

Road transport, organisation of working time: mobile workers and self-employed drivers

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This is the first report presented by the Commission concerning the implementation of Directive 2002/15/EC on the organisation of working time of mobile workers in road transport in the Member States. The Directive specifies the provisions for working time, breaks and night work. Its objectives are to **improve road safety, prevent the distortion of competition and guarantee the safety and health of the mobile workers**. This Directive thus complements the provisions of [Regulation \(EC\) 561/2006](#) on driving times and rest periods that are of direct influence on road safety, and competition, as they specify the maximum driving time allowed.

Despite the provision of Article 13 of the Directive, which obliges Member States to submit their reports for the years 2005 and 2006 by 30 September 2007, the Commission had received only two national reports in due time. The Commission therefore launched **infringement procedures for non-compliance with their respective obligations against a majority of the Member States**. One of the reasons for this unsatisfactory situation was that many Member States had a significant delay concerning the notification of the transposition of the Directive itself into national legislation.

The reports were in most cases complete and uniform, but they lacked information on exact numbers of checks dedicated to Directive 2002/15/EC on the organisation of working time for mobile workers in road transport and on offences detected. This important information should be made available in order to be able to assess the effectiveness of national implementation measures.

Main conclusions: having received the reports from the Member States, it is difficult to assess whether the Directive had an effect on the respect of social rules in road transport. This is partly caused by the **low compliance by Member States with their obligation to transpose the Directive into national law within the prescribed timeframe**, and to communicate this legislation to the Commission. Efforts by the Member States are needed to improve the assessment of the effectiveness of the measures taken by the Member States to implement the Directive.

Moreover, it seems to be of potential benefit for Member States to **increase their cooperation in exchange of information on best enforcement practices**.

All of the reports should have included information concerning opinions of the two sides of the industry on the implementation of Directive 2002/15/EC as requested by the Directive.

Most Member States did not comment on the level of compliance with the provisions of the Directive and transposing national legislation by drivers and employers. However, from the information received, the Commission assumes that **the provisions of the Directive are not thoroughly respected**.

Lastly, a few Member States commented on the question of the **scope of the Directive** and the inclusion of self-employed drivers.