Basic information

2008/0195(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Directive	Procedure lapsed or withdrawn
Organisation of working time: persons performing mobile road transport activities **Subject** 3.20.10 Transport undertakings, transport industry employees 4.15.03 Arrangement of working time, work schedules	

Key players

Council of the European Union	**Council configuration**	**Meetings**	**Date**
	Transport, Telecommunications and Energy	2935	2009-03-30
	Transport, Telecommunications and Energy	3024	2010-06-24
European Commission	**Commission DG**	**Commissioner**	
	Mobility and Transport	KALLAS Siim	

Key events

Date	Event	Reference	Summary
15/10/2008	Legislative proposal published	COM(2008)0650	Summary
21/10/2008	Committee referral announced in Parliament, 1st reading		
30/03/2009	Debate in Council		Summary
04/05/2009	Debate in Parliament		
05/05/2009	Results of vote in Parliament		
05/05/2009	Decision by Parliament		Summary
29/09/2009	Additional information		Summary
19/10/2009	Resumption of business from the previous parliamentary term		
28/04/2010	Vote in committee, 1st reading		Summary
05/05/2010	Committee report tabled for plenary, 1st reading	A7-0137/2010	
15/06/2010	Debate in Parliament		
16/06/2010	Decision by Parliament, 1st reading	T7-0221/2010	Summary
24/06/2010	Debate in Council		Summary

30/07/2011	Proposal withdrawn by Commission		Summary

Technical information

Procedure reference	2008/0195(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
Legal basis	Treaty on the Functioning of the European Union TFEU 153-p3 Treaty on the Functioning of the European Union TFEU 091
Stage reached in procedure	Procedure lapsed or withdrawn
Committee dossier	EMPL/7/00128

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE427.237	24/07/2009	
Committee draft report		PE431.059	18/12/2009	
Committee report tabled for plenary, 1st reading/single reading		A7-0137/2010	05/05/2010	
Text adopted by Parliament, 1st reading/single reading		T7-0221/2010	16/06/2010	Summary

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2008)0650	15/10/2008	Summary
Document attached to the procedure	SEC(2008)2631	15/10/2008	
Document attached to the procedure	SEC(2008)2632	15/10/2008	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES0619/2009	24/03/2009	

Additional information

Source	Document	Date

National parliaments	IPEX	
European Commission	EUR-Lex	

Organisation of working time: persons performing mobile road transport activities

2008/0195(COD) - 24/06/2010

The Commission informed the Council about the rejection by the European Parliament of the proposal for a modified directive on the working time of mobile road transport workers.

The Parliament did not accept the exclusion of self-employed workers from the scope of the directive. Given this situation, the Commission announced that it would withdraw its proposal.

Consequently the current directive remains applicable.

Organisation of working time: persons performing mobile road transport activities

2008/0195(COD) - 30/03/2009

The Council reached, in a public deliberation, a **general approach** on a proposal for a Directive amending Directive 2002/15/EC on the organisation of the working time of persons performing mobile road transport activities.

When adopting Directive 2002/15/EC, the Council and the European Parliament agreed that it would in principle apply to all self-employed drivers from 23 March 2009 and the Commission was requested to present both institutions with a report at the latest two years before that date, followed by a legislative proposal. The Commission accordingly presented its proposal to amend Directive 2002/15/EC in October 2008.

The text approved by the Council, in line with the principles of the Commission proposal, foresees that self-employed workers are to be excluded from the scope of the Directive. However, this should be without prejudice to the right of Member States to include those drivers and apply the provisions of Directive 2002/15/EC to them.

In March 2009, the European Parliament's Employment and Social Affairs Committee rejected the Commission's proposal. It will be submitted for vote in a plenary session in May 2009.

Organisation of working time: persons performing mobile road transport activities

2008/0195(COD) - 16/06/2010 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 383 votes to 263 with 23 abstentions, a legislative resolution **rejecting** the proposal for a directive on amending Directive 2002/15/EC on the organization of working time of persons performing mobile road transport activities.

The Parliament calls on the Commission to withdraw its proposal and take appropriate steps together with Parliament to submit a new proposal.

Organisation of working time: persons performing mobile road transport activities

2008/0195(COD) - 15/10/2008 - Legislative proposal

PURPOSE: to amend Directive 2002/15/EC on the organisation of the working time of persons performing mobile road transport activities to enhance clarity, readability and enforceability of the current rules by providing a more precise definition of mobile workers including so called 'false' self-employed drivers.

PROPOSED ACT: Directive of the European Parliament and of the Council.

BACKGROUND: Directive 2002/15/EC became applicable on 23 March 2005. Its common rules ensure minimum social protection standards for mobile workers in the road transport sector and are perceived as an important step towards improving the health and safety protection of mobile workers in the sector.

When adopting the Directive after a conciliation procedure, Council and Parliament agreed that it should in principle apply to self-employed drivers from 23 March 2009. In addition, the Commission is requested to present a report at the latest two years before that date to the European Parliament and the Council, followed by a legislative proposal based on the report, which would either define the modalities for the inclusion or exclude the self-employed drivers from the scope of the Directive.

The Commission report concluded that there was not a decisive case for including self-employed drivers under the directive, but that it was important to address the issue of definitions and make them clear through an appropriate amendment that the notion of mobile worker covered by the directive also included the so-called 'false' self-employed drivers.

CONTENT: the proposal introduces the following modifications without changing the overall purpose of the directive, namely social protection of workers and those who are assimilated to workers under the social rules in road transport. In particular, it:

- **clarifies the scope**: the Directive applies to all mobile workers as defined in Article 3(d) including the so called 'false' self-employed drivers, i.e. those drivers who are officially self-employed, but in fact are not free to organise their working activities. It does not cover genuine self-employed drivers who are not in the scope of the Directive;
- **maintains the definition of 'working time' applicable to all drivers covered by the directive**, but deletes the definition of "working time" for self-employed drivers as they fall out of the scope. In order to tackle the phenomenon of so called false self-employed, a more precise definition of 'mobile workers' is added and it makes the definition of "night work" applicable in practice;
- **introduces common principles** designed to ensure greater transparency and effectiveness of national enforcement regimes, common understanding of the rules and their equitable application;
- **calls for greater cooperation between Member States' relevant authorities** responsible for enforcement as well as for support from the Commission to facilitate the dialogue between enforcers and industry and between Member States to ensure common approach to the implementation of working time rules. All this aims at improving compliance with the Community rules and consequently at contributing to EU transport policy objectives.