

INFORMATION**T R A N S P O R T****Increased traffic safety through social measures
in the European Community**

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Specific causes for the delays noticeable for some time in implementing a really free market for 220 million Europeans are to be found in the transport policy sector. The lack of readiness on the part of most Governments to make decisions has led to the increasingly incomprehensible maintenance of danger factors which worry road users and jeopardize the transport industry.

This applies, principally, to road transport, the importance of which in goods distribution clearly shown by a figure: In the common market, there are now some 10 million lorries and public service vehicles; one can estimate though that some millions of long-distance lorry drivers are circulating night and day on motorways and truck-roads between the Skagerrak and Sicily. Many of these drivers spend far too long at the wheel.

Long-distance lorry drivers are relatively expensive employees for haulage contractors. Because of the tough competition at home and abroad, their working conditions are often barely legal. Monitoring of existing national and Community safety rules does not function properly everywhere, indeed in some Member States such surveillance does not appear to exist at all. In such countries there is little risk involved in bribing drivers with bonuses or sending out a lorry without the required number of drivers in order - at all costs - to avoid losing a load. The haulage business may be a tough one, but such practices further increase the risks run by other road users: what motorist has not seen accidents involving lorries or buses which probably happened because their drivers were overtired? The result of such things is to make Europeans increasingly uneasy on the roads. Even those who have been spared unpleasant experiences at home may find themselves in awkward situations abroad when huge lorries or buses spread terror with their dare-devil manoeuvres.

To those who drive for a living, transport policy, whether at the national or Community level, means mainly the social obligations of the employer. It may, indeed, be assumed that, leaving aside the fact that the competition is tough, many firms are not observing the safety rules in force as punctiliously as they should.

It is in the interests of European citizens, as road users and as consumers, that the Governments of the Community and the Commission decide upon the requisite social regulations and ensure that these regulations are strictly applied in all Member States.

Efforts to achieve uniform European social regulations applicable to road traffic go back to 1965. With the aims of the EEC Treaty in mind, the Governments of the six Member States suggested at that time that the existing national regulations be harmonized by means of an EEC Regulation. Initially, they had in mind those regulations which influence freight costs and which, because of the increasing interdependence of markets, were an obstacle to efforts to achieve equal competition.

The first Community Regulation aimed at achieving fair competition for all transport undertakings in the common market came into force at the end of 1970; it applied, initially, only to cross-frontier traffic, but later became obligatory for internal traffic within the EEC countries as well. The Community always took as its starting-point the idea that uniform regulations regarding the number of drivers per vehicle, the driving and rest periods, and the delimitation of the individual regulations regarding short- and long-distance transport or the carriage of people and goods must, to start with, be as flexible as possible: the idea was to give the national authorities scope for supplementary measures of their own which would take better account of regional or geographical conditions than standardized EEC models which would have little chance of being implemented.

However, its role as guardian of EEC law has not caused the Commission to forget that there can never be a long-term solution of the competition question in the transport business without getting a clear view of the facts in the social legislation field and drawing up appropriate Community regulations. What good does it do, after all, to prescribe control devices such as tachographs in the Community, if monitoring of them is either non-existent or defective or drivers are indirectly urged by means of bonuses to let their tachographs run idle. In other words: the Community must also keep in mind the interests of drivers, who are still being exploited by employers and have no clear Community social regulations to protect them.

The Community is concerned over the fact that the application and monitoring of EEC Regulations leave a great deal to be desired in most Member States. The constant infringement of and disregard for the current regulations are having a negative effect on efforts to improve road safety in all Member States, though these efforts are in fact regarded as of pre-eminent importance.

After nearly ten years of stagnation in transport policy, Governments have meanwhile realized that the first EC Regulations are still too complicated, despite a number of belated adaptations to bring them into line with reality, and cannot be satisfactorily applied for this very reason.

Routine consultations with the competent authorities, trade associations and trade unions led, finally, to the conclusion that Community social regulations must be completely recast. Simpler regulations are wanted, with more precise definitions for their applications. For example, misunderstandings repeatedly arise regarding the actual working hours in a lorry and at the wheel. The result is that nobody has managed to come up with a cast-iron definition of the rest periods and time off to be granted to drivers.

It is the Commission's intention to have the word "week" recognized throughout the Community as meaning the period from Sunday to Saturday. The Commission also wishes to have "driving time" mean the time spent at the wheel in the course of a day or in the course of a week.

As from 1 January 1979, this "driving time" is to be limited to 46 hours per week, instead of the present 48. As from that date, driving time per day should not exceed eight hours and should only amount to nine hours twice a week in exceptional cases.

A driver's actual working hours are mostly longer than the time spent at the wheel, since vehicles are not always taken over or parked at the employer's place of business. For this reason, the term "shift" is to be introduced throughout the Community to describe the whole period from the start to the finish of work. This shift may, as a general rule, not exceed twelve hours per day and sixty hours per week.

In drawing up these regulations on working hours, the Commission's intention is to avoid impairing the flexible running of business which is particularly essential in the transport industry. Limited extensions of shift periods will be possible under certain conditions. This is particularly important for long-distance bus traffic, where additional rest periods must be observed, if necessary. In certain circumstances, the daily shift of each driver on a long-distance bus may be increased to fourteen hours twice within one week, but not on two consecutive days.

Another requirement, which also applies to freight traffic, is that vehicles carry two drivers and be equipped with a sleeping berth.

Each driver must be allowed an adequate rest period between shifts and periods at the wheel. The regulations state that every lorry or bus driver may, and should, rest for at least half an hour after four hours at the wheel, though a driver may, if he so prefers, take two breaks of twenty minutes instead or three of fifteen minutes.

Nobody is to work more than six shifts in one week or more than ten shifts in two consecutive weeks. The new EC Regulation lays down how many hours of rest must be granted between shifts, for example at least eleven hours for lorry drivers who drive on their own or with a mate, but are unable to "lie down comfortably" in a sleeping berth while the second man takes the wheel.

Since long-distance drivers frequently spend their prescribed rest periods far from home, these may be reduced to eight hours twice a week, but not on consecutive days. As regards passenger traffic, rest periods may be shortened by only one hour, but this may be done three times within one week. If a long-distance driver chooses to take his rest period in the vehicle, it must be equipped with a properly-equipped sleeping berth; in addition, the driver's mate may not take over the wheel during this rest period, i.e. the vehicle must be parked.

Like all other employed persons, drivers have a right to adequate private leisure. To guarantee this, the Community lays down that once a week a break of at least twenty-nine consecutive hours must be attached to the eleven-hour rest period following a shift. This would mean that every driver would

have at least forty hours free in which he can relax properly once a week. His annual holiday would consist of twenty-eight days.

Another innovation would be that the distance covered per day could exceed the present limit of 450 kilometres, provided the vehicle is equipped with the tachograph which has been obligatory since 1970.

The aim of all these new regulations is to adapt safety and social regulations in the Community to working hours which more closely correspond to the interests of those employed in the transport industry and thus also contribute to road safety in general.