



12.7.2010

NOTICE TO MEMBERS

Subject: **Petition 0160/2010 by Andrea Hempen (German), on behalf of Petra Riemer, on alleged infringement of her personal liberties by regulation (EC) No 561/2006 on the harmonisation of certain social legislation relating to road transport**

Petition 0207/2010 by Gundolf Riemer (German), on overzealous enforcement of driving time rules for lorry drivers (EC Regulation 561/2006)

1. Summary of petition 0160/2010

The lawyer presenting the petition on behalf of the self-employed lorry driver argues that the requirement for "a regular weekly rest period" of at least 45 hours - which is very strictly enforced - constitutes an unacceptable limitation of her freedom to exercise her profession and have a family life. She asks for a change of the rules.

Summary of petition 0207/2010

The petitioner protests against what he qualifies as overzealous enforcement, bordering on witch hunt on lorry drivers regarding the respect of maximum driving time rules. Having overstepped the limit by one hour in order to get home and be with his family, he was fined. His employer considers it impossible to continue operations under the rules and threatens to shut down his business.

2. Admissibility

Petition 0160/2010

Declared admissible on 8 June 2010. Information requested from Commission under Rule 202(6).

Petition 0207/2010

Declared admissible on 10 June 2010. Information requested from Commission under Rule 202(6).

3. Commission reply, received on 12 July 2010.

The petitions

Both petitioners express their discontent with a strict enforcement of the provisions of Regulation (EC) 561/2006 on driving times, breaks and rest periods of professional drivers, particularly as concerns driving time limits and weekly rest obligations. They claim that such a strict enforcement constitutes an unacceptable limitation of entrepreneurial freedom, renders it impossible to continue operations by transport undertakings and has a negative impact on drivers' family life.

The Commission's comments on the petition

Regulation (EC) 561/2006 lays down the rules on driving time, breaks and rest periods for professional drivers with the aim to harmonize conditions of competition, improve working conditions and ensure road safety.

Article 6 of the Regulation specifies that the daily driving time shall not exceed 9 hours, which may be extended to 10 hours maximum twice a week. It also stipulates that the maximum weekly driving time shall not exceed 56 hours, and the total accumulated driving time during any two consecutive weeks shall be maximum 90 hours.

Furthermore, in Article 8 it is specified that a driver shall take daily rest of at least 11 hours, which may be reduced to minimum 9 hours three times per week, and regular weekly rest of 45 hours, which may be reduced to 24 hours every second week, but such a reduction shall be compensated.

These rules have to be enforced through a system of controls established by the accompanying Directive 2006/22/EC and by means of a recording instrument installed in all vehicles - the tachograph.

From the information available it appears that the German enforcement authorities do what is requested by the legislation and control the compliance with the rules by drivers, in line with the enforcement regime decided by the legislator. Moreover, it is a transport undertaking's obligation, stipulated in Article 10 of the Regulation, to organise the work of drivers in such a way that they are able to comply with the legal provisions without jeopardizing their family lives or health and safety.

Conclusion

In 2006 the European Parliament and the Council decided a modernisation of the social rules

in road transport and the application of a strict enforcement regime, in the interest of road safety, adequate social conditions of drivers and fair competition. The Commission, as a guardian of the Treaty, is obliged to ensure compliance by the Member States with the legislation in force. The complaints of the petitioners are directed against the provisions of the legislation and do not appear justified in light of the objectives of the legislation.