

Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Directive	1998/0319(COD) Procedure completed
Road transport, organisation of working time: mobile workers and self-employed drivers	
Subject 3.20.05 Road transport: passengers and freight 3.20.10 Transport undertakings, transport industry employees 4.15.03 Arrangement of working time, work schedules	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	DELE EP Delegation to Conciliation Committee		19/06/2001
		PSE HUGHES Stephen	
	Former committee responsible		
	EMPL Employment and Social Affairs		27/07/1999
		PSE HUGHES Stephen	
Council of the European Union	Former committee for opinion		
	TRAN Transport and Tourism		20/01/1999
		PSE SIMPSON Brian	
Council of the European Union	Council configuration	Meeting	Date
	Agriculture and Fisheries	2410	18/02/2002
	Transport, Telecommunications and Energy	2324	20/12/2000
	Transport, Telecommunications and Energy	2204	06/10/1999
	Transport, Telecommunications and Energy	2169	29/03/1999
	Social Affairs	2164	09/03/1999
European Commission	Commission DG	Commissioner	
	Employment, Social Affairs and Inclusion		

Key events			
24/11/1998	Legislative proposal published	COM(1998)0662	Summary
15/01/1999	Committee referral announced in Parliament, 1st reading		
09/03/1999	Debate in Council	2164	
29/03/1999	Debate in Council	2169	

31/03/1999	Vote in committee, 1st reading		Summary
31/03/1999	Committee report tabled for plenary, 1st reading	A4-0187/1999	
13/04/1999	Debate in Parliament		
14/04/1999	Decision by Parliament, 1st reading	T4-0304/1999	Summary
05/05/1999	Vote in committee, 1st reading		
06/05/1999	Decision by Parliament, 1st reading	T4-0416/1999	Summary
06/10/1999	Debate in Council	2204	
10/11/2000	Modified legislative proposal published	COM(2000)0754	Summary
23/03/2001	Council position published	05919/1/2001	Summary
05/04/2001	Committee referral announced in Parliament, 2nd reading		
29/05/2001	Vote in committee, 2nd reading		Summary
29/05/2001	Committee recommendation tabled for plenary, 2nd reading	A5-0196/2001	
13/06/2001	Debate in Parliament		
14/06/2001	Decision by Parliament, 2nd reading	T5-0332/2001	Summary
27/09/2001	Parliament's amendments rejected by Council		
22/11/2001	Formal meeting of Conciliation Committee		
17/12/2001	Final decision by Conciliation Committee		Summary
16/01/2002	Joint text approved by Conciliation Committee co-chairs	3676/2001	
23/01/2002	Report tabled for plenary, 3rd reading	A5-0013/2002	
05/02/2002	Decision by Parliament, 3rd reading	T5-0027/2002	Summary
18/02/2002	Decision by Council, 3rd reading		
11/03/2002	Final act signed		
11/03/2002	End of procedure in Parliament		
23/03/2002	Final act published in Official Journal		
04/04/2002	Debate in Parliament		

Technical information

Procedure reference	1998/0319(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
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	of Procedure EP 52-p1; EC Treaty (after Amsterdam) EC 071
Stage reached in procedure	Procedure completed
Committee dossier	CODE/5/14847

Documentation gateway

Legislative proposal	COM(1998)0662	24/11/1998	EC	Summary
Economic and Social Committee: opinion, report	CES0332/1999 OJ C 318 18.05.1999, p. 0033	25/03/1999	ESC	
Committee report tabled for plenary, 1st reading/single reading	A4-0187/1999 OJ C 219 30.07.1999, p. 0008	31/03/1999	EP	
Text adopted by Parliament, 1st reading/single reading	T4-0304/1999 OJ C 219 30.07.1999, p. 0174-0240	14/04/1999	EP	Summary
Reconsultation	SEC(1999)0581	28/04/1999	EC	
Text adopted by Parliament confirming position adopted at 1st reading	T4-0416/1999 OJ C 279 01.10.1999, p. 0252-0270	06/05/1999	EP	Summary
Modified legislative proposal	COM(2000)0754 OJ C 120 24.04.2001, p. 0284 E	10/11/2000	EC	Summary
Council position	05919/1/2001 OJ C 142 15.05.2001, p. 0024	23/03/2001	CSL	Summary
Commission communication on Council's position	SEC(2001)0584	05/04/2001	EC	Summary
Committee recommendation tabled for plenary, 2nd reading	A5-0196/2001	29/05/2001	EP	
Text adopted by Parliament, 2nd reading	T5-0332/2001 OJ C 053 28.02.2002, p. 0238-0297 E	14/06/2001	EP	Summary
Commission opinion on Parliament's position at 2nd reading	COM(2001)0415	25/07/2001	EC	Summary
Joint text approved by Conciliation Committee co-chairs	3676/2001	16/01/2002	CSL/EP	
Report tabled for plenary by Parliament delegation to Conciliation Committee, 3rd reading	A5-0013/2002	23/01/2002	EP	
Text adopted by Parliament, 3rd reading	T5-0027/2002 OJ C 284 21.11.2002, p. 0023-0092 E	05/02/2002	EP	Summary
Follow-up document	COM(2007)0266	23/05/2007	EC	Summary
Follow-up document	COM(2009)0415	03/08/2009	EC	Summary
Follow-up document	SEC(2009)1099	03/08/2009	EC	Summary
Follow-up document	SEC(2011)0052	07/01/2011	EC	Summary
Follow-up document	SWD(2012)0270	12/09/2012	EC	Summary
Follow-up document	COM(2014)0709	21/11/2014	EC	Summary
Follow-up document	SWD(2014)0342	21/11/2014	EC	

Follow-up document		COM(2017)0117	07/03/2017	EC	Summary
Follow-up document		SWD(2017)0100	07/03/2017	EC	
Follow-up document		COM(2018)0698	18/10/2018	EC	Summary

Additional information

European Commission

[EUR-Lex](#)

Final act

[Directive 2002/15](#)

[OJ L 080 23.03.2002, p. 0035-0039](#) Summary

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

OBJECTIVE: to propose a directive on working time in the road transport sector. **CONTENT:** this Commission proposal follows from the breakdown in negotiations between the two sides of industry in the road transport sector within the framework of the social protocol procedure. Consequently, the Commission has presented a draft directive setting out provisions governing the minimum working times of mobile workers performing road transport activities, including self-employed workers and drivers. This proposal seeks both to protect the health and safety of workers and to prevent distortions in competition and improve road safety. The proposal also complements the provisions of Regulation 3820/85/EEC laying down common rules on driving and rest times for drivers. The proposal also sets out the following general provisions: 1) the definition of "standby duty" has been incorporated into the working time (e.g. monitoring the vehicle etc.), unlike "standby periods" which are not included in drivers' working time; 2) weekly working time: this has been set at 48 hours a week over a four month reference period, with an absolute maximum of 60 hours per week; 3) work breaks: 6 consecutive hours with at least 30 minute breaks where the working day totals between 6 and 9 hours; 4) rest periods: the provisions of Regulation 3820/85/EEC have been maintained, with an additional clause for mobile workers allowed 11 hour rest periods (this period may be reduced by one hour for workers granted compensatory rest periods); 5) night work: a maximum of 8 hours (possibly 10 hours, if no more than an average of 8 hours a day has been worked over a two month period). The proposal also makes provision: - by way of derogation: for a maximum driving time of 65 hours per week in international passenger transport other than on scheduled routes (this period must be recorded); - for derogations relating to average weekly working times, rest periods and night work, provided that equivalent compensatory rest periods have been granted. The reference period for weekly working times may only be extended to 6 months, rather than the 12 months proposed in the general working time directive. A further derogation has been included to allow a longer, two-part reference period of up to 12 months, provided that the average weekly working time is reduced to 35 hours. 1 ?

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

At first reading under cooperation procedure, the European Parliament adopted the report by Hugh R. McMahon (PSE,UK), which approves the Commission proposal for a Council directive concerning the organisation of working time for mobile workers performing road transport activities and for self-employed drivers, subject to amendments, notably in the following areas: - excepting from the proposed directive mobile workers performing passenger transport activities on scheduled routes not exceeding a distance of 50 km; - excepting mobile workers in the emergency services from the provision that the provisions of the proposed directive should take precedence over the relevant provisions of Council directive 93/104/EC and providing that the derogations provided for with regard to activities involving the need for continuity of service or production in Council directive 93/104/EC should continue to apply in this area; - adding to the definition of "working time" within the meaning of the proposed directive, standby duty, checking (as well as supervising) passengers, monitoring of loading and unloading, and administrative formalities and cooperation for checks required by law with police, customs, immigration officers etc; - specifying that standby periods must be known by the mobile worker at least one day in advance and prior to the completion of the previous shift; - defining "night workers" as workers who perform 48 days (rather than a certain proportion to be defined by the Member States' legislation in consultation with the social partners) of their annual working time during night time; - adding a definition of "self-employed drivers" within the meaning of the proposed directive; - providing that a reference period will be determined after consultation with the social partners over which an average maximum daily working time of 8 hours must not be exceeded by night workers (as opposed to a specified reference period of 2 months, proposed by the Commission); - providing that derogations from the provisions with regard to maximum weekly working time and rest periods may only be adopted by means of collective agreements; - deleting other conditions for derogations from maximum weekly working time; - deleting the provision that, for regular passenger transport services over distances of less than 50 kilometres, breaks or layover time may be split into periods of less than 15 minutes duration; - extending the provision that employers record workers' working time to all mobile workers; - providing that, if so requested, the employer shall provide workers with a copy of the records of hours worked; - extending the provision that Member States take measures to ensure that self-employed drivers maintain a record of their working time to cover all self-employed drivers in general; - requiring Member States to carry out controls on working and driving times equivalent to at least 2% of all the working days in this sector, the most important instrument for such controls being the tachograph; - providing that implementation of the proposed directive shall not constitute valid grounds for reducing the general level of protection afforded to workers; - providing that there should be a common range of penalties for infringement of the directive; - requiring Member States to take the necessary steps to ensure that the relationships between shippers, freight forwarders, prime contractors and sub-contractors are regulated through the adoption of obligatory contracts allowing the verification of compliance with the proposed directive.?

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

Following the entry into force of the Treaty of Amsterdam on 01/05/99, the European Parliament confirmed as its first reading under codecision procedure its vote of 14/04/99 on the proposal for a European Parliament and Council directive relating to the organisation of working time for mobile workers performing road transport activities and for self-employed drivers.?

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

The Commission has introduced amendments which were put forward by the Parliament, which the Commission indicated it would accept, namely those relating to: - excluding self-employed drivers from the provisions of this Directive for a three year period starting from the end date for transposition of the directive in line with the Commission's communication on this issue; - providing a fuller elaboration of what constitutes working time; - to clarify what is meant by advance notification; - to specify what is meant by a self-employed driver; - to place the onus on employer and employee alike; - to delete the provisions on shorter hours and correspondingly longer reference periods; - to clarify the system of keeping records. Lastly, a new recital has been added which points out that both employed and self-employed drivers will continue to be subject to the provisions of Regulation 3820/85/EEC of 31 December 1985 concerning driving times and rest periods, which regulate a major element in driver's working time. On the basis of a forthcoming proposal of the Commission, this Regulation will be modified to establish enhanced regime.?

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

The Council's common position incorporates 11 out of the 21 European Parliament amendments. These relate in particular to: - the scope of the Directive: according to the common position, the Directive is solely applicable to mobile workers employed by transport undertakings established in a Member State participating in mobile road-transport activities covered by Regulation 3820/85/EEC or, failing that, by the AETR Agreement. It also stipulates that the basic protection provided for by general Directive 93/104/EEC extends to the other mobile workers excluded from its scope; - definitions of "working time" and "periods of availability": the common position includes in the definition of "working time", the times during which the mobile worker is required to remain at his place of work, and cannot, on the instructions of his employer, dispose freely of his time. It adds by way of example, that periods spent awaiting loading or unloading are to be regarded as working time where the duration is not known in advance, and clarifies this criterion. The common position defines as "periods of availability", the periods other than those relating to break times and rest times during which the mobile worker is not required to remain at his place of work, but must be available to answer any calls to start or resume driving or to carry out other work. These periods and their foreseeable duration shall be known in advance by the mobile worker (prior to departure of the shift or just before the actual start period in question); - night work: the common position considers "night work" to be any work performed during the night time, namely between 00 and 7.00 and stipulates that the daily working time of night workers in each 24 hour period must not exceed 10 hours. It also provides for the possibility of derogations. On the other hand, the common position did not accept the amendments concerning the temporary exclusion of self-employed workers; the necessary protection as regards health and safety, stand-by periods; derogations on the provisions of rest periods; a common range of penalties; the regulation of sub-contracting. ?

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

The common position was the subject of a political agreement by qualified majority. Consequently, the Commission considers that given the very significant divergence in the original views of the Member States considering the fact that the common position incorporates a certain automaticity to include eventually the self-employed drivers as well as sufficient protection for night workers, the common position constitutes a reasonable and balanced compromise. ?

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

The committee adopted the report by Stephen HUGHES (PES, UK) amending the Council's common position under the codecision procedure (2nd reading). The committee essentially rebuffed a number of amendments from Parliament's first reading which had not been taken up by the Council and introduced new amendments deleting or tightening up certain provisions of the common position. The reinstated first reading amendments dealt with the following key issues: - while accepting that self-employed drivers should be temporarily excluded from the directive, the committee reiterated its belief that they should be automatically included after a specified period (3 years after the deadline for transposition of the directive). Moreover, the transposition period itself should be 2 rather than 3 years; - there should be a clearer and more precise definition of self-employed drivers. Member States should also ensure that self-employed drivers maintained a record of their working time and that records were kept for at least 2 years. Member States should carry out controls on working times equivalent to at least 2% of all the working days in this sector; - there should be a clearer definition of working time for both self-employed drivers and mobile workers, so as to include stand-by duty and time during which certain activities were undertaken; - there should be more specific definitions of night time and night workers. Night work should not exceed 8 hours (as opposed to 10 hours) per 24-hour period. This could be extended to 10 hours if an average of 8 hours a day was not exceeded within a reference period to be determined after consultation of both sides of industry; - derogations should be allowed only as regards maximum weekly working time and only as a result of collective agreements. Derogations on night work should not be allowed; - "periods of availability" and their foreseeable duration should be known by the worker at least one day in advance and prior to completion of the previous shift, rather than just before departure. One amendment sought to delete the new provision in the common position whereby mobile workers driving in a team were considered as benefiting from a "period of availability" when they were not actually driving but were sitting next to the driver or on the couchette while the vehicle was in motion. As they could often be called upon to navigate or do administrative work while the vehicle was moving, the committee argued that this period should count as working time. Another amendment aimed to ensure that, within one year of the directive coming into force, the Commission presented a proposal revising Regulation 3820/85 on driving time, to include a definition of working time compatible with this directive.?

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

The European Parliament adopted the report by Mr Stephen HUGHES (PES, UK). (Please refer to the previous document).?

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

The European Commission could accept in part or in full some of the twenty amendments proposed by the European Parliament relating to working time for mobile workers performing road transport activities. Those amendments which would have undermined the Common Position of the Council - specifically the inclusion of self-employed drivers into the scope of the Directive - have been rejected by the Commission. Similarly, Parliamentary amendments dealing with concepts of working time and night work are considered incompatible with the common position and therefore are not included. The Commission does however accept the following amendments: - an amendment clarifying the location of the undertaking; - an amendment further clarifying the definition of a 'self-employed driver'; - an amendment extending the records of the working time for mobile workers to two years at the end of the period covered; - amendments increasing the social protection of mobile workers; - a proposal to allow two years for the transposition of the Directive; and lastly, - an amendment defining contractual obligations to ensure the adequate implementation of the Directive.?

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

The Conciliation Committee reached agreement on the working time directive for the road transport sector. The main points of the compromise are as follows: - self-employed drivers will be included within the scope of the directive, as Parliament had insisted, 4 years (i.e. in 2009) after the end of the 3-year transposition period (2005). However, circumstances in Member States relating to the structure of the transport industry and the working environment of drivers will be taken into account in a Commission study on the consequences of excluding the self-employed which will be conducted 2 years before the end of the 7-year period. On the basis of the study, the Commission will submit a proposal, which may either lay down arrangements for excluding self-employed drivers who do not exercise their profession in other Member States and are subject to local constraints or to exclude the self-employed from the scope of the directive altogether if the study indicates there is no need for them to be included. The adoption of the proposal will be subject to the codecision procedure between Parliament and Council; - there is a tighter definition of a self-employed driver, to prevent the creation of new forms of 'false' self-employment during the period when the provisions do not yet apply to the self-employed; - working time for employees and self-employed is almost identical: only 'general administrative work that is not directly linked to the specific transport operation under way' will not be considered as working time for the self-employed; - derogations on weekly working hours and night work will be allowed 'for objective or technical reasons or reasons concerning the organisation of work' and can be introduced on the basis of collective agreements, agreements between the social partners or, in the absence of such agreements, by laws or administrative provisions. In any event, representatives of employers and workers must be consulted and all relevant forms of social dialogue must be encouraged; - the location of the undertaking is more clearly defined. The drivers' working time must be recorded and those records must be kept for two years; - Member States shall ensure that contracts drawn up by operators in the transport sector comply with the provisions of the Directive.?

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

The European Parliament adopted the report by Mr Stephen HUGHES (PES, UK) which approves the conciliation agreement on the working time directive for the road transport sector. (Please refer to the outcome of the conciliation committee 17/12/01).?

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

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 activities. 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.?

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

Directive 2002/15/EC on the organisation of the working time of persons performing mobile road transport activities came into force in March 2002. Member States have had three years to implement the provisions in relation to mobile workers. The Directive will apply to self-employed drivers as from March 2009. The Directive, however, requires the Commission to prepare a report on the Directive by March 2007 – i.e. two years before the Directive's provisions apply to self-employed drivers. The report should analyse the consequences of excluding self-employed drivers from the Directive's scope and what impact (if any) this has had on road safety, competition and the structure of the profession. In addition, the Commission is expected to assess the consequences of the Directive's night work provisions. In short, this report fulfils several objectives: it serves to provide an overview of the current state of implementation; it addresses the potential consequences of excluding self-employed drivers from the scope of the Directive and it assesses the consequences of the Directive's night time provisions.

Implementation in the Member States: the report finds that a majority of Member States did not manage to transpose the Directive into national law within the three year transitional period provided. In May 2005 the Commission was forced to open infringement proceedings against eleven Member States. Since then the number of Member States not communicating all their transposing measures has been reduced to four. The Commission is, therefore, not yet in a position to issue its first biennial report, due out in March 2007.

Consequences of excluding self-employed drivers: extensive research on working long hours and road safety, produced for the Commission, shows that excessive working hours is a major contributory factor to fatigue and hence to falling asleep at the wheel. Fatigue and its consequences for road safety can affect a driver, whether he be self-employed or a mobile worker. The consultants report confirmed that self-employed drivers work longer than mobile road transport workers. Other factors contributing to fatigue – stress, health problems and a lack of support were more prevalent amongst self employed drivers than mobile drivers. The inclusion of the self-employed in the Directive may have a positive effect on road safety albeit that the Commission accepts that is hard to quantify. Other factors such as age and fatigue may play an equally important role in promoting fatigue. The Commission also accepts that the new driving and rest time rules combined with stricter enforcement will play an equally valid role in minimising fatigue and stress.

In terms of the social impact, the Commission acknowledges that the balance of overall disadvantages and advantages of exclusion or inclusion is mixed. An increase of working hours for self-employed drivers (made possible by exclusion from the Directive) might be considered undesirable on health and safety grounds. On the other hand, inclusion may impose greater emotional stress and financial difficulty for the self-employed, be difficult to enforce, and ultimately be ineffective. To address this question a further impact assessment may be needed prior to any legislative proposal (see below). In any case, in a largely fragmented industry, it appears that exclusion of the self-employed from the scope of the Directive will tend to reinforce current trends – i.e. allow self-employed drivers to maintain their competitive edge within the industry. Addressing the issue of 'false' self-employed drivers, therefore, must counteract any artificial fragmentation.

Night work: while there appears to be no demand to adjust the current provisions, the issue of enforcement is pertinent. The Commission will examine this matter further – together with the Member States and interest parties in a bid to assess how respect for night time rules can be applied.

Impact assessment: The Commission will now carry out a formal impact assessment in view of a legislative proposal modifying the Directive. The Commission will consult with the Member States and the social partners at a European level to examine further arrangements. The impact assessment will consider: i) the new Regulation on driving times and rest periods, the new enforcement Directive and the introduction of the digital tachographs; ii) encouraging active enforcement of enhanced operator conditions through a new proposal on admission to the occupation that is to be adopted in 2007 (this should help address the issue of 'false' self-employed; and iii) focusing on a correct and enforceable application by the Member States of the Directive's definition of mobile workers, which encompasses false self-employed drivers.

The Commission will also consider the continued exclusion of the genuine self-employed from the sectoral working time rules while at the same time ensuring a rigorous interpretation and implementation of the definition 'self-employed' driver contained in the Directive so that the working time rules apply to the 'false self-employed'.

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

This Commission Staff Working Document accompanies the report from the Commission on the implementation in 2005-2006 of Directive 2002/15/EC on the organisation of the working time of persons performing mobile road transport activities.

Among the Member States that submitted their reports, substantiated data on the actual effects of the Directive were almost not available. This might be owed to the fact that it only came into force in March 2005 and most Member States only transposed after this date.

In many cases, the conclusions drawn by Member States on the effects of the Directive were reduced to expressions of expectation. Whereas some Member States, like Greece, expect it to make a valuable contribution, others, such as Germany, indicated that its importance could be minor in comparison to [Regulation \(EC\) No 561/2006](#) on driving times and rest periods.

Some Member States made reference to the question of whether or not to include self-employed or at least false-self employed drivers into the scope of the Directive. Only one Member State wanted the current Directive to remain unchanged, with the effect that all self-employed drivers are included into its scope as from 23 March 2009.

Social partners, even though they were not negative in most cases, have drawn the attention to elements of concern. In some Member States, employers expressed their concern that the Directive might lead to a reduction of the working hours permitted, which could cause a loss of income. Moreover, some employees' organisations indicated that they were unhappy with the national transposition legislation, as they claimed that Member States did not make use of the possibilities offered by the Directive. In Spain, the serious disagreement between the two sides of the industry led to a considerable delay in Spain's efforts to transpose the Directive into national law.

Lastly, social partners in the Member States did not very often refer to the question of the scope of the Directive. Nevertheless, from the comments received the conclusion can be drawn that an inclusion of false-self employed drivers would be favoured with a view to fair competition in the road transport sector.

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

This is the first report presented by the Commission concerning the implementation of Directive 2002/15/EC on the organisation of working time of mobile workers in road transport in the Member States. The Directive specifies the provisions for working time, breaks and night work. Its objectives are to improve road safety, prevent the distortion of competition and guarantee the safety and health of the mobile workers. This Directive thus complements the provisions of [Regulation \(EC\) 561/2006](#) on driving times and rest periods that are of direct influence on road safety, and competition, as they specify the maximum driving time allowed.

Despite the provision of Article 13 of the Directive, which obliges Member States to submit their reports for the years 2005 and 2006 by 30 September 2007, the Commission had received only two national reports in due time. The Commission therefore launched infringement procedures for non-compliance with their respective obligations against a majority of the Member States. One of the reasons for this unsatisfactory situation was that many Member States had a significant delay concerning the notification of the transposition of the Directive itself into national legislation.

The reports were in most cases complete and uniform, but they lacked information on exact numbers of checks dedicated to Directive 2002/15/EC on the organisation of working time for mobile workers in road transport and on offences detected. This important information should be made available in order to be able to assess the effectiveness of national implementation measures.

Main conclusions: having received the reports from the Member States, it is difficult to assess whether the Directive had an effect on the respect of social rules in road transport. This is partly caused by the low compliance by Member States with their obligation to transpose the Directive into national law within the prescribed timeframe, and to communicate this legislation to the Commission. Efforts by the Member States are needed to improve the assessment of the effectiveness of the measures taken by the Member States to implement the Directive.

Moreover, it seems to be of potential benefit for Member States to increase their cooperation in exchange of information on best enforcement practices.

All of the reports should have included information concerning opinions of the two sides of the industry on the implementation of Directive 2002/15/EC as requested by the Directive.

Most Member States did not comment on the level of compliance with the provisions of the Directive and transposing national legislation by drivers and employers. However, from the information received, the Commission assumes that the provisions of the Directive are not thoroughly respected.

Lastly, a few Member States commented on the question of the scope of the Directive and the inclusion of self-employed drivers.