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 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. The report gives an overview of the implementation of the EU social rules in road transport in the Member States for the period of 1 January 2015 until 31 December 2016. Directive 2002/15/EC (the Road Transport Working Time Directive) establishes the requirements on maximum weekly working times, minimum breaks in work and on nighttime working. It applies to drivers falling within the scope of Regulation (EC) No 561 /2006 (the Driving Time Regulation).

Quality of national reports

The Commission cautions that only a few Member States provided statistical data on controls and their outcomes as regards the Road Transport Working Time Directive. No reports were received from Belgium Croatia, Greece, Hungary, Latvia, the Netherlands and Spain. The Commission states that it may decide to take legal actions against Member States for failure to comply by Member States with the requirement to submit the information specified in the Commission Decision establishing a reporting format.

Implementation aspects in Member States

None of the Member States having submitted a report indicated any change in the legislation implementing Directive 2002/15/EC during the years 2015-2016. Overall, in most Member States, the last amendments of the national legislation were related to the inclusion of self-employed drivers within the scope of their national law on working time in the road transport sector and were already reported in the 2013-2014 report.

Several Member States emphasised the importance of providing advice and guidance to the sector on how to comply with the complexity of the social rules in road transport. For instance, Lithuania indicated that guidance on requirements and instructions is issued to employers. In Sweden, during inspections, authorities try to establish a dialogue with the employer or self-employed driver to ensure that they understand the rules and take the necessary measures to follow them. Irish authorities use a stepped approach involving a combination of advice and guidance and the use of formal directions prior to taking the prosecution route.

As regards judicial interpretation by national courts, none of the Member States reported any significant national court decisions interpreting Directive 2002/15/EC during 2015-2016.

Offences against working time rules

Only 8 Member States (Austria, Cyprus, Czech Republic, Finland, France, Ireland, Luxembourg and Poland) provided quantitative data on offenses detected, which is even, less than for the last reporting period where ten Member States had provided this information. The insufficient number of contributions does not allow for any relevant EU-wide conclusions to be drawn. All Member States are therefore invited to include this data in the next reports.

Some Member States indicated that they ordered rectification when an offence is first detected. In cases were the deficiency fails to be addressed, the enforcement authorities will proceed with their respective sanctions. This consists in initiating administrative proceedings in Austria and Slovakia and/or issuing a fine in Estonia and Finland.

Lastly, the Commission notes that only a few Member States provided views of social partners as part of this report. It reminds Member States that Directive 2002/15/EC requires them to include the views of both sides of industry as part of the reporting exercise.