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## REPORT

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From: General Secretariat of the Council  
To: Permanent Representatives Committee (Part 1) / Council

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Subject: ***Preparation of the Council (Transport, Telecommunications and Energy) of 10-11 December 2015***  
Social aspects in road transport  
- Policy debate

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### I. Introduction

1. The road transport sector is a crucial element of the European Union society and economy. It accounts for almost three quarters (72%) of all inland freight activity; it transports more passengers than rail, tram and metros combined and it represents more than 2.2% (5 million people) of the total EU workforce.
2. The European ambitions for the road transport sector are high and aim at promoting efficient and safe road transport services which are at the same time environmentally and socially responsible.
3. In this regards, the EU already enjoys uniform rules in essential areas of the sector such as market and profession access, road and infrastructure charging schemes as well as minimal social standards for the workers of the sector.

4. The EU legislative framework on the social aspects of the road transport sector includes **more in particular** Regulation (EC) No 561/2006 on driving time and rest periods and Directive 2002/15/EC **on the organisation of the** working time of mobile workers. To ensure the good enforcement of these rules, these provisions are completed by rules on minimum levels of checks (Directive 2006/22/EC) and detailed legal and technical provisions on the recording equipment to be used in road transport (Regulation (EEC) No 3821/85). **In addition, Regulations (EC) No 1071/2009, No 1072/2009 and No 1073/2009 establishing common rules on access to the occupation of road transport operator, access to the international haulage and passenger markets, aim at completing the internal market in road transport while ensuring fair conditions of competition and adequate working conditions.**
5. A systematic and uniform enforcement of these social **and market** rules is of significant importance for the good functioning of the road transport internal market. An insufficient level of compliance with existing rules would indeed lead to a degradation of the working conditions of road transport workers and create distortions of competition between transport operators.
6. Several measures have already been adopted to enhance the enforcement of social rules in the road transport sector such as the elaboration of enforcement guidelines by the Commission, the establishment of the Electronic Register of Road Transport Undertakings (ERRU) and the digital tachograph network (TACHOnet), the development of common training curriculum for enforcers (TRACE project), etc.
7. Yet, despite such measures **the differences in national interpretations and enforcement practices of these common EU rules persist, and the** number of infringements against the **rules on driving times, breaks and rest periods** remains high: 3,9 million offences were detected in the implementation period of 2011-2012.
8. In reaction to this situation, the Commission announced its intention to introduce new initiatives on road transport during the course of the year 2016, aiming notably at ensuring better awareness and understanding of the existing rules and at **improving consistency and cost-effectiveness** of enforcement by Member States.

9. The improvement of the working conditions of drivers in a fair and environmentally responsible market shall be **amongst the priorities** for the completion of the road transport internal market. In this context, the Presidency is seeking for Member State's views on the existing legal framework for social aspects in road transport and on the potential challenges its enforcement might pose on the ground.

## II. Questions for the policy debate

- 1) Taking into account the developments of the road transport sector in recent years, do Member States consider that the legislation should be clarified in order to reach a uniform interpretation of the rules in all Member states?
- 2) What specific challenges do Member States encounter in the enforcement of existing rules? What measures could be envisaged to guarantee a better and systematic enforcement of these rules across the internal market?

## III. Conclusion

The Permanent Representatives Committee is invited to endorse the questions under section II and Ministers are invited to focus their interventions during the TTE Council on 10 December 2015 on these questions.

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