Organisation of working time: persons performing mobile road transport activities

2008/0195(COD) - 28/04/2010

The committee adopted the report drawn up by Edit BAUER (EPP, SK) recommending that Parliament should reject, under the first reading of the ordinary legislative procedure, the proposal for a directive on amending Directive 2002/15/EC on the organization of working time of persons performing mobile road transport activities. The report called on the Commission to withdraw its proposal and submit a new one.

Background

Directive 2002/15/EC was adopted following a conciliation procedure between Parliament and Council (see 1998/0319(COD)). One of the main points of contention had been whether or not self-employed drivers should be included in the directive, as Parliament had wanted. Under the compromise reached in conciliation, self-employed drivers would be excluded temporarily from the directive - until 23 March 2009 - but the Commission would present a report at the latest two years before that date, analysing the likely consequences of their exclusion. Based on the conclusions of this report, the Commission would recommend either the inclusion of self-employed drivers within the scope of the Directive or their exclusion from it, and would present a legislative proposal accordingly.

The Commission report, presented in May 2007, highlighted the different ways in which the provisions of the directive were interpreted and implemented in the various Member States, and pointed out that this could result in distortions of competition and differences in the minimum social standards applied across Member States. It said that difficulties were arising in particular from an unclear distinction between mobile workers and self-employed drivers. This had led to enforcement problems and the risk of an increasing number of 'false' self-employed drivers (i.e. drivers who are not tied to an employer by an employment contract, so that they do not fall within the scope of the directive, but who in reality are not free to work for more than one client).

The Commission report concluded that there was not a decisive case for including self-employed drivers under the directive, but that it was important to address the issue of definitions and make it clear through an appropriate amendment that the notion of mobile worker covered by the directive should also include 'false' self-employed drivers. The legislative proposal amending the 2002 directive along these lines was unveiled by the Commission in 2008.

The proposal was examined in committee during the 6th parliamentary term and a report was tabled but referred back to committee by the plenary in May 2009. At the start of the 7th parliamentary term the committee appointed a new rapporteur, who drew up a draft report that was rejected in committee (for more information see the **background note** dated 29/09/2009). The committee was therefore required to draw up a new report, which it adopted on 28/04/2010. The new report recommended that the proposal be rejected by Parliament (see first paragraph).

In adopting this report, the committee therefore reiterated Parliament's previous opposition to the idea of exempting self-employed drivers from Directive 2002/15/EC.