

UEAPME response to the first stage consultation of the Social Partners on a possible revision of the Road Transport Working Time Directive (2002/15/EC)

UEAPME takes note of the first stage consultation launched on 31 May 2017 by the European Commission and would like to make the following comments.

UEAPME is one of the European cross industry social partner representing the interests of Crafts and SMEs in a wide range of sectors including the road transport sector.

UEAPME membership is composed of national cross-industry organisations representing Crafts and SMEs as well as of European sectoral organisations.

In the road transport sector, UEAPME represents among others the UETR (Union Européenne des Transporteurs Routiers) <http://www.uetr.eu>.

UETR together with several other European SME organisations constitutes the UEAPME Transport Forum, a coordination platform bringing together representatives of European branch confederations, SMEs from road transport, manufacturing and repair of road vehicles.

Since none of the UEAPME Transport Forum constituencies are listed as European sectoral social partner organisation to be consulted by the European Commission under Article 154 (TFEU), UEAPME reply will consist of the Transport Forum opinion on the content of a possible revision of the Road Transport Working Time Directive.

The aim is to express the voice of Crafts and SMEs of the Road Transport sector.

UEAPME Transport Forum

Comments on the 1st phase consultation of the Social Partners on a possible revision of the road transport working time directive 2002/15/EC

UEAPME Transport Forum is a co-operation platform set up by UEAPME (The European Association of Craft, Small and Medium-sized Enterprises) and bringing together representatives of European branch confederations, SMEs from road transport, manufacturing and repair of road vehicles. It aims to gather different stakeholders and develop joint positions on all road transport-related issues such as sustainable transport, organisation of the supply chain, road safety, and infrastructure efficiency.

Background:

In May 2017, Directive 2002/15/EC on the organisation of the working time of persons performing mobile road transport activities, commonly known as the ‘Road Transport Working Time Directive’, has been subject to the ex-post evaluation under the regulatory fitness programme (REFIT). On the basis of the findings of this evaluation and the public consultation related to the enhancement of the social legislation in road transport, the Commission Work Programme 2017 announced a REFIT revision of the social legislation in road transport, including the Road Transport Working Time Directive.

In this context, the Commission would like to identify possibilities to improve certain provisions of the Directive related to the working conditions of mobile road transport, based on the consultation of social partners under Article 154 TFEU. The Commission requested the views of the European social partner organisations consulted under Article 154 (TFEU) on whether improvements to the current EU legislative framework should be made and if they would consider initiating a dialogue on any of the issues identified. This initiative is one of the initiatives accompanying the Clean Connected and Competitive Mobility Package adopted on 31 May 2017.

Transport Forum position to the EC questions:

Question 1: Do you consider that the Commission has correctly and sufficiently identified the issues and possible areas for further EU action in section 5? Are there any other issues which you consider should be added?

The Forum Transport is of the view that the Commission failed to identify some specific issues.

The situation regarding self-employed drivers is quite unclear, since it is impossible to limit the working time for a self-employed person and there are no statistics available regarding non-compliance by self-employed drivers.

Another missing issue is the need for flexibility, which is an extremely important asset in the transportation sector. The Transport Forum cannot accept a situation in which the reference period would be reduced to a shorter period than the currently existing four or six months.

The terms “availability” and “other work” are not sufficiently clear. There is a need for clarification in order to achieve more transparency on the definition of these terms. This could be done through an EC communication completing the working time directive.

Concerning the safety reasons highlighted by the Commission, UEAPME considers that the gradual introduction of the digital tachograph combined with the EU Regulation 561 are largely sufficient for the undertakings and drivers to respect breaks and rest time as foreseen in the directive.

Question 2: Do you consider that the Commission should launch an initiative to amend the Directive? If so, do you agree with the objectives and scope of a review as set out in this paper? If not, what other form of action should be taken and on what issues?

The Transport forum does not see the need to amend the Working Time directive. More targeted efforts should be put towards a better enforcement of rules, enhanced checks and a minimum amount of inspections in every Member State.

It should be noted that the responsibility of weak enforcement lies entirely with the Member States but the Commission has the task to ensure an effective enforcement.

To reach the objective of a more effective enforcement, the Commission should strongly support better cooperation between Member States.

In any case, the Transport Forum asks for a real assessment on how the Directive is implemented and controlled in the Member States ahead of any step for amending the directive.

Question 3 - Would you consider initiating a dialogue under Article 155 TFEU on any of the issues identified in this consultation pertaining to health and safety and the working conditions of workers as such?

The Transport Forum and its members are not entitled to initiate any social dialogue activities and will therefore abstain to reply to this question.

However the Transport Forum is not in favour of reopening the working time directive and is especially opposed to a possible reduction of the reference period which provides the necessary flexibility to small road transport companies as well as to self-employed who are falling under the scope of the Directive.

However, if the sectoral social partners initiate a social dialogue in the context of this consultation, the Transport Forum would like to be present in order to defend the interest of small and micro companies in the road transport sector.

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