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

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The Commission presents a report on the implementation of four interrelated and complementary legislative acts establishing social rules in road transport. These four legislative acts are: (i) Regulation (EC) No 561/20061, which establishes rules on driving times, breaks and rest periods for professional drivers; (ii) Directive 2006/22/EC2, which determines minimum requirements for enforcement of these rules; (iii) Regulation (EEC) No 3821/853 on recording equipment; and (iv) Directive 2002/15/EC4, which sets out complementary provisions on the organisation of the working time of persons performing mobile road transport activities.

The report covers the two-year period 2009-2010. The report is of a technical nature and its primary aim is to provide a general overview of how Member States have enforced the applicable social rules. Even though the information provided to the Commission services does not allow for in-depth analysis of impacts of the legislation on health and safety of drivers or on road safety, a general conclusion could be drawn that better enforcement of and compliance with the social rules can indirectly contribute to well-being of drivers and to improving road safety.

The detailed observations show two main types of improvements in implementation of the legislation:

- improvements in enforcement by Member States, in particular as regards reaching the thresholds set in the legislation, data collection and reporting discipline;
- improvements in application of the rules by professional drivers and transport undertakings.

During the reporting period 2009-2010, Member States increased the number of checks performed. All except for five Member States reached or even exceeded the required minimum number of checks. However, the vast majority of checks took place at the roadside and most Member States failed to reach the threshold of having at least 50 % of the total working days checked at premises.

The frequency of offences detected has decreased but the types of offences detected are more or less the same as compared to 2007-2008. Offences against breaks (29%) and rest periods (24%) are still the ones most frequently detected, followed by driving time (19%). There are still considerable differences in the detection rate among the Member States. It is important to ensure that this is not due to incorrect implementation or interpretation of the rules.

National authorities should ensure that checks are being performed without discrimination on the basis of the nationality of the drivers/country of registration of vehicles. Member States should thoroughly examine their data and instruct their control authorities accordingly in order to avoid unequal treatment of non-nationals.