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| <p><b>FEDEMAC POSITION<br/>and Information<br/>Update</b></p> <p><b>Sectoral Working Time<br/>Directive Proposals</b></p> | <p>Revision of<br/>Sectoral Working<br/>Time Directive with<br/>special note<br/>reference to<br/>vehicles less than<br/>3.5 tonnes gross<br/>weight</p> |
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## FEDEMAC POSITION PAPER – REVISION OF THE SECTORAL WORKING TIME DIRECTIVE

On 28 April 2010 the Employment and Social Affairs Committee (EMPL) will vote on the draft report and amendments to the European Commission proposal to revise the Sectoral Road Transport Working Time Directive (No 2002/15/EC). A total of 113 amendments have been tabled including those of the rapporteur in addition to two further compromise amendments which she has drafted.

### Application of Directive to Self Employed Drivers

After receiving views from various national member associations **FEDEMAC's** position is in line with the IRU in wanting MEPs to adopt a position which creates an exclusion from the scope of the Directive for self employed drivers at EU level but which underlines the ability of national authorities to include them.

{Once the EMPL Committee has adopted its report on the 28 April, it will be forwarded to and voted on during the plenary session of the European Parliament which meets 17 to 20 May 2010.}

(For reference purposes the amendments and compromise amendments can be viewed at:  
<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+COMPARL+PE-431.178+02+DOC+PDF+V0//EN&language=EN>  
&  
[http://www.europarl.europa.eu/meetdocs/2009\\_2014/documents/empl/pr/799/799946/799946en.pdf](http://www.europarl.europa.eu/meetdocs/2009_2014/documents/empl/pr/799/799946/799946en.pdf) )

### Fake Self Employed Drivers and Enforcement

**FEDEMAC's** view is that 'Fake' self employed drivers should be made subject to the Directive through better enforcement. (The Commission's legislative proposal already identifies the basic principles to define 'fake' self employed workers) These definitions can be refined further according to Member States specificities such as existing definitions for tax and self employment definitions. **FEDEMAC** also expects Member States to work much more closely with industry and social partners in the

future in order to develop strategies for targeting and compelling infringing employers and drivers to comply with their obligations.

### **Night work and Night time Definitions**

By and large, removers are very seldom affected by night time rules. **FEDEMAC** therefore supports the Commission's proposal for defining a period of 'night work' as being at least two hours work during the nationally defined 'night' time period since it brings consistency with other working time legislation.

### **Extending the scope of Directive 2002/15/EC to vehicles below 3.5 tonnes gross weight**

The present view of **FEDEMAC** Members is that the scope of the present Directive **should not** be extended to drivers of vehicles below 3.5 tonnes weight. ***This view is given on the understanding that the Commission is planning a comprehensive review of the 3.5 tonne threshold for commercial road transport legislation.*** It is presumed that such a review will encompass many other aspects in addition to the sectoral working time directive elements.

**FEDEMAC will have separate views** depending upon other issues such as driving time rules, operator's licensing threshold, driving licenses, etc.

**FEDEMAC**, therefore, feels that singling out the extension of the scope of Directive 2002/15/EC is somewhat premature and beyond the scope of the present proposal. All the benefits and the details of an impact assessment relating to any future proposals applying to the operation of vehicles less than 3.5 tonnes gross weight should therefore be dealt with after the Commission Review and after full discussion on all relevant aspects.

In the meantime, of course, it is important for drivers of such vehicles and enforcement agencies to still observe the separate **General** Working Time Directive and any separate relevant driving time/rest rules and record keeping rules, where applicable, that apply in the different Member States.

## **about FEDEMAC**

**FEDEMAC** (originally CODEMAC) was first founded in 1959 when a number of forward thinking National Removers Associations within Europe formed a coalition in order to exchange views and information. In 1965 the name was changed to FEDEMAC –The Federation Des Entreprises de Déménagements Du Marché Commun - but whilst the abbreviation remains, the organisation is now referred to as The Federation of European Movers Associations.

**FEDEMAC** was registered as an independent European organisation on 1 January 1995. Today it represents the interests of around 4,000 Professional Removals Companies in 24 European countries.

**FEDEMAC's** main function is to co-ordinate national activities at a European level. Much of this work is centred on lobbying at the EU Parliament and Commission; liaising with national associations and other trade organisations such as the IRU, MPE, WCO and BEUC; and undertaking other activities at national and EU level as appropriate.

**FEDEMAC** works continuously towards the harmonisation of working methods, quality standards, training and co-operation within the Moving industry. Communication, magazines, newsletters, directories and the use of modern IT tools form an important part of this work.

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