

# EUROPEAN PARLIAMENT

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*Committee on Transport and Tourism*

**2008/2062(INI)**

1.7.2008

## **OPINION**

of the Committee on Transport and Tourism

for the Committee on Employment and Social Affairs

on Implementation of the social legislation relating to road transport  
(2008/2062(INI))

Draftsman: Helmuth Markov

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## SUGGESTIONS

The Committee on Transport and Tourism calls on the Committee on Employment and Social Affairs, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

- A. whereas some Member States failed to supply the required information on inspection and enforcement activities in 2003-2004 under Council Regulation (EEC) No 3820/85 of 20 December 1985 on the harmonization of certain social legislation relating to road transport<sup>1</sup> within the time limits, so that the Commission's report on the implementation of that Regulation during the period in question (COM(2007)0622) was submitted one and a half years late,
- B. whereas the next biennial report will have to include, for the first time, information on the implementation of Directive 2002/15/EC of the European Parliament and of the Council of 11 March 2002 on the organisation of the working time of persons performing mobile road transport activities<sup>2</sup>,
- C. whereas five Member States (Belgium, Germany, France, Luxembourg and Austria) increased the number of working days checked in 2003-2004, while the number of such days checked fell in the other Member States, with Portugal and Sweden remaining below the prescribed minimum,
- D. whereas the average number of contraventions detected remained stable, though the total number of breaches reported in some Member States rose considerably, with breaches of the rules on breaks and rest periods tending to increase while those on driving times fell,
  1. Regrets that continuing considerable differences still remain in the application and enforcement of Regulation (EEC) No 3820/85; notes that Member States must step up their efforts to guarantee efficient and uniform implementation of the improved social provisions;
  2. Is concerned at the consistently high average number of infringements, particularly in passenger transport, and looks to the Member States to improve enforcement of the rules; calls on the Member States to step up joint initiatives to encourage an exchange of information and personnel, together with coordinated controls;
  3. Calls on the Commission to review traffic inspection procedures in each Member State and forward to the Parliament a report thereon; if inspection procedures restricting the free movement of goods or persons are detected, calls on the Commission to review existing legislation and propose amendments, so as to ensure uniform traffic inspection procedures;
  4. Calls on the Member States and the Commission to submit the information, and the implementation reports based on that information, more rapidly, so that any necessary

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<sup>1</sup> OJ L 370, 31.12.1985, p. 1.

<sup>2</sup> OJ L 80, 23.3.2002, p. 35.

legal corrections arising from the analysis of the implementation may be addressed without further ado;

5. Considers that these figures confirm once again its view that there is an urgent need for legal adjustments; is confident, therefore, in the light of Directive 2006/22/EC<sup>1</sup>, which entered into force in May 2006, and Regulation (EC) No 561/2006<sup>2</sup>, which entered into force in April 2007, that the rules will be more strictly and uniformly enforced in future;
6. Calls on the Commission, under the comitology procedure set out in Regulation (EC) No 561/2006, to propose guidelines for the uniform definition and classification of infringements by October 2008;
7. Criticises the delays in the implementation and enforcement of Directive 2002/15/EC, which should have been transposed into national law by 23 March 2005; calls for the temporary exemption for self-employed persons to be abolished as foreseen from 2009 and for the maximum number of hours worked in a two-week period to be set at 100;
8. Calls on the Commission and Member States to take the necessary measures to ensure adequate investment for road transport infrastructural development; in this context, the construction of secure parking facilities should be a priority;
9. Urges the Commission to review administrative requirements in terms of efficiency and simplification;
10. Calls on the Commission, in general, to take measures seeking to ensure enforcement and monitoring.

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<sup>1</sup> Directive 2006/22/EC of the European Parliament and of the Council of 15 March 2006 on minimum conditions for the implementation of Council Regulations (EEC) No 3820/85 and (EEC) No 3821/85 concerning social legislation relating to road transport activities (OJ L 102, 11.4.2006, p. 35).

<sup>2</sup> Regulation (EC) No 561/2006 of the European Parliament and of the Council of 15 March 2006 on the harmonisation of certain social legislation relating to road transport (OJ L 102, 11.4.2006, p. 1).

## RESULT OF FINAL VOTE IN COMMITTEE

<b>Date adopted</b>	24.6.2008
<b>Result of final vote</b>	+:           39 -:            2 0:            0
<b>Members present for the final vote</b>	Inés Ayala Sender, Etelka Barsi-Pataky, Paolo Costa, Michael Cramer, Luis de Grandes Pascual, Arūnas Degutis, Christine De Veyrac, Petr Duchoň, Saïd El Khadraoui, Robert Evans, Francesco Ferrari, Brigitte Fouré, Mathieu Grosch, Georg Jarzembowski, Timothy Kirkhope, Dieter-Lebrecht Koch, Jaromír Kohlíček, Bogusław Liberadzki, Eva Lichtenberger, Seán Ó Neachtain, Josu Ortuondo Larrea, Paweł Bartłomiej Piskorski, Reinhard Rack, Brian Simpson, Renate Sommer, Dirk Sterckx, Silvia-Adriana Țicău, Yannick Vaugrenard
<b>Substitute(s) present for the final vote</b>	Margrete Auken, Philip Bradbourn, Lily Jacobs, Elisabeth Jeggle, Maria Eleni Koppa, Helmuth Markov, Rosa Miguélez Ramos, Vural Öger, Marie Panayotopoulos-Cassiotou
<b>Substitute(s) under Rule 178(2) present for the final vote</b>	Ioannis Gklavakis, Helmut Kuhne, Maria Petre, Eoin Ryan