



Ms Edit Bauer
EPP Group
Member of the Bureau, MEP and
Rapporteur
European Parliament
Rue Wiertz, 60
B-1047 Brussels

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Dear Rapporteur,

On Tuesday 15 June you will vote on the draft report on the Commission's proposal to amend directive 2002/15/EC on working time of mobile road transport workers.

Most European companies are concerned by the decision of the Employment Committee to reject the Commission's proposal amending the directive on the grounds that it excludes self-employed drivers from the scope. Including self-employed drivers in the scope of a directive, thereby adding working time limits over and above the driving time limits fixed by Regulation 561/2006/EC, would mean that self-employed drivers would be subject to a weekly working time of maximum 48 hours, including driving time.

All drivers, irrespective of employment status, are already covered by the EU Driving and Rest Times Regulation (561/2006/EC). This regulation sets strict EU rules on driving times and rest periods, which also apply to self-employed drivers. This includes a maximum weekly driving limit of 45 hours (averaged over two weeks), a daily driving limit of 9 hours and a minimum 45 minute break after every period of 4.5 hours of driving. The regulation therefore lays down more precise limits to driving time than the directive on working time for road transport. In particular the daily limits are a specific feature of the regulation which is critical in ensuring road safety. Including self-employed drivers in the directive on working time for mobile road transport workers will therefore not improve road safety.

BUSINESSEUROPE believes that ensuring that the rules of the Driving and Rest Times Regulation are strictly enforced throughout the EU is essential to ensure safety on roads and fair competition between all drivers, regardless of their employment



status. It would also be a more effective way of fighting bogus self-employment in the road transport sector than the inclusion of self-employed drivers in the scope of the directive on working time for road transport.

Working time for self-employed drivers not only includes driving time, but also activities such as administrative work, maintenance of vehicles and expanding the business. If they were covered by the directive on working time of mobile road transport workers, their time and ability to complete this wide range of tasks would be limited. This would make entrepreneurial activity in the sector less attractive, with negative consequences for competitiveness and a worsening of the shortage of road transport drivers in some Member States.

As a matter of principle, a distinction must be made between the protection granted to workers with an employment contract and self-employed entrepreneurs who voluntarily choose to set their own work schedules with the aim of developing their business. Including them in the scope of this directive could be interpreted as a precedent which would be damaging for entrepreneurs in other sectors. The EU can simply not afford to unnecessarily stifle entrepreneurship in the present economic circumstances.

The other option foreseen in the review clause of the directive on working time for road transport, setting out the modalities for the inclusion of self-employed drivers, is all the more unnecessary since Member States who wish to include self-employed drivers in the directive, are already able to do so.

In order to avoid legal uncertainty, we very much hope that in the plenary vote on 15 June you will support the Commission's proposal to exclude self-employed drivers in the directive.

Yours sincerely,

Philippe de Buck