

Road transport: harmonisation of social legislation, driving times, breaks and rest periods for drivers

2001/0241(COD) - 21/12/2004 - Commission communication on Council's position

The Commission considers that the common position unanimously adopted by the Council does not alter the aims and approach of its proposal and so can support it.

The first change introduced by the Council concerns the insertion of an Article postponing the date for the introduction of the digital tachograph until 5 August 2005. The Council considered that this would provide legal certainty, given that no vehicles equipped with such tachographs would be available by the current deadline of 5 August 2004. The Commission could not accept this provision, but to guarantee complete legal certainty, the text should specify that the date of 5 August 2005 replaces that of 5 August 2004 as from that latter date.

Secondly, the common position sets out a compromise text on a daily and weekly rest package. Compared with the current Regulation, this text balances a more restrictive split daily rest provision of 3 hours plus 9 hours, with the elimination of compensation arrangements for a reduction in daily rest from 11 hours to 9 hours three times between any two weekly rest periods. For weekly rest, the current compensation arrangements by the end of a three week period are maintained, but with the possibility of a longer period for checking on the road (up to 15 previous days until 1.1.2008 and up to 28 days thereafter). In addition, every two consecutive weeks, a driver must take a normal weekly rest of at least 45 hours. The common position also sets out a more detailed table on breaks.

The Commission welcomes the simplicity of the new split daily rest but finds the arrangement for reduced daily rest a retrograde step in terms of road safety and working conditions. While it accepts the continuation of the lengthy compensation period for weekly rest, it considers the new provision on a minimum regular weekly rest requirement over a two week period an advance, with the option of checking up to 28 days records at the roadside an advantage for enforcement staff.

Thirdly, the common position incorporates the majority of Article 9 on offences and sanctions from the sister proposal on road transport enforcement for which a political agreement was also obtained on 11 June 2004, although the Commission is disappointed that the list of common serious offences has been omitted. These provisions will therefore have direct effect.

Lastly, while the list of national derogations has been slightly extended, overall the majority of general exemptions and national derogations in the common position remain more restrictive than in Regulation 3820/85/EC.