



UNION EUROPÉENNE DES TRANSPORTEURS ROUTIERS

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EU Mobility Package

Revision of driving times and rest periods

UETR Position

INTRODUCTION

UETR is the European umbrella organization representing and defending the interests of more than 200.000 road transport undertakings (mostly Micro, Small and Medium Enterprises) from Western and Eastern EU Member States associations, with a total capacity of more than 430.000 commercial vehicles¹.

This document provides UETR position on the European Commission's proposal to review the minimum requirements on maximum daily and weekly driving times, minimum breaks and daily and weekly rest periods; positioning by means of tachographs.²

THE EC PROPOSAL - UETR COMMENTS

Exceptions

Art. 1 (1)

¹ Within the Union, 95% of the road haulage companies are micro-enterprises with less than 10 employees (small firms or one-man operations).

² COM/2017/0277 final - 2017/0122 (COD) amending Regulation (EC) No 561/2006 2001/0241 and Regulation (EU) 165/2014

The EC proposes a change in the exception for non-commercial transport. While the current provisions on driving times and rest periods do not apply to carriage by road by vehicles with a maximum permissible mass not exceeding 7,5 tonnes, the proposal excludes *all* vehicles *tout court*. Moreover, a new definition of non-commercial vehicles is introduced (“non-commercial carriage”: any carriage by road, other than carriage for hire of reward or for own account, for which no remuneration is received and which does not generate any income”).

UETR wants to bring your attention to the following:

- *This exclusion cannot be accepted. This broadening will put road safety at risk as non professional drivers would be able to drive unlimited time with heavy vehicles , with no compulsory rest breaks.*
- *The category of non commercial transport is ambiguous, and the proposed definition is vague. To be rejected.*
- *The introduction of limitations to the possibility for each Member State to grant exceptions to certain transports (e.g. Milk, agricultural products etc) should be considered, to ensure road safety. Generally speaking, no heavy vehicles driver should be exempted in taking compulsory rest breaks, thus leading to unequal positions and possibility of manipulations.*

Weekly rest

Art. 1 (5b)

The proposal states that every four weeks a driver should take either four normal weekly rest periods, either two normal and two shortened for at least 24 hours.

The proposal says that for this purpose, the reduced rest should still be compensated in one bloc within three weeks, but should be taken immediately prior to or after a normal weekly rest period of 45 hours.

UETR:

- *supports the current two-week referral period instead of the four-weeks above. The proposed system is puzzling and not really beneficial, neither for the driver nor for the company. Moreover, this new system obliges to hook the aforementioned hours of rest not carried out to an ordinary weekly rest of 45 hours, thus forcing the driver to interrupt a full 66 hours of activity, at least once within the four weeks. It is therefore proposed to maintain the current legislation, which gives the possibility to link the compensatory hours of the reduced weekly rest to a subsequent rest period of not less than 9 hours.*
- *For the EC proposal, the reduced rest should be compensated and taken immediately prior to or after a normal weekly rest period of 45 hours. Compensating after a daily rest period would no longer be possible - so UETR does not agree with this proposal and supports keeping the possibility to compensate the reduced rest after a daily rest so that the companies retain more flexibility when compensating a shortened weekend break (e.g. a holiday day in the week can also be used as a compensation).*
- *More generally, it should be allowed to compensate at any working day of the week regardless of the weekly rest.*

(8 a)

The EC proposes that “the regular weekly rest periods and any weekly rest of more than 45 hours taken in compensation for previous reduced weekly rest shall not be taken in a vehicle. They shall be taken in a

suitable accommodation, with adequate sleeping and sanitary facilities, (a) either provided or paid by the employer, or b) at home or at another private location chosen by the driver. "

UETR supports this, provided that adequate (in terms of number and quality) and secure facilities/rest and parking areas are provided in Europe.

EC proposal: On weekly rest period "a transport undertaking shall organise the work of drivers in such a way that the drivers are able to spend at least one regular weekly rest period or a weekly rest of more than 45 hours taken in compensation for reduced weekly rest at home within each period of three consecutive weeks."

- *UETR agrees on this but asks for a clearer wording. Is it an obligation or a possibility ?*
- *Flexibility of daily driving time: UETR supports allowing a daily driving time of 10 hours, but always maintaining the actual limitations of up to 56 hours of weekly driving and 90 hours every 2 weeks.*
- *Flexibility of the driving breaks: UETR supports the possibility to permit either of these two options for taking the driving breaks: 15 + 30 minutes or 30 + 15 minutes.*
- *Reducing drivers' fatigue and ensuring road safety are two core principles UETR believes in. To this aim, in case a company decides to employ 2 drivers, UETR calls the European Parliament for the introduction of the following rule, to be applied in all EU Member States: that after 9 hour driving the break will have to be taken with the vehicle completely stopped, in order to permit a real recuperation of the drivers avoiding that drivers remain inside the vehicle for up to non-stopping 20 hours.*

Tachograph

Art. 2 (2)

EC: in vehicles equipped with an ordinary digital tachograph in addition to the country code of the place where the daily work period begins and ends, the country code must also be entered after crossing a national border. This entry after crossing the border must be "on arrival at a suitable stopping place".

UETR:

- *"Suitable stopping place" is too vague and must be more precise about the exact place / time at which the country code should be entered when crossing a border - UETR proposes the secure or appropriate place after crossing the border is +/- 1Km.*
- *Introduction of the smart tachograph is scheduled for new vehicles in 2019 and the retrofit is scheduled for 2034. UETR is not opposed to an advanced retrofit but a transition period of at least 10 years seems necessary, taking into account the investments already done by our members and the impact that such measures have on the second hand market.*