

Implementation of the social legislation relating to road transport

2008/2062(INI) - 09/10/2008 - Text adopted by Parliament, single reading

The European Parliament adopted by 382 votes to 232, with 36 abstentions a resolution on the implementation of social legislation relating to road transport.

The own-initiative report had been tabled for consideration by Alejandro **CERCAS** (PES, ES) on behalf of the Committee on Employment and Social Affairs.

The resolution regrets that considerable differences still remain in the application and enforcement of Regulation (EEC) No 3820/85 on the harmonisation of certain social legislation relating to road transport. Member States are urged to step up their efforts to guarantee efficient and uniform implementation of the improved social provisions.

MEPs express concern at the shortcomings and delays in the transposition and implementation of Directive 2002/15/EC in some Member States and seek rapid clarification and comment from such Member States as to the reasons for non-implementation, together with an indication of what obstacles may still remain.

Member States are invited to speed up the process of transposition and show the utmost diligence in implementing social legislation in the road transport sector, so as to properly comply with the general interests of road safety and the health and safety of drivers and provide a clear framework of fair competition. Concerned about the consistently high average number of infringements, particularly in the field of passenger transport, MEPs ask the Member States to improve their enforcement of the rules and to step up joint initiatives to encourage an exchange of information and personnel, together with coordinated controls.

The European Commission is called on to:

- draw up the implementation reports required under Directive 2002/15/EC at the two-yearly intervals laid down, even though some Member States have not yet transposed the Directive's provisions into national law;
- display the utmost firmness in dealing with infringements of Community law by Member States as regards social provisions in the road transport sector, to provide for coercive measures in the event of failure to comply with provisions and to take preventive measures, if necessary via judicial process, to ensure strict compliance with Community law;
- propose by October 2008 guidelines for the uniform definition and classification of infringements under the comitology procedure set out in Regulation (EC) No 561/2006.

When drawing up its official impact assessment in view of a legislative proposal modifying the Directive 2002/15/EC, the Commission should:

- give appropriate priority to the social dimension of road safety and the health and safety of drivers and other road users;
- take account of the difficult working conditions experienced by lorry drivers travelling through Europe arising from inadequate access to proper rest areas despite the fact that Article 12 of Regulation (EC) No 561/2006 expressly recognises the importance of a sufficient number of safe and secure rest areas for professional drivers along the Union's motorway network. The

Commission is called upon to follow up the pilot project on safe and secure parking areas launched by the European Parliament, taking account of the measures recommended in the European Economic and Social Committee's opinion on 'European Road Safety Policy and Professional Drivers – Safe and secured parking places';

- give full consideration to the position expressed by Parliament and to its arguments for the full inclusion of self-employed drivers within the scope of Directive 2002/15/EC.

MEPs call on the Commission to submit the relevant measures sufficiently well in advance to ensure that Directive 2002/15/EC as a whole, including all its elements, can enter fully into force on 23 March 2009 and that its scope is extended to include self-employed workers.

Lastly, the Commission is invited to review traffic inspection procedures in each Member State and send Parliament a report thereon. In the event that inspection procedures restricting the free movement of goods or persons are detected, the Commission is called upon to review existing legislation and propose amendments, so as to ensure uniform traffic inspection procedures.