

Procedure file

Basic information		
INI - Own-initiative procedure	2008/2062(INI)	Procedure completed
Implementation of the social legislation relating to road transport		
Subject		
3.20.05 Road transport: passengers and freight		
3.20.06 Transport regulations, road safety, roadworthiness tests, driving licence		
4.15.03 Arrangement of working time, work schedules		
4.15.04 Workforce, occupational mobility, job conversion, working conditions		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	EMPL Employment and Social Affairs		22/01/2008
		PSE CERCAS Alejandro	
	Committee for opinion	Rapporteur for opinion	Appointed
	TRAN Transport and Tourism		
European Commission	Commission DG	Commissioner	
	Employment, Social Affairs and Inclusion	ŠPIDLA Vladimír	

Key events			
13/03/2008	Committee referral announced in Parliament		
10/09/2008	Vote in committee		Summary
18/09/2008	Committee report tabled for plenary	A6-0357/2008	
08/10/2008	Debate in Parliament		
09/10/2008	Results of vote in Parliament		
09/10/2008	Decision by Parliament	T6-0475/2008	Summary
09/10/2008	End of procedure in Parliament		

Technical information	
Procedure reference	2008/2062(INI)
Procedure type	INI - Own-initiative procedure
Procedure subtype	Initiative
Legal basis	Rules of Procedure EP 54; Rules of Procedure EP 54-p4
Stage reached in procedure	Procedure completed
Committee dossier	EMPL/6/60373

Documentation gateway

Committee draft report		PE405.774	07/05/2008	EP	
Amendments tabled in committee		PE406.118	05/06/2008	EP	
Committee opinion	TRAN	PE405.841	01/07/2008	EP	
Committee report tabled for plenary, single reading		A6-0357/2008	18/09/2008	EP	
Text adopted by Parliament, single reading		T6-0475/2008	09/10/2008	EP	Summary
Commission response to text adopted in plenary		SP(2008)6975	30/01/2009	EC	

Implementation of the social legislation relating to road transport

The Committee on Employment and Social Affairs adopted an own initiative report by Alejandro CERCAS (PES, ES) on the implementation of social legislation relating to road transport. The report regrets that considerable differences still remain in the application and enforcement of Regulation (EEC) No 3820/85 on the harmonisation of certain social legislation relating to road transport. Member States are urged to step up their efforts to guarantee efficient and uniform implementation of the improved social provisions. MEPs express concern at the shortcomings and delays in the transposition and implementation of Directive 2002/15/EC in some Member States and seek rapid clarification and comment from such Member States as to the reasons for non-implementation, together with an indication of what obstacles may still remain.

Member States are invited to speed up the process of transposition and show the utmost diligence in implementing social legislation in the road transport sector, so as to properly comply with the general interests of road safety and the health and safety of drivers and provide a clear framework of fair competition. Concerned about the consistently high average number of infringements, particularly in the field of passenger transport, MEPs ask the Member States to improve their enforcement of the rules and to step up joint initiatives to encourage an exchange of information and personnel, together with coordinated controls.

The European Commission is called on to :

- draw up the implementation reports required under Directive 2002/15/EC at the two-yearly intervals laid down, even though some Member States have not yet transposed the Directive's provisions into national law;
- display the utmost firmness in dealing with infringements of Community law by Member States as regards social provisions in the road transport sector, to provide for coercive measures in the event of failure to comply with provisions and to take preventive measures, if necessary via judicial process, to ensure strict compliance with Community law;
- propose by October 2008 guidelines for the uniform definition and classification of infringements under the comitology procedure set out in Regulation (EC) No 561/2006.

When drawing up its official impact assessment in view of a legislative proposal modifying the Directive 2002/15/EC, the Commission should:

- give appropriate priority to the social dimension of road safety and the health and safety of drivers and other road users;
- take account of the difficult working conditions experienced by lorry drivers travelling through Europe arising from inadequate access to proper rest areas despite the fact that Article 12 of Regulation (EC) No 561/2006 expressly recognises the importance of a sufficient number of safe and secure rest areas for professional drivers along the Union's motorway network. The Commission is called upon to follow up the pilot project on safe and secure parking areas launched by the European Parliament, taking account of the measures recommended in the European Economic and Social Committee's opinion on 'European Road Safety Policy and Professional Drivers ? Safe and secured parking places';
- give full consideration to the position expressed by Parliament and to its arguments for the full inclusion of self-employed drivers within the scope of Directive 2002/15/EC.

MEPs call on the Commission to submit the relevant measures sufficiently well in advance to ensure that Directive 2002/15/EC as a whole, including all its elements, can enter fully into force on 23 March 2009 and that its scope is extended to include self-employed workers.

Lastly, the Commission is invited to review traffic inspection procedures in each Member State and send Parliament a report thereon. In the event that inspection procedures restricting the free movement of goods or persons are detected, the Commission is called upon to review existing legislation and propose amendments, so as to ensure uniform traffic inspection procedures.

Implementation of the social legislation relating to road transport

The European Parliament adopted by 382 votes to 232, with 36 abstentions a resolution on the implementation of social legislation relating to road transport.

The own-initiative report had been tabled for consideration by Alejandro CERCAS (PES, ES) on behalf of the Committee on Employment and Social Affairs.

The resolution regrets that considerable differences still remain in the application and enforcement of Regulation (EEC) No 3820/85 on the harmonisation of certain social legislation relating to road transport. Member States are urged to step up their efforts to guarantee efficient and uniform implementation of the improved social provisions.

MEPs express concern at the shortcomings and delays in the transposition and implementation of Directive 2002/15/EC in some Member States and seek rapid clarification and comment from such Member States as to the reasons for non-implementation, together with an

indication of what obstacles may still remain.

Member States are invited to speed up the process of transposition and show the utmost diligence in implementing social legislation in the road transport sector, so as to properly comply with the general interests of road safety and the health and safety of drivers and provide a clear framework of fair competition. Concerned about the consistently high average number of infringements, particularly in the field of passenger transport, MEPs ask the Member States to improve their enforcement of the rules and to step up joint initiatives to encourage an exchange of information and personnel, together with coordinated controls.

The European Commission is called on to:

- draw up the implementation reports required under Directive 2002/15/EC at the two-yearly intervals laid down, even though some Member States have not yet transposed the Directive's provisions into national law;
- display the utmost firmness in dealing with infringements of Community law by Member States as regards social provisions in the road transport sector, to provide for coercive measures in the event of failure to comply with provisions and to take preventive measures, if necessary via judicial process, to ensure strict compliance with Community law;
- propose by October 2008 guidelines for the uniform definition and classification of infringements under the comitology procedure set out in Regulation (EC) No 561/2006.

When drawing up its official impact assessment in view of a legislative proposal modifying the Directive 2002/15/EC, the Commission should:

- give appropriate priority to the social dimension of road safety and the health and safety of drivers and other road users;
- take account of the difficult working conditions experienced by lorry drivers travelling through Europe arising from inadequate access to proper rest areas despite the fact that Article 12 of Regulation (EC) No 561/2006 expressly recognises the importance of a sufficient number of safe and secure rest areas for professional drivers along the Union's motorway network. The Commission is called upon to follow up the pilot project on safe and secure parking areas launched by the European Parliament, taking account of the measures recommended in the European Economic and Social Committee's opinion on 'European Road Safety Policy and Professional Drivers ? Safe and secured parking places';
- give full consideration to the position expressed by Parliament and to its arguments for the full inclusion of self-employed drivers within the scope of Directive 2002/15/EC.

MEPs call on the Commission to submit the relevant measures sufficiently well in advance to ensure that Directive 2002/15/EC as a whole, including all its elements, can enter fully into force on 23 March 2009 and that its scope is extended to include self-employed workers.

Lastly, the Commission is invited to review traffic inspection procedures in each Member State and send Parliament a report thereon. In the event that inspection procedures restricting the free movement of goods or persons are detected, the Commission is called upon to review existing legislation and propose amendments, so as to ensure uniform traffic inspection procedures.