

Road transport: harmonisation of social legislation, driving times, breaks and rest periods for drivers

2001/0241(COD) - 12/10/2001 - Legislative proposal

PURPOSE : to harmonise certain social legislation relating to road transport. **CONTENT** : the current proposal abrogates Regulation 3820/85/EEC and replaces it with a new Regulation primarily in order to provide a clear, coherent text within which rules currently contained in Regulation 3820/85/EEC may be clarified, simplified and updated. The Commission has been aware for some considerable time that there have been difficulties in interpreting and applying the provisions within Regulation 3820/85/EEC. In the course of meeting with national experts, correspondence with individuals, road haulage and passenger transport associations and competent authorities over the years since the Regulation's introduction, the clear message has been that a common understanding of its provisions has remained elusive. The proposal aims to clarify and simplify the current legislation making it easier to comprehend and enforce. The scope has been clearly defined, firstly, by setting out more comprehensively when European Agreement concerning the Work of Crews of Vehicles engaged in International Road transport (AETR) or the Regulation should apply; and secondly, by setting out the category of goods and passenger vehicles affected - goods vehicles over 3.5 tonnes; and passenger vehicles suitable for carrying over 9 persons - based on the two current major exemptions. The proposal also seeks to update the other current exemptions and derogations to reflect changes in the road transport sector and, in doing so, to broaden the scope of the application of the Regulation within the road transport sector in the Union. Regulation 3820 /85/EEC already provides considerable flexibility in driving times, rest periods and breaks. This type of flexibility has nevertheless been at the expense of effective enforcement. The proposal withdraws the current compensation arrangements, which were generally unable to be accurately computed and could easily be ignored. While flexibility is still retained, it is now within more computable, enforceable, understandable and simple boundaries. Increases in the standard daily rest period and a predefined enforceable timeframe for any reduced rest periods are balanced by an allowance of certain reduced daily and weekly rest periods without compensation. The proposal also seeks to clarify in a definitive way all the terms used within the Regulation, so that there is little opportunity for individual interpretations of the norm which have in the past to a considerable number of cases before the European Court of Justice, as well as variations in the way enforcement is applied to drivers of vehicles travelling throughout the Union. More specific provisions on "adequate rest" for mobile workers in the road transport sector are also proposed. On the other hand, the proposal does not include the current special derogation for occasional international passenger transport services, under which the driver's weekly rest may be postponed until 13 days after his previous weekly rest. Such an arrangement neither lends itself to adequate enforcement arrangements nor promotes good road safety nor adequate working conditions. In addition, the possible extension of the derogation to national passenger transport introduces a further complicating factor in any calculation. However, the revised rules on weekly rest do provide for a reduced weekly rest period of 24 hours with a normal weekly rest period of 45 hours after 13 days. Lastly, the proposal will provide enforces and the industry alike with a clearer view of the Regulation's provisions and enable these provisions to be computable for the new digital tachograph.