

# Drivers' Hours – the new rules

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# Why regulate drivers' hours?

- To ensure fair competition
- To improve road safety
- To improve drivers' working conditions

# Situation today in EU

Regulation (EEC) 3820/85 – sets out the rules on driver's hours (driving time, breaks and rest periods)

Regulation (EEC) 3821/85 – deals with the means of control – the tachograph

Directive 88/599/EEC – sets minimum enforcement levels for Member States

Directive 2002/15/EC – sets working time limits

# Situation today

## AETR

- Covers driver's hours rules
- 2004 – minimum enforcement levels included (1% of days worked by professional drivers)
- 2006 – digital tachograph provisions

# Brief History (drivers' hours)

- Current EU rules in place for 20 years
- Cover wide variety of types of transport
- Aligned with UN/ECE agreement AETR which applies to rest of European continent
- Everyone in the EU interprets them and enforces them differently
- Numerous exemptions, derogations, special arrangements

# What prompted a change?

- Regulation 2135/98 - introduction of the digital tachograph
- Enforcement officers group project (1999 - 2001) on a common understanding of the Regulation
- Commission White Paper on Transport
- French Presidency initiative
- Publication of proposal October 2001

# Aim of the Commission proposal

- Simplify
- Clarify
- Update
- Render the rules more easily enforced

# History – driver's hours

- First reading in Parliament completed on 14 January 2003
- Revised proposal adopted on 11 August 2003
- Taken together with new enforcement proposal (October 2003) - agreement reached on two proposals in Council in June 2004 – Common position adopted in December 2004



## Enforcement proposal: aims

- increase the quality and quantity of controls
- greater Member State co-operation
- common view on what constitutes a serious infringement

# History - Driver's hours

- European Parliament second reading of both proposals ended in April 2005 – no agreement with Council's common positions
- Conciliation on two proposals under UK Presidency ending in agreement on 6 December 2005 in Conciliation Committee
- Council and Parliament approve the agreement on 2 February 2006

# When does this new legislation come into force?

- Both legislative instruments come into force 20 days after the date of publication (i.e., May 2006)
- For drivers' hours, only the digital tachograph provisions come into effect immediately; the rest is applicable one year later
- For enforcement measures, transposition is by 30 April 2007 at the latest.

# What are the changes for drivers' hours?

- Driving time limits – only one change
  - 56 hours maximum per week
  - Otherwise the rules stay the same: daily
    - 9 hours per day, 10 hours per day twice per week
    - 90 hours per fortnight
- Breaks – minor change
  - 45 minutes break after 4.5 hours driving (same)
  - 45 minutes may be split in two (15 minutes followed by 30 minutes) – slight restriction

# What are the changes for drivers' hours?

- Rest – the greatest change
  - Daily rest
    - 11 hours which may be reduced to 9 hours three times per week, but without compensation
    - Split daily rest now 3 hours plus 9 hours only (previously 1+3+8)
    - Minimum daily block of rest overall is 9 hours
    - Daily rest can be interrupted twice if using a ferry or train.

# What are the changes for drivers' hours?

- Weekly rest
  - Regular weekly rest remains 45 hours
  - 24 hours reduced weekly rest no matter where the vehicle is (new)
  - Every two weeks the driver must have a 'weekend' rest of 45 hours (new)

# What are the changes for drivers' hours?

- Enforcement
  - Extraterritoriality of sanctions
  - Common range of sanctions
  - Presumption of liability placed on employer
  - Co-liability of the entire transport chain for transport schedules

# Enforcement Directive

- Increase in Quantity of Enforcement
  - Trebling of minimum checking levels from 1% to 3% of days worked by professional drivers
  - Trebling of annual joint cross border inspections from two to six.
  - Road side checks can now look back over the past 28 days' records (from 2008)
  - Inspections now mainly concentrated on premises of enterprises (50% of all inspections)



# Enforcement Directive

- Improving Quality of Enforcement
  - Minimum enforcement staff training and equipment levels
  - Drafting and implementation of coherent national enforcement strategy
  - Promotion of best practices – risk rating; common electronic data and intelligence exchange, etc.
  - A coordinating contact point per Member State

# Commitment by Member States and Commission

- Both Member States and the Commission committed themselves through a joint declaration to ensure that the AETR agreement was aligned as soon as possible with the Community acquis
- UN/ECE Inland Transport Committee of 18 February 2006 agreed to an ad-hoc Committee meeting on 22-24 May 2006 to consider how best to do so.

Ladies and gentlemen

Thank you for your attention