

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

1998/0319(COD) - 17/12/2001

The Conciliation Committee reached agreement on the working time directive for the road transport sector. The main points of the compromise are as follows: - self-employed drivers will be included within the scope of the directive, as Parliament had insisted, 4 years (i.e. in 2009) after the end of the 3-year transposition period (2005). However, circumstances in Member States relating to the structure of the transport industry and the working environment of drivers will be taken into account in a Commission study on the consequences of excluding the self-employed which will be conducted 2 years before the end of the 7-year period. On the basis of the study, the Commission will submit a proposal, which may either lay down arrangements for excluding self-employed drivers who do not exercise their profession in other Member States and are subject to local constraints or to exclude the self-employed from the scope of the directive altogether if the study indicates there is no need for them to be included. The adoption of the proposal will be subject to the codecision procedure between Parliament and Council; - there is a tighter definition of a self-employed driver, to prevent the creation of new forms of 'false' self-employment during the period when the provisions do not yet apply to the self-employed; - working time for employees and self-employed is almost identical: only 'general administrative work that is not directly linked to the specific transport operation under way' will not be considered as working time for the self-employed; - derogations on weekly working hours and night work will be allowed 'for objective or technical reasons or reasons concerning the organisation of work' and can be introduced on the basis of collective agreements, agreements between the social partners or, in the absence of such agreements, by laws or administrative provisions. In any event, representatives of employers and workers must be consulted and all relevant forms of social dialogue must be encouraged; - the location of the undertaking is more clearly defined. The drivers' working time must be recorded and those records must be kept for two years; - Member States shall ensure that contracts drawn up by operators in the transport sector comply with the provisions of the Directive.