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

2001/0241(COD) - 27/06/2005 - Commission opinion on Parliament's position at 2nd reading

The Commission can accept 14 amendments out of a total of 43. They aim in particular to:

- call upon the AETR signatory states and Community to align the AETR agreement with the new Regulation as soon as possible. While the Commission agrees with this objective, the recital should not prejudice the respective competence of the Community and the Member States;

- indicate that enforcement of the fortnightly driving time provision should be checkable at the roadside. The Commission prefers a staged approach to a 28-day check at the roadside, which should be reflected in the text;

- sets out a definition of ‘driving time’. The Commission would prefer a less complex definition, which simply links this period of time with what is recorded as ‘driving’ by the tachograph.

- clarify that while the Commission accepts that efforts should be made to ensure a clarification and uniform implementation of the rules through the proposed comitology committee, a definitive uniform interpretation could only be achieved through the European Court of Justice;

- provide transitional measures concerning common minimum age limit provisions for drivers. The measures should refer only to the minimum age for drivers and not to driver’s mates;

- introduce a direct reference to the current Directive on minimum enforcement levels for this Regulation and indicates the Parliament’s preferred shorter timeframe for the proposed increase in the percentage of checks to be performed as well as the need to include enforcement of working time rules. The Commission could accept inclusion of a reference to the enforcement directive, with the proposed increase in percentages and a reference to enforcement of working time, but would prefer to keep to the

less ambitious but achievable Council deadlines;

- advocate that the provisions regarding digital tachograph and its introduction should be coordinated with those of the proposed Regulation. The Commission shares this aim and considers that the current introduction date of 5 August 2005 will ensure that digital tachograph equipped vehicles are on the market in time to be used in conjunction with the proposed rules;

- exempt tractors with a maximum speed of 40-km per hour. The Commission can accept that agricultural or forestry tractors with this maximum speed limit are exempt;

- remove the national derogation for specialised vehicles transporting circus and funfair equipment. The Commission could accept this in principle, on the basis that a general exemption might be more appropriate than a national derogation for such vehicles, as some may cross national frontiers in the course of their work. It notes however that Parliament did not provide a general exemption and hence wishes to remove any exemption or derogation from these vehicles. The Commission would be opposed to this approach on practical grounds, as carriage by road by these specialised vehicles is an ancillary activity; such transport must of necessity be relatively slow and will not be subject to competitive

pressure. The Commission therefore reinserts this category as a general exemption;

- call on the Commission firstly to support dialogue between Member States concerning national interpretation and application of the Regulation and secondly to submit a proposal on uniform rules for the interpretation and application of the Regulation. The Commission can accept the first part of the amendment, as this dialogue will be within the framework of the new comitology committee to be established. However it will not commit itself to proposing a uniform interpretation of the Regulation, as this would restrict the Commission's right of initiative under the Treaty.

As regards the amendments rejected by the Commission, they concern the following issues: general exemptions and national derogations; rest and break provisions : while in principle the Commission might support the amendments raising regular daily rest to 12 hours, in practice it recognises that the Council's common position is a delicate compromise between Member States and for this reason will reject these two amendments. The Commission acknowledges the road safety concerns of permitting drivers of all passenger transport vehicles to drive for 12 consecutive days without a weekly rest. In terms of rest taken in a stationary vehicle, the Commission continues to consider that a reduced weekly rest period may be taken in a suitably equipped vehicle, as vehicle design has improved considerably over the past 20 years. The Commission rejects the amendment on breaks as this does not address the issue of potential abuse of the split break periods.