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

1998/0319(COD) - 11/03/2002 - Final act

PURPOSE: To establish minimum requirements relating to the organisation of working time of persons performing mobile road transport activities. COMMUNITY MEASURE: Directive 2002/15/EC of the European Parliament and of the Council on the organisation of the working time of persons performing mobile road transport activities. CONTENT: In order to ensure the safety of transport and the health and safety of workers in the road transport sector this Directive has been approved. The scope of this Directive covers mobile workers employed by transport undertaking established in an EU Member State. It also covers workers of crews of vehicles engaged in international road transport (AETR). Self-employed drivers will be excluded temporarily from the scope of this Directive. They will, nevertheless, continue to fall under the scope of Regulation 3820/85. This Directive will apply to self-employed drivers from 23 March 2009. Two years before this date the Commission shall prepare a report analysing the consequences of the exclusion of self-employed drivers. The report will examine aspects of road safety, conditions of competition, the structure of the profession as well as social aspects. Based on the conclusions of this report the Commission will recommend either the inclusion or not of self-employed drivers within the scope of the Directive. The Directive lays out specific definitions. Thus, "working time" will include the time from the beginning to the end of work during which the mobile worker is at his workstation, at the disposal of the employer and exercising his functions or actives. Activities include: driving; loading and unloading; assisting passengers boarding and disembarking from vehicles; cleaning and technical maintenance; all other work intended to ensure the safety of the vehicle etc. "Period of availability" will include mobile workers driving in a team, the time spent sitting next to the driver or on the couchette while the vehicle is in motion. Other definitions relate to "workstation"; "mobile worker" and "self-employed driver". In terms of the maximum weekly working time, the Directive specifies that the average working time may not exceed 48 hours. This may be extended to 60 hours only if, over a four month period, an average of 48 hours a week is not exceeded. Concerning the breaks mobile workers must take the Directive states that they are allowed to work no more than six consecutive hours without a break. The break should last at least 30 minutes if working hours total between six and nine hours and of at least 45 minutes, if working hours total more than nine hours. Night work shall not exceed ten hours in each 24 hour period and compensation must be given in accordance with national legislation. Lastly, Member States shall lay down a system of penalties for breaches of the national provisions adopted. The Member States and Commission are required to submit regular reports regarding the implementation of the Directive. ENTRY INTO FORCE: 23/03/2002. IMPLEMENTATION : 23/03/2005.