



## WORKING TIME FOR SELF-EMPLOYED TRUCK DRIVERS

**The Federation of Small Businesses and the European Small Business Alliance call on MEPs to vote in favour of “Commission proposal COM(2008)650 to amend directive 2002/15/EC on the organisation of the working time of persons performing mobile road and transport activities.”.**

### What is it about?

The European Commission, supported by EP Rapporteur Edit Bauer, proposes to exclude genuine self-employed drivers from Directive 2002/15/EC. This directive limits working time of persons performing mobile road and transport activities to a maximum 48 hours.

### Why should self-employed be excluded from its scope?

The main aim of Directive 2002/15/EC is to protect employees from abuse by their employers by limiting working hours and therewith guaranteeing social protection and increasing road safety. Self-employed drivers do not have employers against whom they need protection. Moreover, the current economic environment calls for flexibility in (administrative) working time for self-employed to keep their businesses afloat. Most importantly, regulating working time for self-employed truck drivers will set a dangerous precedent.

### 1) Road safety is not in danger: Regulation 561/2006 already limits driving times and sets mandatory minimum rest periods for both employed and self-employed drivers

Article 6(2) of this Regulation clearly states that: *“The weekly driving time shall not exceed 56 hours and shall not result in the maximum weekly working time laid down in Directive 2002/15/EC being exceeded”.* This will not change!

### 2) Drivers need a Goods Vehicle Operator Licence to operate

At penalty of a revoked operator licence, and losing their business, the continuous requirement to meet stringent criteria such as complying with driving times legislation ensures strict compliance by self-employed drivers.

### 3) Including self-employed in the scope of Directive 2002/15/EC will set a dangerous precedent!

- Creating a precedent of regulating working hours for self-employed must be avoided at all cost. Failing to do so may open the floodgates to restricting working time for self-employed in other sectors and will endanger the spirit of entrepreneurship in the EU.
- Inclusion of self-employed will mean loss of competitiveness, loss of innovation, and loss of job-creation. Significant EU efforts are made to promote entrepreneurship (e.g. Small Business Act, ‘Think Small First’ principle. These efforts must not be annulled

Some astonishing **myths** have spread on the alleged effects of exclusion of self-employed drivers from the working time rules:

#### \*Self-employed drivers will work at least 84 hours every week

✓One of the main arguments for inclusion, used by the ETF, is **SIMPLY NOT TRUE**. Regulation 561/2006 limits driving hours for self-employed drivers to 56 hours a week and to a total of 90 hours over a period of two weeks. This will not change!

#### \*The safety record of self-employed drivers is worse than that of employed drivers

✓There is no evidence that maintaining the exclusion of self-employed drivers from working time rules would endanger road safety. On the contrary, a study found that employed and self-employed comply to the same extent with regulation 561/2006 (tachograph).<sup>1</sup>

#### \*There are other examples of regulating working time of self-employed (construction sector)

✓There is no European legislation regulating the working time of self-employed persons. Directive 92/57/EEC requires that at constructions sites all persons apply the rules on the use of equipment. However, the length of working time of self-employed persons is not regulated.

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<sup>1</sup> 2007, Dutch Department for Transport.



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**\*Excluding the self-employed will cause a competitive disadvantage for the employed**

✓The employed only need to do a small amount of administration, the large majority of administration is done for them at management level. If anything, there will be a competitive disadvantage for the self-employed. The self-employed are responsible for all of their own administration. Restricting their working time will, therefore, result in less time on the road.