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

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This report from the Commission to the European Parliament and the Council concerns on the implementation in 2013-2014 of Regulation (EC) No 561/2006 on the harmonisation of certain social legislation relating to road transport and of Directive 2002/15/EC on the organisation of the working time of persons performing mobile road transport activities.

This is the 28th report of the Commission on the implementation of social legislation in the field of road transport. It reviews the implementation by Member States of the four interrelated legislative acts establishing social rules in road transport and their enforcement regime. These legislative acts are:

1. Regulation (EC) No 561/2006, which establishes rules on driving times, breaks and rest periods for professional drivers;

2. Directive 2006/22/EC, which determines minimum requirements for enforcement of these rules;

3. Council Regulation (EEC) No 3821/85 on recording equipment, i.e. main tool to control the drivers' compliance with social rules;

4. **this Directive 2002/15/EC**, which sets out complementary provisions on the organisation of the working time of persons performing mobile road transport activities.

The Commission is currently evaluating the Regulation (EC) No 561/2006 and intends to **table a proposal for a targeted revision in 2017** as part of the Road Initiative. Article 17 of Regulation (EC) No 561/2006 requires Member States to communicate every two years the necessary information to enable the Commission to draw up a report on the application of that Regulation and the developments in the fields in question. Article 13 of Directive 2002/15/EC provides that Member States should report to the Commission on the implementation of the Directive, indicating the views of the two sides of the industry.

The reports on Directive 2002/15/EC and Regulation (EC) No 561/2006 can be presented in one single document as both legislative acts cover the same two-year reporting period and establish complementary rules for professional drivers engaged in the carriage of goods or passengers.

Period covered by the report: this report covers the period of 1 January 2013 to 31 December 2014. Its aim is to provide an overview of how Member States have implemented the above-mentioned set of legislative acts and to highlight the key challenges in enforcement and application of the rules in force. The report contains both quantitative and qualitative data on checks carried out at roadside and premises, offences detected as well as information on the **implementation of Road Transport Working Time Directive**.

Main findings:

- the majority of Member States have met the **minimum threshold of working days checked** required by Directive 2006/22/EC and have often exceeded it significantly. However, a few of them have not met this minimum threshold. Furthermore, only half of the Member States have complied with the minimum number of concerted checks, which shows a deterioration in the number of international initiatives compared to the previous period. Cooperation takes place

mainly between neighbouring Member States and is complemented by actions undertaken within the framework of Euro Contrôle Route (ECR) which has established cooperation on a larger scale. In order to create a level playing field in the transport sector, it is necessary to improve and align the enforcement of transport-related social legislation across the EU. Therefore, the Commission **envisages taking measures aiming at strengthening the enforcement of the social rules in road transport**;

- **some Member States have not met the target of having at least 50% of the total working days checked at premises** and the vast majority of inspections took place on the road. The Commission will monitor developments in this respect. In the absence of improvements in the various Member States during the next reporting period, the Commission will launch a formal enquiry with those Member States failing to comply with the requirements for checks at premises;

- according to Directive 2006/22/EC, the threshold of minimum checks of number of days worked by drivers of vehicles should be raised to 4% once 90% of all vehicles checked are equipped with a digital tachograph. In this reporting period **64% vehicles checked at roadside were equipped with the digital tachograph**. Hence, there is no base for raising the minimum threshold of checks to 4% of days worked by drivers.

The report also stressed that:

- the national authorities should ensure that checks are carried out **without discrimination** on the basis of nationality of drivers/Member State of registration of vehicles;

- the **downward trend in the number of offences** that began to develop during 2011-2012 has been maintained;

- the analysis of detection rates at roadside and at premises indicates that checks at premises remain more efficient than *ad-hoc* roadside controls. Discrepancies in detection rates between Member States reveal that the European Union is far from establishing a harmonised enforcement area because of diverging enforcement resources and practices in controlling compliance with road transport legislation;

- there has been a notable increase in the number of infringements involving the manipulation of recording equipment. Therefore, the **appropriate enforcement techniques, equipment, training of control officers**, etc. enabling targeted controls and detecting manipulation devices and fraud became **more needed than ever**. In order to address this issue, the Commission is preparing an implementing act specifying the content of initial and continuing training for control officers.