

Road transport, working time: enforcing social legislation (implem. Regulations (EEC) No 3820/85 and (EEC) No 3821/85/EEC, repeal. Directive 88/599/EEC)

2003/0255(COD) - 17/03/2004

The committee adopted the report by Helmuth MARKOV (EUL/NGL, D) amending the proposal under the 1st reading of the codecision procedure. Although the committee welcomed the directive in principle, it adopted a range of amendments demanding tighter checks on the implementation of the directive and aligning its provisions with that of the proposed regulation on the harmonisation of certain social legislation relating to road transport, which Parliament amended at 1st reading in January 2003. Whereas the Commission was proposing that each Member State should organise checks in such a way that they cover at least 3% of days worked by drivers of vehicles each year, MEPs felt that a figure of 2% was enough. Where the Commission had proposed that not less than 30% of the working days checked should be checked at the roadside, the committee wanted to change this figure to 15%. And it added that at least 50% of inspections on the premises of companies should be conducted in very small undertakings (i.e. those having not more than three vehicles), to ensure that inspectors did not focus mainly on large undertakings and dispense with controls on small businesses. With regard to what counts as offences (listed in Article 9), the committee said that the margin set by the Commission for exceeding the maximum weekly working time of 60 hours (20% or more) was too generous and would encourage widespread abuse of the maximum driving periods. It therefore proposed that it should be an offence to exceed the 60-hour maximum working week by a margin of 10% or more. It also wanted the offences to apply equally to self-employed and drivers of goods vehicles of less than 3.5 tonnes. A number of amendments sought to improve record-keeping and ensure that more information was provided regarding inspection locations, the number of vehicles owned by the undertaking to which the inspected vehicle belongs, etc. MEPs also suggested that hospitality and parking areas and other safe locations along motorways and service areas could be used as checkpoints. Lastly, the committee called on the Commission to put forward a proposal, within three years of the directive's entry into force, on harmonising the sanctions imposed for defined offences. Given that the fines imposed in the various Member States differed quite significantly, harmonisation was urgently needed to prevent distortions of competition.