



"The voice of crafts and SMEs in Europe"

Transport working time: EP vote limits freedom of enterprise, say SMEs

UEAPME urges the European Commission not to withdraw its proposal, calls on Council to back EC text

Brussels, 16 June 2010 – UEAPME, the European craft and SME employers' organisation, strongly condemned today's vote at the European Parliament rejecting the European Commission's proposal for a revised directive on transport working time. As a consequence, self-employed drivers will be subject to the same rules on working time as those applied to staff drivers. This will limit small entrepreneurs' freedom to organise their work according to business needs and will set an unacceptable precedent in EU legislation by applying major labour laws conceived for employees to entrepreneurs, denounced UEAPME. Claims that the inclusion of self-employed workers will benefit road safety are unfounded as all drivers, whatever their employment status, are already subject to the strict existing EU rules on driving time and rest periods. Imposing new constraints on entrepreneurs goes blatantly against all initiatives undertaken to reduce red tape for SMEs and foster entrepreneurship, stressed UEAPME, urging the Commission not to withdraw its current proposal, which is a balanced solution to tackle the problem of false self-employed drivers while respecting the needs of genuine entrepreneurs.

"The outcome of today's vote at the European Parliament is unacceptable", said Secretary General Andrea Benassi. "Despite our repeated warnings, MEPs rejected a reasonable proposal by the European Commission and went ahead with a stubborn, short-sighted attempt to apply one-size-fits-all rules to a very diverse set of drivers. Their arguments for doing so may look once again well intentioned at first but do not stand to reason once analysed. If the aim was to ensure health and safety and road safety, these aspects are already strictly regulated in the EU. If MEPs' blanket approach was meant to fight 'false self-employment', supporting the Commission's proposal would have been the right choice. Today's vote, on the contrary, limits the freedom of the self-employed to run their business as they see fit. This is disproportionate and counterproductive".

The European Parliament's vote sets a dangerous precedent, continued Mr Benassi. The rules applied to employees are designed for labour relations between the workforce and employers. They should not be imposed on self-employed workers, whose private and work lives are by definition intertwined. Applying the same legislation across the board limits freedom of enterprise and may pave the way for similar restrictions in other sectors. As the Parliament's rapporteur pointed out, the freedom of self-employed entrepreneurs to choose their working hours should be upheld in all sectors. Refusing to include self-employed workers in the current directive is therefore a matter of principle, stressed UEAPME.

Moreover, the problem of false self employment will not be solved by today's vote. The original proposal by the Commission carried a comprehensive definition of bogus self-employed drivers, with a clear distinction between independent self-employed drivers, who are free to organise their entrepreneurial activities, and "false independents", who would be more easily identified and subject to the same rules applied to staff drivers. Applying the measures currently in place to the self-employed would be unenforceable, warned UEAPME, while the proposal by the European Commission contains clearer and more specific criteria to fight bogus self-employment and is therefore a much better option that cannot be rejected.

As far as road safety is concerned, all drivers are already subject to stringent provisions that restrict driving time thanks to the digital tachograph and introduce rest and leave periods during which workers are not allowed to undertake any type of work, be it driving, loading or unloading. Fully enforcing these rules rather than adding new constraints is the way ahead.

For all these reasons, UEAPME urged the European Commission not to withdraw its proposal at this stage and called on the Council to support the Commission's text. *"Accepting the Parliament's vote would limit freedom of enterprise, increase red tape and send a worrying signal to European small entrepreneurs. We trust that the Commission and the Council will not let this happen and that both will work for SMEs rather than against them",* concluded Mr Benassi.

**** END ****

EDITORS' NOTES: UEAPME is the employers' organisation representing exclusively crafts, trades and SMEs from the EU and accession countries at European level. UEAPME has 85 member organisations covering over 12 million enterprises with 55 million employees. UEAPME is a European Social Partner. For further information: <http://www.ueapme.com/>

FOR FURTHER INFORMATION PLEASE CONTACT:

Claire Whittaker, Transport Policy Advisor, Tel. +32 (0)2 230 7599, Email: c.whittaker@ueapme.com

Liliane Volozinskis, Director for Social Policy, Tel. +32 (0)2 230 7599, Email l.volozinskis@ueapme.com

Francesco Longu, Press and Communications Officer, Tel. +32 (0)496 520 329, Email: pressoffice@ueapme.com