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

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This Commission Staff Working Document accompanies the report from the Commission on the implementation in 2005-2006 of Directive 2002/15/EC on the organisation of the working time of persons performing mobile road transport activities.

Among the Member States that submitted their reports, substantiated data on the actual effects of the Directive were almost not available. This might be owed to the fact that it only came into force in March 2005 and most Member States only transposed after this date.

In many cases, the conclusions drawn by Member States on the effects of the Directive were reduced to expressions of expectation. Whereas some Member States, like Greece, expect it to make a valuable contribution, others, such as Germany, indicated that its importance could be minor in comparison to Regulation (EC) No 561/2006 on driving times and rest periods.

Some Member States made reference to the question of **whether or not to include self-employed or at least false-self employed drivers into the scope of the Directive**. Only one Member State wanted the current Directive to remain unchanged, with the effect that all self-employed drivers are included into its scope as from 23 March 2009.

Social partners, even though they were not negative in most cases, have drawn the attention to elements of concern. In some Member States, employers expressed their concern that the Directive might lead to a reduction of the working hours permitted, which could cause a loss of income. Moreover, some employees' organisations indicated that they were unhappy with the national transposition legislation, as they claimed that Member States did not make use of the possibilities offered by the Directive. In Spain, the serious disagreement between the two sides of the industry led to a considerable delay in Spain's efforts to transpose the Directive into national law.

Lastly, social partners in the Member States did not very often refer to the question of the scope of the Directive. Nevertheless, from the comments received the conclusion can be drawn that an inclusion of false-self employed drivers would be favoured with a view to fair competition in the road transport sector.