

ETSC opinion on proposed changes to driving and resting time rules and tachographs

Amending Regulation (EC) No 561/2006 as regards on minimum requirements on maximum daily and weekly driving times, minimum breaks and daily and weekly rest periods and Regulation (EU) 165/2014 as regards positioning by means of tachographs

ETSC welcomes the European Commission's proposals on driving and resting times and the opportunity they give to improve road safety in the professional transport sector. While ETSC appreciates the rationale behind the proposals, it is crucial that any changes do not compromise the safety of those working in the professional transport sector, and by extension, other people using the road network.

Fatigue is an issue of major concern in the professional transport sector and research shows it is a significant factor in approximately 20% of commercial road transport collisions.

In a 2011 study by SWOV, a group of mainly international truck drivers said they were tired behind the wheel and reported falling asleep while driving more frequently than car drivers (23% to 10%). They also said that in the past year they had continued or started to drive although they felt they were too tired to do so (37% HGV drivers vs. 20% of car drivers).¹ Fatigue levels are affected by a range of factors including night and shift work, 'just in time' management systems, sleep quality, lifestyle and the balance between working, driving and rest time. While it is important to have regulations that specify hours of work and rest, there is no 'one size fits all' amount.

Speed is the main cause of road traffic deaths and is another important issue in the professional transport sector. Those driving for work face pressures such as time sensitive deliveries, results-based pay and finding suitable resting stops, all of which can lead to speeding as well as distraction. This can be exacerbated when driving in unfamiliar regions.

These issues also affect bus and coach drivers. Despite being covered by the same regulations, they have a much greater responsibility than HGV drivers as they are carrying passengers. Therefore it is crucial that their driving is not compromised in any way.

Although deaths from bus and coach collisions make up only a small percentage of the total number of road deaths, a single collision can have a relatively large number of deaths given the number of passengers on board. As with HGV collisions, the size of the vehicles often leads to a higher numbers of deaths amongst other road users involved.

Driving Time and Rest Time Regulations

ETSC believes that the existing driving and rest time regulations are fit for purpose and does not support changing them. ETSC is concerned that the extension of the reference

¹ ETSC (2011) PRAISE Report Tackling Fatigue: EU Social Rules and Heavy Goods Vehicle Drivers.
<https://goo.gl/ZCSr8y>

period for the calculation of driving and rest time from 2 to 4 weeks could lead to drivers concentrating their driving time and their rest time, leading to higher levels of fatigue at certain points in the month.

ETSC also welcomes the provisions clarifying when drivers must take rest periods in suitable accommodation and the recent ruling by the European Court of Justice, stating that drivers must not take their weekly rest in their vehicle.

It is important that drivers have the opportunity to return home at regular intervals, without this reducing their rest time.

Smart Tachographs

ETSC welcomes the proposed changes for the use of tachographs and introduction of smart tachographs. Obtaining more detailed and accurate information on drivers will help to improve enforcement of and compliance with the social and cabotage rules.

ETSC notes that the proposed changes do not apply to LGVs (under 3.5 tonnes). While this is the continuation of the current legislation, ETSC would like to see more regulation of LGV transport and their drivers, particularly targeting fatigue and driving and resting times and the extension of the CPC to cover LGVs.

The number of LGVs has grown quickly in recent years due to an increase in goods transport, fuelled partly by the boom in internet shopping and restrictions on HGVs in city centres. However, they remain outside many of the restrictions and requirements that HGVs and their drivers must comply with, such as rest times, checks, training and licensing.

As always, the level of enforcement of these new proposals will determine their effectiveness. For example, ensuring that rest is taken in the correct location e.g. outside the cab, when specified. Proper evaluation of the implementation of the proposals is also needed in order to assess the extent to which enforcement can and is taking place.

Maintaining up-to-date risk rating systems that log the number and severity of infringements can help to identify poorly performing companies. Suitable penalties are required for those drivers and companies that break the rules.

Employers have a responsibility to go beyond simply complying with the regulations. They should implement effective fatigue risk management systems and interact where possible with their drivers to make sure they are aware of each other's responsibilities and the importance of the legislation to road safety and driver wellbeing.

It is important that drivers are advised and educated about the continued risk of fatigue and how best they can reduce this risk. They should be encouraged to take their rest time at suitable points in the month, for maximum benefit and be made aware of other factors linked to fatigue, such as their lifestyle and sleep quality.

ETSC recommendations to European Commission

- Ensure that any changes to the driving and resting time rules do not lead to drivers concentrating their driving time and their rest time
- Eliminate performance-based pay (pay per kilometre or per delivery)
- Discourage the use of 'just-in time' management in the professional transport sector
- Maintain and do not expand the current exceptions to the driving and resting time rules
- Extend the scope of the regulations to cover van drivers
- Do not categorise time spent on trains/ferries as rest time

Enforcement

- Work with Member States to lay down minimum and maximum penalties for each breach of the rules on driving and resting time.
- Encourage Member States to include speeding offences in penalty point systems
- Consider the relative merits and practicalities of introducing tougher sanctioning for professional drivers and those driving for work
- Develop an easily understandable brochure in all official languages of the European Union for undertakings and for lorry drivers; this brochure should give the drivers and undertakings concerned more information about the relevant social rules and the penalties applicable to infringements in the various Member States
- Ensure that the Member States respect the amount of checks to be organised as referred to in Article 2 (3) of Directive 2006/22/EC on driving and resting hours in road transport
- Establish a European risk rating system for undertakings based on number and severity of infringements
- Strengthen the enforcement of the liability clause (Article 10) of Regulation EC 561/2006 in order to prevent the pressures of just-in-time management contributing to fatigue and stress
- Work towards achieving a more harmonised approach to checks of the EU tachographs and driving time rules with penalties designed to strongly influence behaviour towards compliance
- Develop specific training modules based on the outputs of the TRACE project as standard for control officers in their own countries as part of continuous training

- Establish “hotlines” so that drivers and operators can report suspected fraudulent, illegal and non-compliant behaviour
- Provide information regarding the location of rest areas and secure parking sites to allow transport workers to plan their journeys

ETSC recommendations to Member States

- Allocate adequate resources to enforcement of these rules
- Establish effective data sharing arrangements between agencies within Member States
- Reinvest money from Eurovignette in road safety including truck parking provision and upgrading
- Maintain efficient risk rating systems for undertakings based on number and severity of infringements as referred to in Article 9 of Directive 2006/22/EC on driving and resting hours in transport

FOR FURTHER INFORMATION

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The European Transport Safety Council (ETSC) is a Brussels-based independent non-profit making organisation dedicated to reducing the numbers of deaths and injuries in transport in Europe.