and the number of drivers checked decreased by 577,787 drivers.

Based on the country of registration of the vehicle, 64% of the checked vehicles were national vehicles, 29% were from other EU Member States[18] and 7% were vehicles registered in third countries. Overall, most of the vehicles checked at the roadside (about 93% of the total) were carriers of goods, whereas only about 7% were carriers of passengers.

In 2021-2022, 83% of the vehicles checked at the roadside were equipped with a digital tachograph, against 74% in the previous reporting period. Hence, there are no grounds for raising the threshold of checks from 3% to 4%, as this should be done when 90% of checked vehicles are equipped with digital tachographs according to Article 2(3) of Directive 2006/22/EC.

1.2 Checks at the premises

In 2021-2022 period, 84,128 transport undertakings were checked, which is a 44% increase compared to 58,300 transport undertakings checked in 2019-2020. Controllers at premises checked around 39.3 million working days, which represents an increase of about 14% compared to 34.3 million in the previous report. Overall, Member States' control authorities checked at the premises the records of 582,218 drivers, which is 16% more compared to 499,943 drivers in 2019-2020.

2. Offences

All 27 Member States provided data on offences detected, but not all[19] provided details on the types of infringements. **The total number of offences reported was around 3.03 million, which is an increase compared to the last report (2.25 million)**. The share of roadside offences detected decreased to the level of about 50% of total offences detected (60% in the last report).

The share of types of infringements in the overall number of detected infringements remained similar as in the previous reporting period, with some slight decreases or increases for certain categories of infringements. Figure 3 below illustrates the EU average share of infringements by the type of provision infringed, detected at both roadside and premises in 2021-2022. The number of offences regarding breaks decreased from 19% to 18%, whereas offences regarding driving time decreased from 15% to 14% and offences regarding the driving time records increased from 26% to 27%. Offences for rest periods constitute 19% of total offences (23% in

[18] The data also includes EEA countries and Switzerland.
[19] Latvia did not provide types of offences at premises checks.

the last report), recording equipment[20] represent 12% of total offences (9% in the last report) and the lack/availability of records for other work constitute 10% (8% in the last report) of all detected infringements. These developments are presented in Figure 4 below.

Figure 3: Categories of infringements at roadside and premises 2021-2022

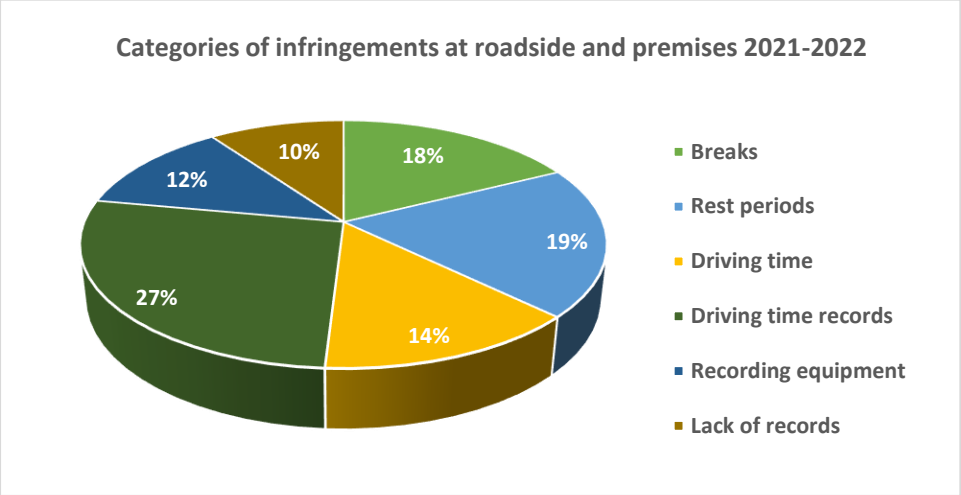
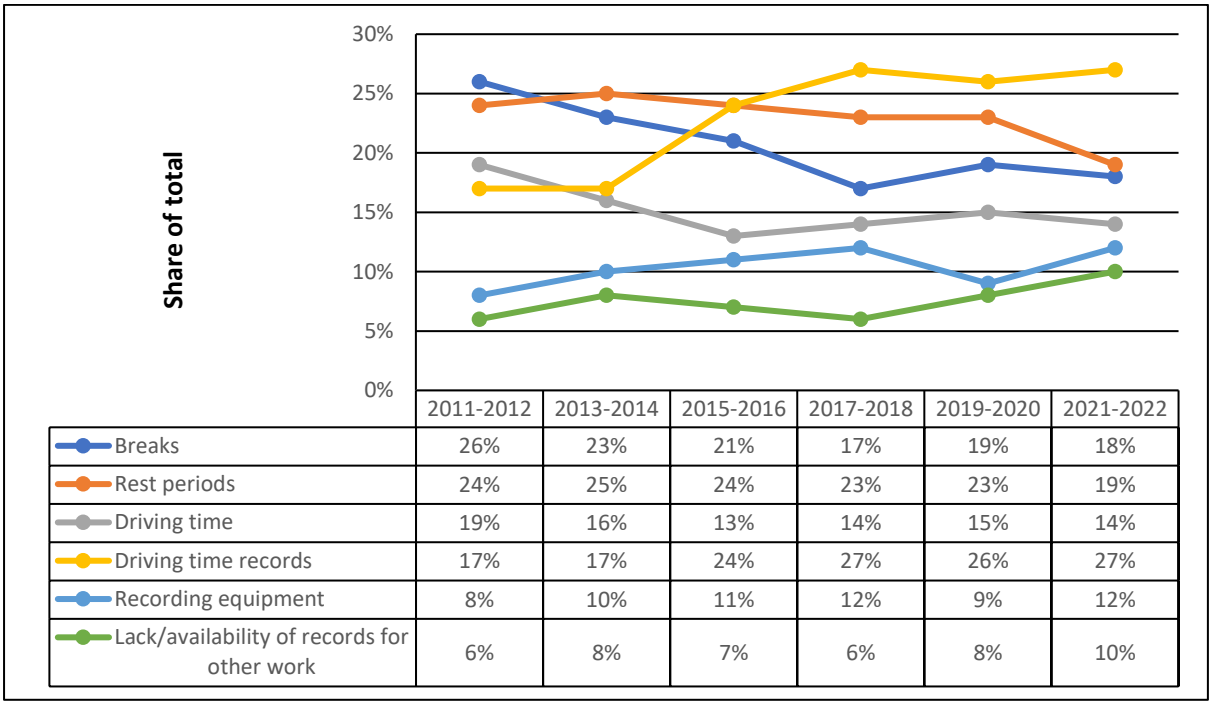


Figure 4: Categories of infringements at roadside and premises over the last 10 years



	2011-2012	2013-2014	2015-2016	2017-2018	2019-2020	2021-2022
Breaks	26%	23%	21%	17%	19%	18%
Rest periods	24%	25%	24%	23%	23%	19%
Driving time	19%	16%	13%	14%	15%	14%
Driving time records	17%	17%	24%	27%	26%	27%
Recording equipment	8%	10%	11%	12%	9%	12%
Lack/availability of records for other work	6%	8%	7%	6%	8%	10%

The average offence rate, which is calculated based on 100 working days checked at premises and roadside checks, increased from 2.1 in 2019-2020 to 2.7 in the current reporting period. Both the detection rates at the roadside and at premises increased compared to the last reporting

[20] Offences regarding recording equipment relate to the incorrect functioning and misuse or manipulation of the recording equipment.

period. **The detection rate at premises remains higher than the detection rate at the roadside, which confirms that checks at the premises are more efficient than roadside controls.**

2.1 Offences detected at the roadside

Around 1.53 million offences were detected at the roadside in **2021-2022, which is about 12% more compared to around 1.36 million offences in 2019-2020**. The EU average of offences detected at the roadside increased from 1.82 to 2.11 per 100 working days checked. On average, 51% of offences were found to be committed by domestic drivers, while the share of domestic vehicles among all vehicles stopped for controls was 64%.

2.2 Offences detected at the premises

The number of offences detected at the premises was about 1.50 million which is a significant increase compared to the last report (890,000). The EU average offence detection rate per 100 working days checked increased from 2.59 to 3.81, which represents an increase of 47% compared to 2019-2020. The average offence rate detected at premises per undertaking increased from 15 offences per undertaking in 2019-2020 to more than 17 offences per undertaking.

2.3 Number of enforcement officers and equipment to analyse tachographs

In the current reporting period, 60,040 control officers (compared to 54,679 in 2019-2020) were involved in checks throughout the EU.

17,081 control officers were trained to analyse the digital tachograph records (against 20,058 in 2019-2020). The units of equipment provided to control officers to analyse the tachograph records decreased from 13,031 in 2019-2020 to 8,336 in 2021-2022.

This confirms a continuous trend of decreasing enforcement capacity in Member States.

3. Interpretation of Regulation (EC) No 561/2006 by the Court of Justice of the European Union

The Court of Justice of the European Union provided interpretation of Regulation (EC) No 561/2006 by means of the rulings in Joined Cases C-870/19 and C-871/19[21], in Cases C-428/19[22], C-906/19[23] and C-13/21[24]. In the latter case, the Court clarified Article 13(1)(b) of Regulation (EC) No 561/2006 which authorises Member States to derogate from the applicable rules related to driving time, breaks and daily and weekly rests for vehicles used or hired, without a driver, by agricultural, horticultural, forestry, farming or fishery undertakings for carrying goods as part of their own entrepreneurial activity within a radius of up to 100 km from the base of the undertaking. First, the Court defined the notion of *radius of up to 100 km from the base of the undertaking* as referring to *a straight line not exceeding 100 km, drawn on the map from that base and joining the base to any point in a circular geographical area*

[21] Prefettura Ufficio territoriale del governo di Firenze v. MI (C-870/19), TB (C-871/19), ECLI:EU:C:2021:233.
[22] OL and Others v Rapidsped Fuvarozási és Szállítmányozási Zrt, ECLI:EU:C:2021:548.
[23] Criminal proceedings against FO, ECLI:EU:C:2021:715.
[24] Pricoforest SRL v Inspectoratul de Stat pentru Controlul în Transportul Rutier (ISCTR), ECLI:EU:C:2022:531.

surrounding that same base. It is therefore independent from the actual number of kilometres driven. Second, the Court made clear that, where vehicles carry goods not only within a radius of up to 100 km from the base of the undertaking concerned, but also outside of that radius, the exceptions granted by Member States are applicable only to the carriage of goods by those vehicles which does not occur outside of that radius.

4. Cooperation between Member States

According to Article 5 of Directive 2006/22/EC, Member States are required to perform no less than six concerted roadside checks per year with at least one other Member State. The cooperation between Member States based on concerted checks, joint training initiatives or exchanges of experience and information, plays a crucial role in stepping up enforcement in order to achieve the objectives of the social legislation in the road transport sector, i.e. improved working conditions, fair competition and improved road safety. Mobility Package I[25], which started applying almost fully on 21 February 2022, aims to promote and reinforce the cooperation and mutual assistance between Member States and to ensure more effective and consistent enforcement of the rules in force. In addition, the European Labour Authority (ELA), which was established in 2019[26] with an overarching objective to ensure fair labour mobility in the internal market, continued its information, training and enforcement support activities in the road transport area during the reporting period. One of ELA's main tasks consists in supporting cooperation between Member States in the cross-border enforcement and facilitating joint inspections including in the field of EU social rules in the road transport sector.

After the Covid-19 crisis, joint enforcement actions could take place in 2021-2022. However, as in previous years, not all Member States provided information on the exact number of concerted checks or did not report at all on whether they had undertaken concerted checks. Out of the 22 Member States that did provide information on checks, 10 Member States[27] met the required number of concerted checks in the reporting period.

Cooperation between Member States concerned mostly neighbouring Member States. Also, as for the last reporting period, most of the Member States indicated that the cooperation took place within the framework of the European Traffic Police Network (ROADPOL) and Euro Control Route (ECR), as well as the European Labour Authority (ELA).

II. Overview of the implementation of Directive 2002/15/EC

According to Article 13 of Directive 2002/15/EC, Member States are obliged to report on the implementation of the Directive every two years, indicating the views of representatives of employees and of employers at national level.

1. The scope of Directive 2002/15/EC

[25] https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:L:2020:249:FULL&from=FR
[26] Regulation (EU) 2019/1149 of the European Parliament and of the Council of 20 June 2019 establishing a European Labour Authority, amending Regulations (EC) No 883/2004, (EU) No 492/2011, and (EU) 2016/589 and repealing Decision (EU) 2016/344 (OJ L 186, 11.7.2019, p. 21).
[27] Austria, Belgium, Denmark, France, Germany, Italy, Lithuania, the Netherlands, Slovenia and Romania.

The Directive establishes rules governing, inter alia, adequate breaks during the working period, the maximum weekly working time and night work. Its provisions supplement the rules on driving times, breaks and rest periods established by Regulation (EC) No 561/2006. As this Directive lays down certain provisions concerning hours of work that are specific to the road transport sector, it is regarded as a *lex specialis* to the general Directive 2003/88/EC[28] on working time, which establishes basic requirements for the organisation of the working time of workers in all sectors.

2. Implementation aspects in Member States

Some Member States and social partners reported some implementation issues. The German authorities reported that employers do not systematically monitor compliance with relevant health and safety rules applicable to mobile workers. There is also a general lack of knowledge of the legislation on driving and working times among employers and on how those rules interact. As observed, in most cases, working time for mobile workers is usually checked within the checks on driving time legislation and it is generally not entirely respected.

Germany also noted that undertakings within the scope of Regulations (EC) No 561/2006 and (EU) No 165/2014 are in principle subject to more frequent controls than those falling within the scope of other legislation on the road transport sector.

The Italian authorities consider that the European legislation has helped to protect health and safety of drivers and to harmonise the conditions of competition between transport undertakings. Some undertakings have adopted more appropriate programmes for downloading, storing and checking data from digital tachographs. Some labour inspectorates also pointed out the importance of having appropriate technological tools to support inspection activities to curb the problem of scarce enforcement resources. In this sense, a dedicated IT application used in Italy has proven particularly useful to control road transport activities. Another positive aspect was the extension of the scope of the working time legislation to self-employed workers.

Some authorities also reported problems with some definitions in Directive 2002/15/EC. As it was reported by Germany in the previous report, further clarification is needed on how to deal with “waiting times at the ramp”. It was also found that unloading work is often not recorded as ‘other work’, but as rest time. In some cases, undertakings also distinguished between actual working time and working time subject to remuneration, so that time was recorded and remunerated at a flat rate, but not as ‘other work’.

Finally, some national authorities reported difficulties in controlling the working time of drivers involved in different types of carriage activities or conducting transport operations for several employers. A lack of inspectors for controlling working time was reported by some Member States.

[28] Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time (OJ L 299, 18.11.2003, p.9).

In contrast, Lithuania informed that no significant problems were encountered in the exercise of controls under Directive 2002/15/EC.

In spite of these shared observations, it remains difficult to identify trends and outstanding issues at the EU level due to the significant number of incomplete submissions by Member States and different national practices.

3. Interpretation of Directive 2002/15/EC

A few Member States[29] reported judicial interpretation by national courts interpreting certain provisions of Directive 2002/15/EC in 2021-2022.

Sweden updated on a court ruling in a case related to the demarcation between the Swedish Transport Agency's responsibilities and those of social partners when collective agreements were signed derogating from parts of the national legal act transposing Directive 2002/15/EC[30]. Sweden also informed that few other legal disputes concerning the implementation of Directive 2002/15/EC had been settled by courts of first instance and that there have been no legal decisions by the supreme court. The same situation was reported by Estonia, which confirmed that, in general, the implementation of Directive 2002/15/EC had created no problems in 2021-2022 in Estonia.

By contrast, Greece and Italy reported on supreme court judgments regarding some provisions of Directive 2002/15/EC. In Germany, in its order of 19 May 2021, the BAG ruled on the interpretation of Article 10 of Directive 2002/15/EC[31].

4. Offences against working time rules

Only twelve Member States[32] provided some quantitative data on the offences detected. This number is slightly higher compared to the previous reporting period where eleven Member States[33] provided this information. The insufficient number of contributions does not however allow for EU-wide conclusions to be drawn.

Germany informed that there are often violations of the maximum weekly working time or failure to compensate for the maximum weekly working time. Most frequent breaches of the legislation reported are on breaks.

[29] Greece, Estonia, Germany, Italy and Sweden. Denmark reported that legal disputes concerning the implementation of Directive 2002/15/EC have been dealt by courts of first instance. There have been no legal decisions by the Estonian supreme court.
[30] The judgment became final in January 2023 stating that if a company is bound by a central collective agreement governing the question of total working time and night work, it is deemed to have been subject to this agreement and not to specific articles of the Road Working Time Act.
[31] Article 10 of Directive 2002/15/EC allows Member States to apply or introduce rules more favourable to the protection of the health and safety of persons performing mobile road transport activities.
[32] Cyprus, Czech Republic, Finland, France, Greece, Germany, Hungary, Poland, Romania, Slovakia, Slovenia and Sweden.
[33] Austria, Cyprus, Czech Republic, Finland, Germany, Hungary, Italy, Luxembourg, Poland, Slovakia and Spain.

Some Member States indicated that more frequent controls lead to increased knowledge of the rules among employers and drivers and to a behaviour correction.

5. Stakeholders' views on implementation of Directive 2002/15/EC

As required by Article 13 of Directive 2002/15/EC, eleven Member States[34] clearly indicated that the two sides of the industry had been consulted for the purpose of this reporting exercise. This number is slightly higher compared to the last report[35], but still shows that more than a half of Member States do not involve social partners in reporting on the implementation of the working time rules. Austria explained that social partners were not consulted, but that the draft annual report is not only discussed in Parliament (Social Committee) but is also publicly available on the website of the Labour Inspectorate.

In seven out of the eleven Member States[36], the views of social partners were reflected in a separate section or paragraph.

Opinions from social partners cannot be further analysed, as they do not constitute a representative sample.

III. Conclusions

The general outcome of the analysis on the implementation and enforcement of the EU road transport social rules show that the overall performance as regards enforcement and compliance levels in 2021-2022 remain stable, with some positive evolutions, compared to 2019-2020.

There was an increase in the total number of working days checked in the current reporting period, which reverses a decreasing trend observed in last years. Nevertheless, compared to the previous reporting periods, both the reported number of vehicles and the reported number of drivers checked at the roadside throughout the EU decreased. An increase was however observed for the number of transport undertakings checked at the premises. At the same time, the ratio of the working days checked at the roadside and at the premises is better balanced (53% at the roadside and 47% at the premises while 60% and 40% respectively in the last report), which is a positive development bringing the ratio of these two types of controls closer to the legal requirements.

The total number of offences detected at the premises and at the roadside increased compared to the last report, especially regarding offences detected at the premises. The detection rate at premises remains higher than the detection rate at the roadside, which confirms that targeted checks at the premises are more efficient than random roadside controls. Moreover, the average detection rate at premises increased compared to the last reporting period.

[34] Cyprus, Estonia, Finland, France, Germany, Greece, Italy, Portugal, Slovakia, Slovenia and Sweden.
[35] Cyprus, Estonia, Finland, France, Germany, Italy, Poland, Portugal, Slovakia and Sweden.
[36] France, Germany, Greece, Italy, Portugal, Slovenia and Sweden.

Infringement detection rates vary significantly throughout the EU (from 0.08 to 12.40). This fact indicates that it is imperative to better target checks. The access to data, such as risk rating, at the roadside has high importance notably to better target controls and to reduce unnecessary 'clean' checks, i.e. checks where no infringements are detected. The access to the risk rating data by roadside inspectors is made obligatory in line with new requirements introduced by Mobility Package I.

As regards concerted and joint checks among Member States, it clearly appears that they contribute to knowledge-sharing, and to establishing a harmonised approach to the understanding and enforcement of EU rules in force. Therefore, the Commission encourages the Member States to further strengthen their efforts in improving cooperation, through joint inspections and concerted checks, as well as to benefit from the assistance offered by the European Labour Authority. The Commission will pay particular attention to joint enforcement actions in the next period.

The shares of the different types of infringements remain similar to the last reporting period. At the premises, offences related to the lack of driving time records amount to nearly one third of all detected offences indicating difficulties with storing the relevant data appropriately by undertakings. In contrast, offences related to breaks, rest periods and driving times amount to almost half of all detected offences at the roadside.

As regards the implementation of Directive 2002/15/EC, the lack of comparable quantitative data and qualitative information in many national reports makes an in-depth assessment difficult. The Commission would like to stress the importance of this reporting exercise and reminds that a legal action can be launched against Member States failing to comply with the requirement to submit the information as required by Article 17 of Regulation (EC) No 561/2006.

The Commission observes that the overall enforcement and compliance levels, following the application of Mobility Package I, improved in the current reporting periods. An implementing act adopted by the Commission on a harmonised risk rating formula[37] allows enforcers to recognise quickly the profile of the company they intend to check and to know whether a company has a low risk rating (due to low-level of law breaches) or a high risk rating (high-level of law breaches). In addition, a remote early detection of possible manipulation and misuse of digital tachograph, gives enforcers a possibility to select which vehicles to control. The Commission will continue investigating how digitalisation and automation technologies could help to make controls of compliance smarter (more effective, efficient, paperless, based on access to and exchange of digital data).

The Commission insists on the importance of the submission by Member States of full sets of data on the implementation of the social rules relating to road transport as required by Article 13 of Directive 2002/15/EC, Article 10g of Council Directive 96/53/EC and Article 17 of

[37] Commission Implementing Regulation (EU) 2022/695 of 2 May 2022 laying down rules for the application of Directive 2006/22/EC of the European Parliament and of the Council as regards the common formula for calculating the risk rating of transport undertakings (OJ L 129, 3.5.2022, p. 33).

Regulation (EC) No 561/2006. The Commission will strengthen the monitoring of the fulfilment of the reporting obligations by Member States. At the same time, the Commission will explore technical possibilities to make the reporting process smarter and easier for Member States.

Moreover, the Commission will continue working towards improving the monitoring of the implementation and enforcement of the social rules in road transport with the assistance of Member States. It calls on Member States to include the views of both sides of industry on the implementation of the working time rules, as required by Directive 2002/15/EC.