

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

2001/0241(COD) - 11/08/2003 - Modified legislative proposal

Out of the 69 amendments adopted by the European Parliament, the Commission has accepted 47. The following are the principal amendments accepted: - the Regulation's objectives now include the promotion of improved monitoring and enforcement practice as well as improved working practices within the industry; - the scope of application is widened to include international point to point delivery services, where the permissible maximum weight of the vehicle exceeds 2.8 tonnes; - the provisions of the Regulation will apply to vehicles registered in a non-AETR third country. The need to ensure no distortion of competition within the EU is pre-eminent; - the proposed radius within which the exemption for breakdown vehicles can operate has been extended from 50km to 100km; - a new exemption for historic commercial vehicles is inserted to clarify the current application of exemptions to this area; - those journeys made entirely on site are excluded from the scope. The Regulation will apply to those journeys that either start or finish on site but otherwise use a public road; - the Commission accepts the need for a definition of driving time. The activity of driving to a location to take up a vehicle is not included, as this activity is 'other work'; - the definition of 'break' has been extended to clarify its primary purpose of recuperation; - the definition of the regular daily rest period has been revised to re-introduce the possibility of a limited split daily rest; - the definition of a weekly rest period is modified to correspond to the re-introduction of a fixed calendar week basis for calculations where a weekly rest period can straddle two calendar weeks. The Commission has decided to reintroduce the possibility of a reduction to 36 consecutive hours at base or in the driver's hometown and of 24 hours away from base with compensation. However, in order to ensure that enforcement is facilitated and that sufficient account is taken of accumulated fatigue, compensation is to be taken en bloc by the end of the week following that in which the reduced weekly rest commenced; - as regards the definition of multi-manning, the Commission accepts that in practice there may be occasions where the second driver is picked up shortly after the journey is started. As this only relates to a short time at the start of the journey, there should be no difficulty in enforcement; - in the specific situations outlined in the relevant Article only, a maximum of two interruptions in a regular daily rest period may be permitted; - the Commission feels that an obligatory four-week period check at the roadside is excessive. Inspectors conducting roadside checks should continue to have a measure of discretion. The number of days to be checked should, however, be adjusted to ensure that the fortnightly driving time limit of 90 hours may be checked at the roadside. The main amendments not accepted by the Commission were as follows: - the sectoral working time Directive 2002/15/EC already places an obligation on employers to acquaint themselves with total time worked by drivers. As regards the minimum ages for drivers these are now in the driver training proposal. Parliament has not objected in first reading to its logical presence there; - the Commission maintains its view that a more focussed approach to exemptions and derogations is required. Humanitarian aid is too broad a concept and can be subcontracted to commercial undertakings; - the requirement for national bus services to fit digital tachograph is impracticable; The Commission has made some new amendments to the initial proposal: - the definition of 'break' has been further refined to clarify the nature of a break by explicitly excluding any possibility that it includes any driving activity; - the definition of 'other work' has been linked to the definition of 'work' in the sectoral working time Directive; - the definition of daily driving time has been clarified to make it more precise; - the definition of transport undertaking has been clarified to indicate that it includes both companies which undertake transport for hire and reward as well as those who carry out own account operations; - discussions in the Council have indicated a consensus on a clearer and more comprehensive text concerning out of scope driving, which can be taken into account in driving time. The Commission can agree with this approach on road safety grounds and hence takes up this consensus in its amended proposal; - the Commission continues to consider 45 minutes as a

reasonable break after 4.5 hours of driving. The aim of the Commission's original proposal regarding breaks was to avoid an abuse of current facility to split the 45-minute break into 15-minute periods. The aim of Parliament's amendment is to ensure that any reintroduction of a 15-minute split should only be permitted if it precedes a rest of at least 30 minutes. The Commission has redrafted the text to reflect this objective; - the Commission takes account of the anomaly in a calendar week system that driving the last three days of one week and the first three days of the following week can allow a continuous use of reduced daily rest over this 6-day period, a situation that would go against the spirit of what the Regulation intends. - the possibility of taking reduced weekly rest periods consecutively is reintroduced - the road safety implications are recognised through the shorter period required for compensatory rest, a period that also facilitates enforcement checks. Secondly, it means that with a weekly rest period at the start of the first week and the second weekly rest period at the end of the following week, drivers can operate for longer periods within an overall driving time limit of 90 hours; - there is the reinstatement of a compensation regime for weekly rest. Compensation given the following week for a 24-hour reduced weekly rest period will add up to a minimum of 45 hours in total (if the subsequent weekly rest period is also reduced) or to 66 hours (if a regular weekly rest period is taken); - currently drivers are obliged to make a printout of their driving and other activities at the end of the day and then sign and identify the printout. The Commission places a further requirement on a driver who does not have a driver card prior to starting his journey to make a printout. This will prevent end-of-day printouts being juggled prior to signature by unscrupulous companies to ensure records of driving timeactivities are legal, and will link a driver with a vehicle for a particular journey. Moreover drivers are likely to make this printout because of the risk of a roadside check. The potential benefits in enforcement are deemed to outweigh the burden of the additional requirement and will encourage drivers to take care of their driver cards.