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

1998/0319(COD) - 23/03/2001 - Council position

The Council's common position incorporates 11 out of the 21 European Parliament amendments. These relate in particular to: - the scope of the Directive: according to the common postion, the Directive is solely applicable to mobile workers employed by transport undertakings established in a Member State participating in mobile road-transport activities covered by Regulation 3820/85/EEC or, failing that, by the AETR Agreement. It also stipulates that the basic protection provided for by general Directive 93/104 /EEC extends to the other mobile workers excluded from its scope; - definitions of "working time" and "periods of availability": the common position includes in the definition of "working time", the times during which the mobile worker is required to remain at his place of work, and cannot, on the instructions of his employer, dispose freely of his time. It adds by way of example, that periods spent awaiting loading or unloading are to be regarded as working time where the duration is not known in advance, and clarifies this criterion. The common position defines as "periods of availability", the periods other than those relating to break times and rest times during which the mobile worker is not required to remain at his place of work, but must be available to answer any calls to start or resume driving or to carry out other work. These periods and their foreseeable duration shall be known in advance by the mobile worker (prior to departure of the shift or just before the actual start period in question); - night work: the common position considers "night work" to be any work performed during the night time, namely between 00 and 7.00 and stipulates that the daily working time of night workers in each 24 hour period must not exceed 10 hours. It alos provides for the possibility of derogations. On the other hand, the common position did not accept the amendments concerning the temporary exclusion of self-employed workers; the necessary protection as regards health and safety, stand-by periods; derogations on the provisions of rest periods; a common range of penalties; the regulation of sub-contracting.