

Measure 4: Social harmonisation of road transport

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Policy package:

1D: Road Safety, quality and environment

Measure 4:

Social harmonisation of road transport proposal aimed to:

- Promote efficient, uniform interpretation, implementation and monitoring of existing road transport legislation;
- Establish the liability of employers for certain offences committed by their drivers
- Harmonise penalties and the conditions for immobilising vehicles
- Harmonise inspections and penalties by the end of 2001
- Increase the number of checks which Member States are required to carry out (currently on 1% of days actually worked) on compliance with driving times and drivers' rest periods
- Encourage systematic exchanges of information, coordination of inspection activities, regular consultation between national administrations and training of inspectors to ensure better compliance with the legislation

What is the problem being addressed ?

This measure includes clarifying, simplifying and updating the legislation setting out maximum driving times and minimum breaks and rest periods, as well as strengthening the rules on checks and addressing the issue of penalties for the infringements of such legislation. The establishment of the European single market and the liberalisation of the road traffic sector have led to a substantial increase in competition. To gain an advantage, transport enterprises have increasingly failed to comply with Community rules on driving and rest periods. Since rules on working conditions in the industry are still poorly implemented, the proposals aim to ensure the proper implementation of these rules, in particular regarding roadside checks. The overall aim is to ensure that liberalisation of the road transport industry is counterbalanced by common, sufficiently enforced labour legislation.

Measure's costs and/or benefits:

It is not possible to estimate measure costs.

Legislative implementation at the EU level:

Simplification, clarification and updating of the current rules on driving times and rest periods was the objective of a Commission proposal (COM(2001) 573 final, subsequently amended in COM(2003) 490 final). The Transport Council of June 2004 came to a political agreement on the proposal. The proposal also includes a presumption of employer liability, co-liability of the transport chain, extraterritoriality in terms of sanctions for offences committed outside the Member State but detected within it. Common rules are set out for immobilisation of vehicles, but a common list of serious offences was rejected by the Council. Enforcement of social legislation for road transport activities is the aim of a proposal for a directive (COM (2003) 628 final) of the European Parliament and of the Council on minimum conditions for the implementation of Directive 2002/15/EC and Council Regulations (EEC) No. 3820/85 and 3821/85. With regard to working times there exist also a 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.

As regards Directive 2002/15/EC, this was the last piece in the puzzle regulating working time in the transport industry. It sets common standards for the average and ultimate maximum weekly working time, breaks, night work and records of working time for drivers of vehicles, to which the driving time and rest period legislation applies. An important result achieved with this Directive was the inclusion of self-employed drivers within its scope. In particular, self-employed drivers will be included within the scope of the directive seven years after its entry into force, i.e. at the beginning of 2009. However, circumstances in Member States relating to the structure of the transport industry (the share of self-employed drivers is very high in some Member States, such as Italy) and the working environment of drivers will be taken into account in a Commission study on the consequences of excluding the self-employed which will be conducted

two years before the end of that period, in order to ascertain if adjustments are needed before going to the actual implementation stage. The adoption of the proposal will be subject to the co-decision procedure between the Parliament and Council.

The proposal COM (2003) 628 final seeks to increase the quantity of checks, improve the quality of checks carried out and address the issue of offences and sanctions, and days worked to be checked. In terms of increased quantity, the Commission proposed that each Member State should organise checks in such a way that they cover at least 3% of days worked by drivers of vehicles and that coordinated checks between Member States be increased from two to six per year. In terms of improved quality, the Commission proposed minimum training and equipment for enforcement staff, an obligatory national enforcement strategy, a designated coordinating enforcement body, and for intra Community enforcement, the provision of electronic exchange of intelligence and a committee to look at best practice. As for offences and sanctions, a common list of serious offences, enterprise risk assessment criteria and range of sanctions were proposed. The June Transport Council reached a political agreement on all these elements apart from a common list of serious offences. The Commission's proposed report analysing the penalties set out in the legislation of the member states for serious offences remains. At present, the fines imposed differ quite significantly and harmonisation is desirable.

What are the objectives ?

The measure aims to promote a common view of the rules on driving time and rest periods to facilitate compliance by simplifying, clarifying and updating the current Regulation. The measure also aims to increase the quantity and improve the quality of operations to monitor the application of social legislation to road transport operations so that these checks are a sufficient deterrence and ensure that, in an increasingly competitive environment, loyal competition can be maintained between road transporters, road safety improved and drivers' working conditions safeguarded.

Interactions with other WP measures:

The adoption of the digital tachograph (Measure 5) will facilitate the implementation of the new working time rules. The sectoral working time Directive (2002/15/EC) will be applied to employees from 23 March 2005 and to independent drivers from 23 March 2009. The implementation of the digital tachograph has already been agreed. Currently, all new vehicles from 5 August 2004 have to be equipped with a digital tachograph, but due to technical problems experienced by the manufacturers, a moratorium of 12 months on this date has been given by the Commission.

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Output indicators:

The output of this measure can be assessed through using the following indicators:

- Number of European countries establishing liability of employers in comparison with all Member States (grade of implementation in percentage)
- Number of European countries adopting harmonised penalties and conditions for immobilising vehicles (grade of implementation in percentage)
- Total number of checks by country (Percentage of days actually worked)

Outcome indicators: intermediate impacts on transport markets

Employment and labour costs in the road transport sector:

Social legislation is expected to have an impact both on total employment and, especially, on the structure of the workforce, with possible changes in the share of self-employed and employed drivers in the different Member States. The measure will have a direct impact on the flexibility of labour and, hence, on the road transport operators costs that are expected to increase.

Tonne-km for road and rail:

A change of social legislation for road transport (e.g. reduced working time for drivers) may facilitate the shift from road to rail. This can be documented through the time series for the tkm (road/ rail). National or total European figures on tkm for road and rail are available, and they show that freight transport demand grew faster than GDP, thereby moving away from the objective of reducing the link between economic growth and freight transport demand. There is no sign as yet of a shift of freight from road to rail: rail's share dropped from 10,4% in 1991 to 8% in 1999. Road haulage remains the dominant mode, with a share of 43% of the tonne-kilometres (EEA TERM).

Transport prices for road freight transport

Due to strict working time (driving time) legislation transport prices can be expected to increase and this may further strengthen the modal shift from road to rail.

Outcome indicators: final impacts on transport users and non users

Road safety: the measure is expected to improve working conditions and, hence, the safety of road commercial transport