



TNO-report

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**Road Transport Working Time Directive
Self-employed and Night Time Provisions**

Annexes

Work and Employment

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Annex 1 Directive 2002-15-EC

**DIRECTIVE 2002/15/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 11 March 2002
on the organisation of the working time of persons performing mobile road transport activities**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 71 and Article 137(2) thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the Economic and Social Committee ⁽²⁾,

Following consultation of the Committee of the Regions,

Acting in accordance with the procedure laid down in Article 251 of the Treaty ⁽³⁾, and in the light of the joint text approved by the Conciliation Committee on 16 January 2002,

Whereas:

- (1) Council Regulation (EEC) No 3820/85 of 20 December 1985 on the harmonisation of certain social legislation relating to road transport ⁽⁴⁾ laid down common rules on driving times and rest periods for drivers; that Regulation does not cover other aspects of working time for road transport.
- (2) Council Directive 93/104/EC of 23 November 1993 concerning certain aspects of the organisation of working time ⁽⁵⁾ makes it possible to adopt more specific requirements for the organisation of working time. Bearing in mind the sectoral nature of this Directive, the provisions thereof take precedence over Directive 93/104/EC by virtue of Article 14 thereof.
- (3) Despite intensive negotiations between the social partners, it has not been possible to reach agreement on the subject of mobile workers in road transport.
- (4) It is therefore necessary to lay down a series of more specific provisions concerning the hours of work in road transport intended to ensure the safety of transport and the health and safety of the persons involved.
- (5) Since the objectives of the proposed action cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale and effects of the proposed action, be better achieved at Community level,

the Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives.

- (6) The scope of this Directive covers only mobile workers employed by transport undertakings established in a Member State participating in mobile road transport activities covered by Regulation (EEC) No 3820/85 or, failing that, by the European agreement concerning the work of crews of vehicles engaged in international road transport (AETR).
- (7) It should be made clear that mobile workers excluded from the scope of this Directive, other than self-employed drivers, benefit from the basic protection provided for in Directive 93/104/EC. That basic protection includes the existing rules on adequate rest, the maximum average working week, annual leave and certain basic provisions for night workers including health assessment.
- (8) As self-employed drivers are included within the scope of Regulation (EEC) No 3820/85 but excluded from that of Directive 93/104/EC, they should be excluded temporarily from the scope of this Directive in accordance with the provisions of Article 2(1).
- (9) The definitions used in this Directive are not to constitute a precedent for other Community regulations on working time.
- (10) In order to improve road safety, prevent the distortion of competition and guarantee the safety and health of the mobile workers covered by this Directive, the latter should know exactly which periods devoted to road transport activities constitute working time and which do not and are thus deemed to be break times, rest times or periods of availability. These workers should be granted minimum daily and weekly periods of rest, and adequate breaks. It is also necessary to place a maximum limit on the number of weekly working hours.
- (11) Research has shown that the human body is more sensitive at night to environmental disturbances and also to certain burdensome forms of organisation and that long periods of night work can be detrimental to the health of workers and can endanger their safety and also road safety in general.

⁽¹⁾ OJ C 43, 17.2.1999, p. 4.

⁽²⁾ OJ C 138, 18.5.1999, p. 33.

⁽³⁾ Opinion of the European Parliament of 14 April 1999 (OJ C 219, 30.7.1999, p. 235), as confirmed on 6 May 1999 (OJ C 279, 1.10.1999, p. 270), Council Common Position of 23 March 2001 (OJ C 142, 15.5.2001, p. 24) and Decision of the European Parliament of 14 June 2001 (not yet published in the Official Journal), Decision of the European Parliament of 5 February 2002 and Council Decision of 18 February 2002.

⁽⁴⁾ OJ L 370, 31.12.1985, p. 1.

⁽⁵⁾ OJ L 307, 13.12.1993, p. 18. Directive as last amended by Directive 2000/34/EC of the European Parliament and of the Council (OJ L 195, 1.8.2000, p. 41).

- (12) As a consequence, there is a need to limit the duration of periods of night work and to provide that professional drivers who work at night should receive appropriate compensation for their activity and should not be disadvantaged as regards training opportunities.
- (13) Employers should keep records of instances when the maximum average working week applicable to mobile workers is exceeded.
- (14) The provisions of Regulation (EEC) No 3820/85 on driving time in international and national passenger transport, other than regular services, should continue to apply.
- (15) The Commission should monitor the implementation of this Directive and developments in this field in the Member States and submit to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions a report on the application of the rules and the consequences of the provisions on night work.
- (16) It is necessary to provide that certain provisions may be subject to derogations adopted, according to the circumstances, by the Member States or the two sides of industry. As a general rule, in the event of a derogation, the workers concerned must be given compensatory rest periods.

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Purpose

The purpose of this Directive shall be to establish minimum requirements in relation to the organisation of working time in order to improve the health and safety protection of persons performing mobile road transport activities and to improve road safety and align conditions of competition.

Article 2

Scope

1. This Directive shall apply to mobile workers employed by undertakings established in a Member State, participating in road transport activities covered by Regulation (EEC) No 3820/85 or, failing that, by the AETR Agreement.

Without prejudice to the provisions of following subparagraph, this Directive shall apply to self-employed drivers from 23 March 2009.

At the latest two years before this date, the Commission shall present a report to the European Parliament and the Council. This report shall analyse the consequences of the exclusion of self-employed drivers from the scope of the Directive in respect of road safety, conditions of competition, the structure of the profession as well as social aspects. The circumstances in each Member State relating to the structure of the transport industry and to the working environment of the road transport profession shall be taken into account. On the basis of this report,

the Commission shall submit a proposal, the aim of which may be either, as appropriate

- to set out the modalities for the inclusion of the self-employed drivers within the scope of the Directive in respect of certain self-employed drivers who are not participating in road transport activities in other Member States and who are subject to local constraints for objective reasons, such as peripheral location, long internal distances and a particular competitive environment, or
- not to include self-employed drivers within the scope of the Directive.

2. The provisions of Directive 93/104/EC shall apply to mobile workers excluded from the scope of this Directive.

3. In so far as this Directive contains more specific provisions as regards mobile workers performing road transport activities it shall, pursuant to Article 14 of Directive 93/104/EC, take precedence over the relevant provisions of that Directive.

4. This Directive shall supplement the provisions of Regulation (EEC) No 3820/85 and, where necessary, of the AETR Agreement, which take precedence over the provisions of this Directive.

Article 3

Definitions

For the purposes of this Directive:

(a) 'working time' shall mean:

1. in the case of mobile workers: the time from the beginning to the end of work, during which the mobile worker is at his workstation, at the disposal of the employer and exercising his functions or activities, that is to say:
 - the time devoted to all road transport activities. These activities are, in particular, the following:
 - (i) driving;
 - (ii) loading and unloading;
 - (iii) assisting passengers boarding and disembarking from the vehicle;
 - (iv) cleaning and technical maintenance;
 - (v) all other work intended to ensure the safety of the vehicle, its cargo and passengers or to fulfil the legal or regulatory obligations directly linked to the specific transport operation under way, including monitoring of loading and unloading, administrative formalities with police, customs, immigration officers etc.,
 - the times during which he cannot dispose freely of his time and is required to be at his workstation, ready to take up normal work, with certain tasks associated with being on duty, in particular during periods awaiting loading or unloading where their foreseeable duration is not known in advance, that is to say either before departure or just before the actual start of the period in question, or under the general conditions negotiated between the social partners and/or under the terms of the legislation of the Member States;

2. in the case of self-employed drivers, the same definition shall apply to the time from the beginning to the end of work, during which the self-employed driver is at his workstation, at the disposal of the client and exercising his functions or activities other than general administrative work that is not directly linked to the specific transport operation under way.

The break times referred to in Article 5, the rest times referred to in Article 6 and, without prejudice to the legislation of Member States or agreements between the social partners providing that such periods should be compensated or limited, the periods of availability referred to in (b) of this Article, shall be excluded from working time;

(b) 'periods of availability' shall mean:

— periods other than those relating to break times and rest times during which the mobile worker is not required to remain at his workstation, but must be available to answer any calls to start or resume driving or to carry out other work. In particular such periods of availability shall include periods during which the mobile worker is accompanying a vehicle being transported by ferryboat or by train as well as periods of waiting at frontiers and those due to traffic prohibitions.

These periods and their foreseeable duration shall be known in advance by the mobile worker, that is to say either before departure or just before the actual start of the period in question, or under the general conditions negotiated between the social partners and/or under the terms of the legislation of the Member States,

— for mobile workers driving in a team, the time spent sitting next to the driver or on the couchette while the vehicle is in motion;

(c) 'workstation' shall mean:

— the location of the main place of business of the undertaking for which the person performing mobile road transport activities carries out duties, together with its various subsidiary places of business, regardless of whether they are located in the same place as its head office or main place of business,

— the vehicle which the person performing mobile road transport activities uses when he carries out duties, and

— any other place in which activities connected with transportation are carried out;

(d) 'mobile worker' shall mean any worker forming part of the travelling staff, including trainees and apprentices, who is in the service of an undertaking which operates transport services for passengers or goods by road for hire or reward or on its own account;

(e) 'self-employed driver' shall mean anyone whose main occupation is to transport passengers or goods by road for hire or reward within the meaning of Community legislation under cover of a Community licence or any other professional authorisation to carry out the aforementioned transport, who is entitled to work for himself and who is not

tied to an employer by an employment contract or by any other type of working hierarchical relationship, who is free to organise the relevant working activities, whose income depends directly on the profits made and who has the freedom to, individually or through a cooperation between self-employed drivers, have commercial relations with several customers.

For the purposes of this Directive, those drivers who do not satisfy these criteria shall be subject to the same obligations and benefit from the same rights as those provided for mobile workers by this Directive;

(f) 'person performing mobile road transport activities' shall mean any mobile worker or self-employed driver who performs such activities;

(g) 'week' shall mean the period between 00.00 hours on Monday and 24.00 hours on Sunday;

(h) 'night time' shall mean a period of at least four hours, as defined by national law, between 00.00 hours and 07.00 hours;

(i) 'night work' shall mean any work performed during night time.

Article 4

Maximum weekly working time

Member States shall take the measures necessary to ensure that:

(a) the average weekly working time may not exceed 48 hours. The maximum weekly working time may be extended to 60 hours only if, over four months, an average of 48 hours a week is not exceeded. The fourth and fifth subparagraphs of Article 6(1) of Regulation (EEC) No 3820/85 or, where necessary, the fourth subparagraph of Article 6(1) of the AETR Agreement shall take precedence over this Directive, in so far as the drivers concerned do not exceed an average working time of 48 hours a week over four months;

(b) working time for different employers is the sum of the working hours. The employer shall ask the mobile worker concerned in writing for an account of time worked for another employer. The mobile worker shall provide such information in writing.

Article 5

Breaks

1. Member States shall take the measures necessary to ensure that, without prejudice to the level of protection provided by Regulation (EEC) No 3820/85 or, failing that, by the AETR Agreement, persons performing mobile road transport activities, without prejudice to Article 2(1), in no circumstances work for more than six consecutive hours without a break. Working time shall be interrupted by a break of at least 30 minutes, if working hours total between six and nine hours, and of at least 45 minutes, if working hours total more than nine hours.

2. Breaks may be subdivided into periods of at least 15 minutes each.

Article 6

Rest periods

For the purposes of this Directive, apprentices and trainees shall be covered by the same provisions on rest time as other mobile workers in pursuance of Regulation (EEC) No 3820/85 or, failing that, of the AETR Agreement.

Article 7

Night work

1. Member States shall take the measures necessary to ensure that:

- if night work is performed, the daily working time does not exceed ten hours in each 24 period,
- compensation for night work is given in accordance with national legislative measures, collective agreements, agreements between the two sides of industry and/or national practice, on condition that such compensation is not liable to endanger road safety.

2. By 23 March 2007, the Commission shall, within the framework of the report which it draws up in accordance with Article 13(2), assess the consequences of the provisions laid down in paragraph 1 above. The Commission shall, if necessary, submit appropriate proposals along with that report.

3. The Commission shall present a proposal for a Directive containing provisions relating to the training of professional drivers, including those who perform night work, and laying down the general principles of such training.

Article 8

Derogations

1. Derogations from Articles 4 and 7 may, for objective or technical reasons or reasons concerning the organisation of work, be adopted by means of collective agreements, agreements between the social partners, or if this is not possible, by laws, regulations or administrative provisions provided there is consultation of the representatives of the employers and workers concerned and efforts are made to encourage all relevant forms of social dialogue.

2. The option to derogate from Article 4 may not result in the establishment of a reference period exceeding six months, for calculation of the average maximum weekly working time of forty-eight hours.

Article 9

Information and records

Member States shall ensure that:

- (a) mobile workers are informed of the relevant national requirements, the internal rules of the undertaking and agreements between the two sides of industry, in particular collective agreements and any company agreements, reached on the basis of this Directive, without prejudice to Council Directive 91/533/EEC of 14 October 1991 on an employer's obligation to inform employees of the condi-

tions applicable to the contract or employment relationship⁽¹⁾;

- (b) without prejudice to Article 2(1), the working time of persons performing mobile road transport activities is recorded. Records shall be kept for at least two years after the end of the period covered. Employers shall be responsible for recording the working time of mobile workers. Employers shall upon request provide mobile workers with copies of the records of hours worked.

Article 10

More favourable provisions

This Directive shall not affect Member States' right to apply or introduce laws, regulations or administrative provisions more favourable to the protection of the health and safety of persons performing mobile road transport activities, or their right to facilitate or permit the application of collective agreements or other agreements concluded between the two sides of industry which are more favourable to the protection of the health and safety of mobile workers. Implementation of this Directive shall not constitute valid grounds for reducing the general level of protection afforded to workers referred to in Article 2(1).

Article 11

Penalties

Member States shall lay down a system of penalties for breaches of the national provisions adopted pursuant to this Directive and shall take all the measures necessary to ensure that these penalties are applied. The penalties thus provided for shall be effective, proportional and dissuasive.

Article 12

Negotiations with third countries

Once this Directive has entered into force, the Community shall begin negotiations with the relevant third countries with a view to the application of rules equivalent to those laid down in this Directive to mobile workers employed by undertakings established in a third country.

Article 13

Reports

1. Member States shall report to the Commission every two years on the implementation of this Directive, indicating the views of the two sides of industry. The report must reach the Commission no later than 30 September following the date on which the two-year period covered by the report expires. The two-year period shall be the same as that referred to in Article 16(2) of Regulation (EEC) No 3820/85.

⁽¹⁾ OJ L 288, 18.10.1991, p. 32.

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2. The Commission shall produce a report every two years on the implementation of this Directive by Member States and developments in the field in question. The Commission shall forward this report to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions.

Article 14

Final provisions

1. Member States shall adopt the laws, regulations and administrative provisions necessary to comply with this Directive by 23 March 2005 or shall ensure by that date that the two sides of industry have established the necessary measures by agreement, the Member States being obliged to take any steps to allow them to be able at any time to guarantee the results required by this Directive.

When Member States adopt the measures referred to in the first subparagraph, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.

2. Member States shall communicate to the Commission the provisions of national law which they have already adopted or which they adopt in the field covered by this Directive.

3. Member States shall take care that consignors, freight forwarders, prime contractors, subcontractors and enterprises which employ mobile workers comply with the relevant provisions of this Directive.

Article 15

Entry into force

This Directive shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

Article 16

Addressees

This Directive is addressed to the Member States.

Done at Brussels, 11 March 2002.

For the European Parliament

The President

P. COX

For the Council

The President

J. PIQUÉ I CAMPS

Annex 2 National reports: existing rules and legislation in all 25 Member States

In this Annex the results of the e-mail questionnaire on the implementation of the Directive in the national legislation are given. The answers for each Member State are presented in alphabetical order. Some countries did not (wish to) return the questionnaire, which is why some answers will be missing. This Annex reflects the status of the implementation in May 2006. Additional information has been gathered later in 2006.

Table 2.1 Returned e-mail questionnaire regarding national rules and legislation

Region	Member State	Date of (foreseen) implementation	E-questionnaire returned?
North	Denmark	2/5/2005*	Yes
	Finland	15/3/2005*	Yes
	Sweden	13/6/2005*	Yes
Middle	Austria	1/7/2006	Yes
	Belgium	28/4/2005	Yes
	Germany	17/8/2006*	Yes
	Ireland	10/1/2006*	Yes
	Luxembourg ¹	Foreseen: end 2006	Yes
	Netherlands ¹	Foreseen: autumn 2006	Yes
	United Kingdom	4/4/2005	Yes
South	France	20/7/2005	Yes
	Greece	22/8/2006	Yes, but stated that Directive is not implemented whereas it is implemented. National directive is used.
	Italy ²	Foreseen date unknown	No, no preliminary text available
	Portugal ¹	Foreseen: 2006	Yes
	Spain ¹	Foreseen 2006	Yes
New Member States	Cyprus	6/5/2005	Yes, but stated that Directive is not implemented whereas it is implemented. National directive is used.
	Czech Republic ¹	1/10/2006	Yes. Missing information is gathered later.
	Estonia	12/5/2005*	Yes
	Hungary	23/3/2005	No, national directive is used
	Latvia	12/7/2006	Yes
	Lithuania	17/5/2005	Yes
	Malta	9/6/2006	Yes
	Poland	16/4/2004*	Yes
	Slovakia	3/2/2004*	Yes
	Slovenia	12/8/2005	Yes

* In these countries the the date of adoption of the latest act as presented by DG Tren is used. This date may differ from the date mentioned by the Ministry depending on the definition of implementation: date of adoption of the law, date of informing DG Tren, date of coming into force of the law.

¹ At the time of collection of the information regarding the national transposition, these Member States had not (or only partially) adopted the Directive. The text presented in this Chapter is the preliminary text.

² At the time of collection of the information regarding the national transposition, Italy had not adopted the Directive. There is no preliminary text available.

Austria	
1. Is the Directive already implemented into the national legislation?	No, the directive will be implemented on a later point of time (please continue with question 3).
3. At what date has the directive been implemented or is it intended to be implemented?	July 1st 2006.
4. What is your definition of a mobile worker?	There is no explicit definition of the term "mobile worker" by law. The Directive will be applied to all "drivers" who form a part of an employment.
5. What is your definition of a self-employed driver?	No implementation regarding to self-employed people, because it will not be compulsive intended before 2009, and only if the commission decides in this spirit.
6. Did you make use of the possibility for derogations by means of collective agreements and/or social dialogue?	Yes. Night work: without qualification. Working time: only a deviance from the calculation period subject to the Art. 8 Abs. 2 of the Directive is possible.
7a. What is the definition of active working time in the national legislation?	Working time is the time from the beginning to the end of work without breaks.
7b. Is this definition taken up in the national collective agreement?	No.
8a. What is the definition of periods of availability?	There is no explicit definition by law. Such a definition just can get derived from the judiciary. But work availability anyway ranks among working time in terms of the working time law.
8b. Is this definition taken up in the national collective agreement?	No.
8c. What is the payment for periods of availability as mentioned in the collective agreement (% of salary)?	100%
9a. What is the definition of night time?	Night time shall mean the period between 00.00 hours and 04.00 hours, night work shall mean any work performed during this period of time.
9b. Is this definition taken up in the national collective agreement?	No.
9c. What is the payment for night work as mentioned in the collective agreement (% of salary)?	There are dozens of such wage agreements with very different payments for night work.
10a. What is the maximum average weekly working time?	Exactly the same as mentioned in the directive. However an extension of the calculation period was additionally approved subject to Art. 8 Abs. 2 of the Directive.
10b. Is this limit taken up in the national collective agreement?	No.
11a. What is the maximum weekly limit in any one week?	The working time limit determined by law agrees with the Directive, however attaining these limits will only be possible if this is approved by the collective agreement.
11b. Is this limit taken up in the national collective agreement?	No.
12a. What is the reference period for the maximum average weekly working time?	Basically 17 weeks (= 4 month) are allowed to be extended up to 26 weeks (= 6 month) subject to Art. 8 Abs. 2 of the Directive by collective agreement because of impartial, technical or labour organizational reasons.

12b. Is this reference period taken up in the national collective agreement?	No.
13a. What is the limit of working hours in the night?	Exactly the same limit as described in the directive.
13b. Is this limit taken up in the national collective agreement?	No.
14a. Which breaks are agreed?	Exactly the same breaks as described in the directive.
14b. Are these breaks taken up in the national collective agreement?	No.
15a. Are there any additional limitations with regard to working hours mentioned in national legislation (e.g. per day or special groups)?	No.
15b. Is this limit taken up in the national collective agreement?	No.
16. Have you laid down a system of penalties?	Yes. Fines in the amount of 72,- Euro to 1.815,- Euro.

Additional remarks

Question 1

The implementation of the Directive directly impends. The parliamentary resolution is intended for the end of May (National Assembly) and at beginning of June (Federal Council) respectively. The publication of the corresponding amendment will be carried out at the mid of June, and shall enter into force on July 1st 2006. The reason for the displacement is due to the fact that the publishment of the EU- time of driving- regulation (EG) No. 561/2006 had been awaited.

Question 8

In terms of the Directive availability time is considered as "work availability" as well as by an Austrian law "on-call duty". Work availability ranks among working time in terms of the working time law (and has to be compensated by a wage of 100%), however, higher working time limits are possible due to the lower workload. On-call duty does not rank among working time and therefore does not fall in the common working time limits, however the on-call duty also has determined restrictions, because the leisure time can not be used to the full extent during a on-call duty, and consequently has a lower recreational value.

Both terms are not defined by the law, but are assumed. The meaning was developed by the judiciary. The crucial criteria of differentiation is up to the fact, who is able to determine the domicile. Is only the employer able to do so, work availability is existent, is the employee able to choose a domicile freely, on-call duty is existent. (Compare also the discrimination between active and inactive availability times in the proposal of the commission of September 22nd 2004 concerning the amendment of the general working time Directive (2003/88/EG), KOM(2004) 607 endg).

To the national collective agreements (questions 7 to 15)

The corresponding questions all had to be negated, because there is no single national collective agreement for drivers, but many collective agreements each with partly different regulations. The most important amongst them are the collective agreements for: forwarding of goods trade, van trade, shippers, trade workers, as well as respective brownfield-KV for the working transport, private autobus companies, taxi trade and finally the KV for the most important public transport services (Vienna, Graz, Linz, Salzburg, Bundesbahn (German National Railways), Postbus). It is not necessary to iterate these legal definitions!

Belgium

1.	Is the Directive already implemented into the national legislation?	Yes.
3.	At what date has the directive been implemented or is it intended to be implemented?	August 24th, 2005.
4.	What is your definition of a mobile worker?	Workers in the service of a transport business. The concept of a worker shall include persons who provide services without being bound by the terms of an employment contract, such as trainees, apprentices, etc.
5.	What is your definition of a self-employed driver?	Worker who does not provide his service under a bond of authority with an employer.
6.	Did you make use of the possibility for derogations by means of collective agreements and/or social dialogue?	Derogations allowing for an increase in the daily and weekly working hours may be stipulated by Royal Command taken after advice from the Equal Opportunities Commission.
7a.	What is the definition of active working time in the national legislation?	By working hours is meant the time during which the individual is available to the employer.
7b.	Is this definition taken up in the national collective agreement?	No answer.
8a.	What is the definition of periods of availability?	A Royal Command taken at the request of the duly authorized Equal Opportunities Commission can determine the availability times which may be excluded. In this context, royal commands must take account of the definition of the directive.
8b.	Is this definition taken up in the national collective agreement?	No answer.
8c.	What is the payment for periods of availability as mentioned in the collective agreement (% of salary)?	Payment is generally stipulated by a collective works agreement; this payment is most frequently a percentage of salary.
9a.	What is the definition of night time?	Night work is work performed between 8 p.m. and 6 a.m.
9b.	Is this definition taken up in the national collective agreement?	No answer.
9c.	What is the payment for night work as mentioned in the collective agreement (% of salary)?	Salary + primage.
10a.	What is the maximum average weekly working time?	Working hours may not exceed 38 hours a week over a reference period of one quarter (this reference period can be extended to one year by collective works agreement).
10b.	Is this limit taken up in the national collective agreement?	No answer.
11a.	What is the maximum weekly limit in any one week?	If the company uses a derogation allowing these working hours to be exceeded, the maximum weekly working time which may not be exceeded is 50 hours per week and the 38 hours must be observed over the set reference period.
11b.	Is this limit taken up in the national collective agreement?	No answer.
12a.	What is the reference period for the maximum average weekly working time?	A quarter, this reference period may be extended to a longer period which may not exceed one year
12b.	Is this reference period taken up in the national collective agreement?	No answer.

13a. What is the limit of working hours in the night?	The daily working hours by night are (as for daytime working) set at 8 hours. Derogation possible in order to extend this to a maximum of 11 hours, with compensatory rest periods to be granted.
13b. Is this limit taken up in the national collective agreement?	No answer.
14a. Which breaks are agreed?	Art. 38 quater of the Bill of 16 March 1971. The worker cannot work without a break for more than six hours. If the time worked exceeds six hours, a break must be stipulated; the length of the break is fixed by collective works agreement.
14b. Are these breaks taken up in the national collective agreement?	No answer.
15a. Are there any additional limitations with regard to working hours mentioned in national legislation (e.g. per day or special groups)?	Workers are entitled to a rest period of 11 hours between two shifts. This rest period must be added to the weekly rest period in order that the worker enjoys a break of 35 hours once a week. By derogation of this rule, a worker in the transport industry can enjoy a break of 70 consecutive hours of rest over a two week period.
15b. Is this limit taken up in the national collective agreement?	No answer.
16. Have you laid down a system of penalties?	The Bill of 16 March 1971 is a bill which is punishable under criminal law (chapter V, section 4).

Additional remarks

None.

Cyprus	<i>National directive is used</i>
1. Is the Directive already implemented into the national legislation?	Yes.
3. At what date has the directive been implemented or is it intended to be implemented?	May 6, 2005.
4. What is your definition of a mobile worker?	Exactly the definition from the directive.
5. What is your definition of a self-employed driver?	Exactly the definition from the directive.
6. Did you make use of the possibility for derogations by means of collective agreements and/or social dialogue?	Yes.
7a. What is the definition of active working time in the national legislation?	Exactly the definition from the directive.
7b. Is this definition taken up in the national collective agreement?	No answer.
8a. What is the definition of periods of availability?	Exactly the definition from the directive.
8b. Is this definition taken up in the national collective agreement?	No answer.
8c. What is the payment for periods of availability as mentioned in the collective agreement (% of salary)?	No answer.
9a. What is the definition of night time?	Exactly the definition from the directive.
9b. Is this definition taken up in the national collective agreement?	No answer.
9c. What is the payment for night work as mentioned in the collective agreement (% of salary)?	No answer. Salary + primage.
10a. What is the maximum average weekly working time?	Exactly the definition from the directive.
10b. Is this limit taken up in the national collective agreement?	No answer.
11a. What is the maximum weekly limit in any one week?	Exactly the definition from the directive.
11b. Is this limit taken up in the national collective agreement?	No answer.
12a. What is the reference period for the maximum average weekly working time?	Exactly the definition from the directive.
12b. Is this reference period taken up in the national collective agreement?	No answer.
13a. What is the limit of working hours in the night?	Exactly the definition from the directive.
13b. Is this limit taken up in the national collective agreement?	No answer.
14a. Which breaks are agreed?	Exactly the definition from the directive.
14b. Are these breaks taken up in the national collective agreement?	No answer.

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| 15a. Are there any additional limitations with regard to working hours mentioned in national legislation (e.g. per day or special groups)? | No. |
| 15b. Is this limit taken up in the national collective agreement? | No answer. |
| 16. Have you laid down a system of penalties? | Yes. |

Additional remarks

None.

Czech republic	<i>E-mail questionnaire and additional information from the internet are used (references to legislation numbers were given in the questionnaire)</i>
1. Is the Directive already implemented into the national legislation?	The directive will be implemented on a later point of time. Most of the content is already in the current Act No. 65/1965 of the Collection of Laws /Labour Code/, the rest will be included in the prepared amendment of the Labour Code.
3. At what date has the directive been implemented or is it intended to be implemented?	October first, 2006.
4. What is your definition of a mobile worker?	A member of the crew of a freight vehicle or bus means a driver, assistant driver and conductor in road transport.
5. What is your definition of a self-employed driver?	Transposition period will expire by 23rd March 2009. The definition is not transposed yet.
6. Did you make use of the possibility for derogations by means of collective agreements and/or social dialogue?	Yes. At the Articles 4 and 7 of the Directive.
7a. What is the definition of active working time in the national legislation?	The working hours of a member of the crew of a freight vehicle or bus means the driving time, loading and unloading, checking and supervision of passengers boarding or disembarking from a bus, vehicle cleaning and inspections, monitoring of loading and unloading, work to ensure the safety of the vehicle, cargo or passengers, technical maintenance of the vehicle, and administrative work connected with the driving of the vehicle.
7b. Is this definition taken up in the national collective agreement?	No.
8a. What is the definition of periods of availability?	<p>On-call time, where the employee is prepared to perform work in accordance with an employment contract which, in the event of pressing need, must be carried out beyond the scope of the employee's schedule of work shifts.</p> <p>The condition of on-call time is the expectation that an employee will carry out urgent work outside the framework of the employee's working hours. On-call time may be spent at the workplace or at another place agreed with the employee.</p> <p>An employer may agree on on-call duty at the workplace with an employee to a maximum extent of 400 hours per calendar year. The employer may reach agreement with an employee on on-call time at another agreed place. An employer may order an employee to be on on-call duty within the scope of the agreed on-call time. In a company collective agreement, the scope of on-call duty at the workplace may be reduced, or the scope of on-call time at another place agreed with the employee may be set.</p> <p>An employee is entitled to wages for work carried out during on-call time; the performance of work within the scope of on-call time beyond the set weekly working hours is overtime and is included in the overtime limits.</p> <p>On-call time during which no work is performed is not in-</p>

	cluded in working hours; an employee is entitled to remuneration for this period in accordance with a separate legal regulation 34).
8b. Is this definition taken up in the national collective agreement?	No answer.
8c. What is the payment for periods of availability as mentioned in the collective agreement (% of salary)?	No.
9a. What is the definition of night time?	Night work is work carried out at night time. Night time is the period from 10:00 p.m. to 6:00 a.m. For the purposes of this Code, an employee working at night is an employee who, in the night time, regularly works at least three hours of that employee's working hours within the scope of 24 consecutive hours; this shall not affect separate laws 34).
9b. Is this definition taken up in the national collective agreement?	No answer.
9c. What is the payment for night work as mentioned in the collective agreement (% of salary)?	No answer.
10a. What is the maximum average weekly working time?	Working hours are a maximum of 40 hours per week. Where the nature of work or conditions of operation do not allow working hours to be distributed evenly over individual weeks (Section 84(2)), the employer may, after discussion with the competent trade union body, distribute working hours unevenly for a designated period negotiated in the collective agreement, or may agree on the uneven distribution of working hours with the employee. In cases of unevenly distributed working hours, weekly working hours net of overtime must not, taken as an average, exceed the set weekly working hours over a period which may be a maximum of 12 consecutive calendar months. An employer may order overtime only in exceptional cases where there are serious operational reasons for such overtime, including in a period of uninterrupted rest between two shifts or under the conditions laid down in Section 91(2) to (4), or on non-business days. An employee must not be ordered to do more than eight hours of overtime per week and 150 hours of overtime per calendar year. A period in which overtime must not exceed an average of eight hours a week may be set, in the collective agreement or based on an agreement between the employee and employer, for a maximum of four consecutive calendar months in cases of the even distribution of working hours and a maximum of six consecutive calendar months in cases of the uneven distribution of working hours. In the collective agreement, it is possible to set a period in which, taken as an average, overtime must not exceed eight hours a week for up to 12 consecutive calendar months.

10b. Is this limit taken up in the national collective agreement?	No answer.
11a. What is the maximum weekly limit in any one week?	See answer 10a.
11b. Is this limit taken up in the national collective agreement?	No answer.
12a. What is the reference period for the maximum average weekly working time?	12 consecutive calendar months.
12b. Is this reference period taken up in the national collective agreement?	No answer.
13a. What is the limit of working hours in the night?	The working hours of an employee working at night must not exceed eight hours within the scope of 24 consecutive hours; if this is not possible for operational reasons, the employer is required to distribute the set weekly working hours in such a manner that the average duration of a shift does not exceed eight hours in a maximum period of six consecutive calendar months; in the calculation of the average duration of a shift of an employee working at night, the basis is a five-day working week.
13b. Is this limit taken up in the national collective agreement?	No answer.
14a. Which breaks are agreed?	The employer is required to provide an employee with a work break for food and rest, lasting not less than 30 minutes, after a maximum of six hours of continuous work; this break must be provided to young persons after a maximum of four and a half hours of continuous work. In cases of work which cannot be interrupted, an adequate break for rest and food must be arranged for an employee without interruption in operations or work; young persons must be provided with a break for food and rest in accordance with the first sentence.
14b. Are these breaks taken up in the national collective agreement?	No answer.
15a. Are there any additional limitations with regard to working hours mentioned in national legislation (e.g. per day or special groups)?	No.
15b. Is this limit taken up in the national collective agreement?	No answer.
16. Have you laid down a system of penalties?	Yes. See §139 of the Act No.435/2004 of the Collection of Laws.

Additional remarks

None.

Denmark

1.	Is the Directive already implemented into the national legislation?	Yes.
3.	At what date has the directive been implemented or is it intended to be implemented?	July first, 2005.
4.	What is your definition of a mobile worker?	Exactly the definition from the Directive. Section 2, paragraph 2 of the Act.
5.	What is your definition of a self-employed driver?	Since the Directive will only include self-employed drivers from 23 March 2009, no regulations for nor definition of a self-employed driver have been included in the Act.
6.	Did you make use of the possibility for derogations by means of collective agreements and/or social dialogue?	Yes. By collective agreement. Parties of the labour market can decide to make use of the possibilities for exemption of the Directive.
7a.	What is the definition of active working time in the national legislation?	Exactly the definition from the directive. See section 2, paragraph 3 of the Act.
7b.	Is this definition taken up in the national collective agreement?	No answer.
8a.	What is the definition of periods of availability?	Exactly the definition from the directive. See section 2, paragraph 4 of the Act.
8b.	Is this definition taken up in the national collective agreement?	No answer.
8c.	What is the payment for periods of availability as mentioned in the collective agreement (% of salary)?	No answer.
9a.	What is the definition of night time?	‘Night time’ of this Act is to be understood as the time period between 01.00 hours and 05.00, unless it is collectively agreed that another time period of 4 hours between 00.00 hours and 07.00 hours shall be considered as ‘night time’ period. In this Act, ‘night time’ means all work which is carried out in the night time period (see section 2, paragraph 5 and 6 of the Act).
9b.	Is this definition taken up in the national collective agreement?	No answer.
9c.	What is the payment for night work as mentioned in the collective agreement (% of salary)?	No answer.
10a.	What is the maximum average weekly working time?	Exactly the same as mentioned in the directive. By collective agreement parties of the labour market may, however, have made use of the possibilities for exemption of the Directive.
10b.	Is this limit taken up in the national collective agreement?	No answer.
11a.	What is the maximum weekly limit in any one week?	Exactly the same as mentioned in the directive. See section 3, paragraph 1 of the Act. By collective agreement. parties of the labour market may, however, have made use of the possibilities for exemption of the Directive.

11b. Is this limit taken up in the national collective agreement?	No answer.
12a. What is the reference period for the maximum average weekly working time?	Exactly the same as mentioned in the directive. See section 3, paragraph 1 of the Act. By collective agreement. parties of the labour market may, however, have made use of the possibilities for exemption of the Directive, cf. Article 8 of the Directive.
12b. Is this reference period taken up in the national collective agreement?	No answer.
13a. What is the limit of working hours in the night?	Exactly the same limit as described in the directive. See section 6 of the Act!
13b. Is this limit taken up in the national collective agreement?	No answer.
14a. Which breaks are agreed?	Exactly the same breaks as described in the directive. See section 4 of the Act.
14b. Are these breaks taken up in the national collective agreement?	No answer.
15a. Are there any additional limitations with regard to working hours mentioned in national legislation (e.g. per day or special groups)?	No answer.
15b. Is this limit taken up in the national collective agreement?	No answer.
16. Have you laid down a system of penalties?	Yes. The Act contains rules on penalties and on compensation for the aggrieved party by way of reimbursement (see section 7 and 8 of the Act).

Additional remarks

None.

Estonia

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| 1. | Is the Directive already implemented into the national legislation? | Yes. |
| 3. | At what date has the directive been implemented or is it intended to be implemented? | June 3rd 2005. Act to Amend the Traffic Act RT I 2005,31,228. |
| 4. | What is your definition of a mobile worker? | According to Traffic Act §203 subsection 1, special requirements for driver's working and rest time are based on the Council Regulation 3820/85. Article 1 subsection 3 gives the definition, who the requirements apply to (driver, assistant driver). |
| 5. | What is your definition of a self-employed driver? | According to §3 subsection 2 of the Commercial Code, a sole proprietor must be entered in the commercial register if he or she is registered with the Tax and Customs board as a taxpayer pursuant to the Value Added Tax Act. The legislation may provide other cases when sole proprietors must be entered in the commercial register. This is done in the Estonian Road Transport Act.
According to §2 in the Road Transport Act, the carrier must be entered in the commercial register and according to §5 subsection 2 the registered area of activity of the holder of the activity licence must be providing road transport services. |
| 6. | Did you make use of the possibility for derogations by means of collective agreements and/or social dialogue? | Yes. §203 subsection 4 allows to extend the weekly working time to up to 60 hours so that the average working time during 6 consecutive months does not exceed 48 hours a week if it is provided in the extended collective agreement or takes place upon the written agreement from the Labour Inspectorate. Extending of the working time must be associated with the particularities of work process and it requires a written agreement between the parties of the contract of employment. |
| 7a. | What is the definition of active working time in the national legislation? | §203 subsection 2 – driver's working time is the time between the breaks and rest period determined in the Council regulation 3820/85/EC and breaks and rest periods determined in other labour legislation during which the driver must carry out, organize or prepare freight transport by road. |
| 7b. | Is this definition taken up in the national collective agreement? | Such a definition may be in the collective agreement but a collective agreement, as any lower rank legal instrument, may not be contrary to the laws in Estonia. |
| 8a. | What is the definition of periods of availability? | The basis for the used definition is Council Regulation 3820/85, where article 1 subsection 3 gives the definitions. The definition of working time is specified in §203 subsection 3 of Traffic Act. The driver's working time does not include the on-call time of the other team member seated next to the driver in the moving vehicle if this does not include work-related activities or if not provided in the collective agreement. |
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8b. Is this definition taken up in the national collective agreement?	Such a definition may be in the collective agreement but a collective agreement, as any lower rank legal instrument, may not be contrary to the laws in Estonia.
8c. What is the payment for periods of availability as mentioned in the collective agreement (% of salary)?	Working and Rest Time Act §10 provides that additional remuneration is to be paid for on-call time, the amount is determined by collective agreement and contract of employment. In practice this means that the driver will come to an agreement with the employer that certain hourly wages (N kroons an hour) already include additional remuneration.
9a. What is the definition of night time?	Exactly the definition from the directive.
9b. Is this definition taken up in the national collective agreement?	No.
9c. What is the payment for night work as mentioned in the collective agreement (% of salary)?	Wages Act provides that the wages for night work must be at least 20% higher.
10a. What is the maximum average weekly working time?	Exactly the same as mentioned in the directive.
10b. Is this limit taken up in the national collective agreement?	Such a definition may be in the collective agreement as well but a collective agreement, as any lower rank legal instrument, may not be contrary to the laws in Estonia.
11a. What is the maximum weekly limit in any one week?	Exactly the same as mentioned in the directive.
11b. Is this limit taken up in the national collective agreement?	No.
12a. What is the reference period for the maximum average weekly working time?	Exactly the same as mentioned in the directive.
12b. Is this reference period taken up in the national collective agreement?	No.
13a. What is the limit of working hours in the night?	Exactly the same limit as described in the directive.
13b. Is this limit taken up in the national collective agreement?	Yes. Such a definition may be in the collective agreement as well but a collective agreement, as any lower rank legal instrument, may not be contrary to the laws in Estonia.
14a. Which breaks are agreed?	<p>The basis for the used definition is Council Regulation 3820/85, where article 7 gives the definitions for breaks and how they are used periodically.</p> <ol style="list-style-type: none"> 1. After four-and-a-half hours' driving, the driver shall observe a break of at least 45 minutes, unless he begins a rest period. 2. This break may be replaced by breaks of at least 15 minutes each distributed over the driving period or immediately after this period 3. in such a way as to comply with the provisions of paragraph 1. 4. By way of exception from paragraph 1, in the case of national carriage of passengers on regular services Member States may fix the minimum break at not less than 30 minutes after a driving period not exceeding four hours. Such exceptions may be granted only in cases where breaks in driving of over 30 minutes could hamper the flow of urban traffic and where it is not pos-

	<p>sible for drivers to take a 15-minute break within four-and-a-half hours of driving prior to a 30-minute break.</p> <p>5. During these breaks, the driver may not carry out any other work. For the purposes of this Article, the waiting time and time not devoted to driving spent in a vehicle in motion, a ferry, or a train shall not be regarded as 'other work'.</p> <p>6. The breaks observed under this Article may not be regarded as daily rest periods."</p>
14b. Are these breaks taken up in the national collective agreement?	Such a definition may be in the collective agreement as well but a collective agreement, as any lower rank legal instrument, may not be contrary to the laws in Estonia.
15a. Are there any additional limitations with regard to working hours mentioned in national legislation (e.g. per day or special groups)?	No.
15b. Is this limit taken up in the national collective agreement?	Such a definition may be in the collective agreement as well but a collective agreement, as any lower rank legal instrument, may not be contrary to the laws in Estonia.
16. Have you laid down a system of penalties?	Yes. According to §74/48 of the Traffic Act the driver can be fined for violations of weekly rest period up to 6000 kroons. This misdemeanour can be processed by the Labour Inspectorate at companies and police in traffic. Labour Inspectorate will usually issue a precept in these cases and if not filled, sanctions will follow.

Additional remarks

None.

Finland

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| 1. | Is the Directive already implemented into the national legislation? | Yes. |
| 3. | At what date has the directive been implemented or is it intended to be implemented? | March 10th, 2005. |
| 4. | What is your definition of a mobile worker? | Exactly the definition from the directive. |
| 5. | What is your definition of a self-employed driver? | Exactly the definition from the directive. |
| 6. | Did you make use of the possibility for derogations by means of collective agreements and/or social dialogue? | Yes. Article 4 and Article 7 by collective agreements. |
| 7a. | What is the definition of active working time in the national legislation? | Exactly the definition from the directive. |
| 7b. | Is this definition taken up in the national collective agreement? | Yes. According to the collective agreement paragraph 11 section 11 when a driver or assistant must wait during the journey, this period of time is not interpreted as working time, but appropriate compensation is remitted. If the driver must move his/her vehicle repeatedly due to orders from the loader or discharger, this time is interpreted as working time for the driver. Under comparable conditions, if the driver must wait without having to move the car repeatedly, and can freely leave the area where the vehicle is located, a waiting-time wage is paid for this period without including it as part of the working time. |
| 8a. | What is the definition of periods of availability? | Exactly the definition from the directive. |
| 8b. | Is this definition taken up in the national collective agreement? | Yes. It can be agreed with the employee that s/he will remain in her/his residence for a specified time, from where s/he can be called to work.
During the periods of availability, when the employee must remain duty-bound even when not working, the employee shall receive half his/her basic salary, without including the periods of availability as part of their working time.
If the employee is, as agreed, obliged to be on call for the provision of telephone instructions or for leaving for work without being required to remain at her/his residence, compensation shall be remitted without including the periods of availability as part of the working time. When agreeing on the amount of the payment, one must account for the duration of the on-call period, obligations incurred by the on-call period, and other factors affecting the matter. |
| 8c. | What is the payment for periods of availability as mentioned in the collective agreement (% of salary)? | See the answer above. |
| 9a. | What is the definition of night time? | According to the Working Hours Act Chapter 26 work carried out between 23.00 and 06.00 is considered night work. |
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9b. Is this definition taken up in the national collective agreement?	Yes. According to the collective agreement Chapter 10 section 1 work carried between 22.00 and 06.00 is considered night work.
9c. What is the payment for night work as mentioned in the collective agreement (% of salary)?	20% of salary.
10a. What is the maximum average weekly working time?	Exactly the same as mentioned in the directive.
10b. Is this limit taken up in the national collective agreement?	Yes.
11a. What is the maximum weekly limit in any one week?	<p>No.</p> <p>The maximum weekly working time is not restricted. The 48 hours per week according to the directive are, however, realized in practice. The maximum amount of overtime is restricted in accordance with the directive. The maximum amount of overtime during a four-month period is 138 hours, which is the highest amount of overtime per four-month period allowed for by The Working Time Directive. The amount of overtime is also restricted at the annual level to a maximum of 250 hours per calendar year. However, it is possible to enter into contract locally on additional overtime beyond the above to a maximum of 80 hours per calendar year. However, even in this case the limit of 138 hours of overtime in a four-month period must not be exceeded. At a workplace, additional overtime can be agreed upon by the employer and a shop steward as referred to in the collective agreement, or if a shop steward has not been elected, an elected representative or other representative chosen by personnel. If there is no elected representative for personnel or a personnel group at the workplace, the personnel or personnel group can jointly agree on additional overtime. The employee's consent is also always required in order to have additional overtime done.</p> <p>Employer and employee organizations which operate nationwide can make exceptions to the time period for calculating maximum overtime by collective agreement. Such periods cannot, however, exceed 12 months under the Working Time Directive, and the maximum amount of annual overtime must comply with the limits described above.</p>
11b. Is this limit taken up in the national collective agreement?	<p>No. According to the national collective agreement in question regular working time hours (and weekly rest) is arranged and calculated as two-week period (80 hours). The 48 hours per week according to the directive are, however, realized in practice. Practice and regulation concerning weekly working time and weekly rest (two days off per every one week) are restricted in accordance with the directive.</p> <p>The rest periods, prescribed in accordance with the directive and agreed upon in the collective agreement, restrict the actual working hours effectively.</p>

12a. What is the reference period for the maximum average weekly working time?	According to the Working Hours Act Chapter 3 regular working hours shall not exceed eight hours a day or 40 a week. The regular weekly working hours can also be arranged in such a way that the average is 40 hours over a period of no more than 52 weeks. See also the answer to the question 11.
12b. Is this reference period taken up in the national collective agreement?	Yes. The reference period is six months because of the organisation of the periods of rest agreed upon in the collective agreement.
13a. What is the limit of working hours in the night?	The periods of daily rest limits this. See also the answer to question 15.
13b. Is this limit taken up in the national collective agreement?	No.
14a. Which breaks are agreed?	According to the Working Hours Act Chapter 6 Section 28 Motor vehicle drivers must be given a minimum of 30 minutes' rest in one or two sequences for each work period of five hours and 30 minutes.
14b. Are these breaks taken up in the national collective agreement?	According to the collective agreement: towards 5 hours 30 minutes' working time has to be at least 30 minutes break in one or two sequences (each sequence at least 10 minutes). Breaks under 30 minutes are calculated as working time regardless of the place where those short breaks are given. (The 5,5 hours-30 min break regulation since 1976). The council Regulation (EEC) No 3820/85 on the harmonisation of certain social legislation relating to road transport regulates these matters and is taken account of.
15a. Are there any additional limitations with regard to working hours mentioned in national legislation (e.g. per day or special groups)?	Yes. According to the Working Hours Act Chapter 6 Section 30 Motor vehicle drivers must be given a minimum of 10 hours of uninterrupted rest within each period of 24 consecutive hours. When a driver's duties so require, the daily rest period referred to in subsection 1 can be shortened to a minimum of seven hours twice within seven consecutive 24-hour periods. According to the section 31 working hours must be organized to allow employees at least 35 hours of uninterrupted free time each week, preferably around a Sunday. The weekly free time can be arranged so that it averages 35 hours within a 14-day period. Weekly free time must, however, be at least 24 hours. In uninterrupted shift work, free time can be organized to average 35 hours within a maximum of 12 weeks. Weekly free time must, however, be at least 24 hours. With the consent of the employee concerned, this procedure is also applicable when technical conditions or the organization of work so require.
15b. Is this limit taken up in the national collective agreement?	Yes. According to the collective agreement motor vehicle drivers must be given a minimum of 11 hours of uninterrupted rest within each period of 24 consecutive hours.
16. Have you laid down a system of penalties?	Yes. According to the Working Hours Act Chapter 8 Section 42 the person who violates this act shall be sentenced to fine.

Additional remarks

None.

France

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| 1. | Is the Directive already implemented into the national legislation? | Yes. |
| 3. | At what date has the directive been implemented or is it intended to be implemented? | In the edict of 12 November 2004, ratified by law on July 20th 2005; statutory order of December 26th of January 1983 modified by statutory order of March 31st 2005. |
| 4. | What is your definition of a mobile worker? | The laws mentioned in Q3 apply to « driving personnel » that means mobile workers in the sense of the 2002/15 directive who carry out their activity within a company for somebody else. Mobile workers who are employees of a company whose business is transport do have to comply with the labour laws as they are fixed in the labour laws. |
| 5. | What is your definition of a self-employed driver? | Exactly the same limit as described in the directive. |
| 6. | Did you make use of the possibility for derogations by means of collective agreements and/or social dialogue? | No. |
| 7a. | What is the definition of active working time in the national legislation? | Exactly the definition from the directive.
Needs to be added to this definition the time spent by a 2nd driver in a running vehicle while he does not drive; this time is equally counted as working time. |
| 7b. | Is this definition taken up in the national collective agreement? | No. |
| 8a. | What is the definition of periods of availability? | Yes. See answer of question 7. |
| 8b. | Is this definition taken up in the national collective agreement? | No. |
| 8c. | What is the payment for periods of availability as mentioned in the collective agreement (% of salary)? | A general agreement stipulates that the time during which one needs to be available as described in the directive 2002/15 are paid as if these were working hours. |
| 9a. | What is the definition of night time? | Any type of job that is accomplished between 22h and 5 h or another period of 7 hours on end but which needs to cover at any rate the period between 24h and 5h defined by a general agreement or in the absence of a general agreement by the factory inspector if the specific characteristics of the company justify his intervention. |
| 9b. | Is this definition taken up in the national collective agreement? | No. |
| 9c. | What is the payment for night work as mentioned in the collective agreement (% of salary)? | The 20% extra may be substituted by additional resting hours that would be equivalent. |
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10a. What is the maximum average weekly working time?	Long distance drivers (at least 6 night per month away from home) : 53 hours which include 8 hours that can be defined as availability hours (temps de disponibilité) like mentioned in the directive 2002/15, which is globally equivalent to an average working time of 45 hours over a period of 3 to 4 months. Short distance drivers (less than 6 nights away from home) : 50 hours that include 4 hours that can be defined as availability hours (temps de disponibilité) like mentioned in the directive 2002/15, which is globally equivalent to an average working time of 46 hours over a period of 3 to 4 months.
10b. Is this limit taken up in the national collective agreement?	No.
11a. What is the maximum weekly limit in any one week?	Long distance drivers 56 hours, short distance drivers 52 hours.
11b. Is this limit taken up in the national collective agreement?	No.
12a. What is the reference period for the maximum average weekly working time?	On average 3 months, or 4 with a general agreement. The weekly average may be calculated over a period of 3 to 4 months.
12b. Is this reference period taken up in the national collective agreement?	No.
13a. What is the limit of working hours in the night?	Exactly the same limit as described in the directive.
13b. Is this limit taken up in the national collective agreement?	No.
14a. Which breaks are agreed?	The employees benefit of a break of at least 30 minutes in case the daily total working time exceeds 6 hours and a break of at least 45 minutes in case the daily total working time exceeds 9 hours. The breaks may be divided in portions of at least 15 minutes.
14b. Are these breaks taken up in the national collective agreement?	No.
15a. Are there any additional limitations with regard to working hours mentioned in national legislation (e.g. per day or special groups)?	Yes. Not more than 44 hours over a period of 12 weeks, not more than 48 hours during 1 week.
15b. Is this limit taken up in the national collective agreement?	No.
16. Have you laid down a system of penalties?	Yes. Financial penalties for ignoring the rules of the regulation.

Additional remarks

None.

Germany

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| 1. Is the Directive already implemented into the national legislation? | No. The directive will be implemented on a later point of time. |
| 3. At what date has the directive been implemented or is it intended to be implemented? | Third quarter of 2006. |
| 4. What is your definition of a mobile worker? | As far as the still existing regulations of the working time law concerning the implementation of the Directive do not suffice, it is intended to add special regulations to the working time law.
These should apply for employees as drivers or co-drivers performing an activity in road traffic in terms of the regulation No. 3820/85. According to the definition at § 3 of working time law employees are labourers, appointees as well as people who are employed for the purpose of their occupational training. Hint: interns and apprentices also rank among these. |
| 5. What is your definition of a self-employed driver? | The working time law only applies for employees. Therefore the Directive with the intended change will only be implemented for this person subgroup and not for the self-employed drivers. |
| 6. Did you make use of the possibility for derogations by means of collective agreements and/or social dialogue? | Yes. The following is intended:
In a collective agreement or due to a collective agreement in a work council or employment agreement it will be possible to determine a working time differing from the newly determined weekly working time limit of 48 hours referring to a period of 4 months as well as from the applicable daily working time limit (8 hours), if objective, technical or labour organizational reasons are given. |
| 7a. What is the definition of active working time in the national legislation? | According to § 2 Abs. 1 of working time law working time is defined as the time from the beginning to the end of work without breaks. It is intended to implement the time the employee has to be on-call duty and which is not known in advance together with the definition concerning on-call duty periods and to apply that the essential feature is that the time is known in advance. |
| 7b. Is this definition taken up in the national collective agreement? | No cognitions. |
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8a. What is the definition of periods of availability?	<p>The following is intended: Differing from § 2 Abs. 1 no working time is:</p> <ol style="list-style-type: none"> 1. the time the employee has to be on- call duty to take up his function; 2. the time the employee has to be on- call duty to take up his function on someone's disposition when he/she has not to linger at his/her workplace; 3. for employees who alternate regarding driving, the time which is spend next to the driver or at the sleeper-cab during the drive. <p>Concerning the periods according to sentence 1 no. 1 and 2 this will only apply if the period und the estimated duration is known in advance at the latest directly before the beginning of the mentioned period. The periods mentioned in sentence 1 are no rest periods. The periods mentioned in sentence 1 are no breaks.</p>
8b. Is this definition taken up in the national collective agreement?	Unknown.
8c. What is the payment for periods of availability as mentioned in the collective agreement (% of salary)?	Unknown.
9a. What is the definition of night time?	<p>No. § 2 Abs. 3 and 4 working time law is:</p> <p>(3) Night time in terms of this law is the time from 11 pm to 6 am, looking at bakeries and confectioneries the time from 11 pm to 5 am.</p> <p>(4) Night work in terms of this law is every work that spans more than 2 hours of night time.</p>
9b. Is this definition taken up in the national collective agreement?	No answer.
9c. What is the payment for night work as mentioned in the collective agreement (% of salary)?	<p>§ 6 Abs. 5 working time law determines: As far as there are no compensative regulations on the part of the collective agreement the employer has to provide an appropriate number of paid free days or an appropriate bonus to the gross pay the employee is entitled to due to the achieved working hours at night time.</p>
10a. What is the maximum average weekly working time?	<p>The following is intended: The working time must not exceed 48 hours per week. It may be extended up to 60 hours if 48 hours per week (average) are not exceeded within 4 calendar month or 16 weeks.</p>
10b. Is this limit taken up in the national collective agreement?	Unknown.
11a. What is the maximum weekly limit in any one week?	See answer 10a.
11b. Is this limit taken up in the national collective agreement?	Unknown.
12a. What is the reference period for the maximum average weekly working time?	See answer 10a.
12b. Is this reference period taken up in the national collective agreement?	Unknown.

13a. What is the limit of working hours in the night?	No. § 6 Abs. 2 working time law is : The night workers' working time on workdays must not exceed 8 hours. It may be extended up to 10 hours if 8 hours per week (average) are not exceeded within a calendar month or 4 weeks.
13b. Is this limit taken up in the national collective agreement?	Unknown.
14a. Which breaks are agreed?	No. §4 working time law is: The work has to be interrupted by in advance established breaks of altogether at least 30 minutes regarding to a working time of more than 6 up to 9 hours and 45 minutes regarding to a working time of more than 9 hours. According to sentence 1 the breaks may be divided up to periods of at least 15 minutes. It is not allowed to employ an employee more than 6 hours running without a break.
14b. Are these breaks taken up in the national collective agreement?	Unknown.
15a. Are there any additional limitations with regard to working hours mentioned in national legislation (e.g. per day or special groups)?	No. According to §3 working time law the working time on workdays must not exceed 8 hours. It may be extended up to 10 hours when there will be compensation. Concerning compensation period and limit of working hours per week have a look at no. 10.
15b. Is this limit taken up in the national collective agreement?	No answer.
16. Have you laid down a system of penalties?	Yes. In case of offences against the permitted working times and breaks the inspectorate may impose a fine up to 15.000 Euro and may make directives so that the regulations are observed in the future. In very serious cases also a fine or prison sentence may be imposed. (compare §§ 17, 22 and 23 working time law).

Additional remarks

It is not possible that cognitions about regulations regarding to the collective agreement are available as far as no implementation has been carried out.

Regulations regarding to the collective agreement are very manifold in Germany (formation after branches and regions) so that a survey of the affected regulations is not indicated. If the working time law does not offer a possibility to make variations also account of the employees the demands of law have to be observed. But collective agreements always may contain more favourable regulations.

Greece	<i>National directive is used</i>
1. Is the Directive already implemented into the national legislation?	Yes
3. At what date has the directive been implemented or is it intended to be implemented?	Adoption date is August 22, 2006.
4. What is your definition of a mobile worker?	Exactly the definition from the directive.
5. What is your definition of a self-employed driver?	Exactly the definition from the directive.
6. Did you make use of the possibility for derogations by means of collective agreements and/or social dialogue?	Yes.
7a. What is the definition of active working time in the national legislation?	Exactly the definition from the directive.
7b. Is this definition taken up in the national collective agreement?	No answer.
8a. What is the definition of periods of availability?	Exactly the definition from the directive.
8b. Is this definition taken up in the national collective agreement?	
8c. What is the payment for periods of availability as mentioned in the collective agreement (% of salary)?	No answer.
9a. What is the definition of night time?	22.00-06.00
9b. Is this definition taken up in the national collective agreement?	
9c. What is the payment for night work as mentioned in the collective agreement (% of salary)?	No answer.
10a. What is the maximum average weekly working time?	Exactly the same as mentioned in the directive.
10b. Is this limit taken up in the national collective agreement?	No answer.
11a. What is the maximum weekly limit in any one week?	Exactly the same as mentioned in the directive.
11b. Is this limit taken up in the national collective agreement?	No answer.
12a. What is the reference period for the maximum average weekly working time?	
12b. Is this reference period taken up in the national collective agreement?	
13a. What is the limit of working hours in the night?	Exactly the same as mentioned in the directive.
13b. Is this limit taken up in the national collective agreement?	No answer.
14a. Which breaks are agreed?	Exactly the same as mentioned in the directive.
14b. Are these breaks taken up in the national collective agreement?	No answer.

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| 15a. Are there any additional limitations with regard to working hours mentioned in national legislation (e.g. per day or special groups)? | No. |
| 15b. Is this limit taken up in the national collective agreement? | No answer. |
| 16. Have you laid down a system of penalties? | Yes. |

Additional remarks

Hungary	National directive is used
1. Is the Directive already implemented into the national legislation?	Yes.
3. At what date has the directive been implemented or is it intended to be implemented?	March 23, 2005.
4. What is your definition of a mobile worker?	Road transport workers engaged in the tasks falling within the scope of Regulation 3820/85/EEC on the harmonisation of certain social legislation relating to road transport and of the European Agreement concerning the work of crews of vehicles engaged in international road transport (AETR).
5. What is your definition of a self-employed driver?	Driver authorised on the basis of a goods vehicle or bus driver's licence to transport goods or passengers by road on a self-employed commercial basis, who, for the purposes of the activities specified in ea), does not have an employment contract or other form of legal employment relationship, and is free to organise his own working activities.
6. Did you make use of the possibility for derogations by means of collective agreements and/or social dialogue?	Yes.
7a. What is the definition of active working time in the national legislation?	Total time spent on transporting passengers or goods, including driving, loading and unloading, assisting passengers boarding and disembarking from the vehicle, cleaning and technical maintenance, other work intended to ensure the safety of the vehicle, its cargo and passengers; and time spent meeting the associated legal or regulatory obligations, including supervision of loading and unloading, and administrative formalities with police, customs, border controls, etc. Periods awaiting loading or unloading, where this cannot be determined beforehand. Exceptions may be made to this provision by collective agreement, and time spent awaiting loading or unloading may be regarded as periods of availability unless the worker performs work during such period.
7b. Is this definition taken up in the national collective agreement?	Unknown.
8a. What is the definition of periods of availability?	Any period which is not regarded as working time or rest time, during which the worker is not required to remain at his workstation but must be available to start or resume driving or carry out any other work required. Subject to this definition, periods of availability shall include in particular time during which the worker is accompanying a vehicle being transported by boat or train, and time spent waiting at frontiers or due to traffic restrictions (e.g. restrictions on transport at weekends or on public holidays). For workers driving in a team, time spent sitting next to the driver or on the couchette while the vehicle is in motion.
8b. Is this definition taken up in the national collective agreement?	Unknown.

8c. What is the payment for periods of availability as mentioned in the collective agreement (% of salary)?	Unknown.
9a. What is the definition of night time?	Between 0.00 and 04.00 hours local time.
9b. Is this definition taken up in the national collective agreement?	Unknown.
9c. What is the payment for night work as mentioned in the collective agreement (% of salary)?	Unknown.
10a. What is the maximum average weekly working time?	Weekly working time averaged over the reference period may not exceed 48 hours.
10b. Is this limit taken up in the national collective agreement?	Unknown.
11a. What is the maximum weekly limit in any one week?	Unless otherwise specified by collective agreement or by derogation from Community and other legislation as referred to in Article 18/A(1), weekly working time may not exceed 60 hours.
11b. Is this limit taken up in the national collective agreement?	Unknown.
12a. What is the reference period for the maximum average weekly working time?	The reference period shall not exceed four months if established by the employer, or six months if established by collective agreement.
12b. Is this reference period taken up in the national collective agreement?	Unknown.
13a. What is the limit of working hours in the night?	If any work is performed in night time, daily working time may not exceed 10 hours, unless otherwise specified by collective agreement or in the employment contract.
13b. Is this limit taken up in the national collective agreement?	Unknown.
14a. Which breaks are agreed?	Continuous working time without a break may not exceed six hours. Where total daily working time is between six and nine hours, work shall be interrupted by a break of at least 30 minutes. If the working day is over 9 hours, the break shall be at least 45 minutes. Workers may subdivide breaks into periods of at least 15 minutes each.
14b. Are these breaks taken up in the national collective agreement?	Unknown.
15a. Are there any additional limitations with regard to working hours mentioned in national legislation (e.g. per day or special groups)?	No.
15b. Is this limit taken up in the national collective agreement?	Unknown.
16. Have you laid down a system of penalties?	Yes.

Additional remarks

None.

Ireland	
1. Is the Directive already implemented into the national legislation?	Yes.
3. At what date has the directive been implemented or is it intended to be implemented?	January 1, 2006.
4. What is your definition of a mobile worker?	Exactly the definition from the directive.
5. What is your definition of a self-employed driver?	Exactly the definition from the directive.
6. Did you make use of the possibility for derogations by means of collective agreements and/or social dialogue?	Yes.
7a. What is the definition of active working time in the national legislation?	Exactly the definition from the directive.
7b. Is this definition taken up in the national collective agreement?	Unknown.
8a. What is the definition of periods of availability?	Exactly the definition from the directive.
8b. Is this definition taken up in the national collective agreement?	Unknown.
8c. What is the payment for periods of availability as mentioned in the collective agreement (% of salary)?	Unknown.
9a. What is the definition of night time?	Night time means in respect of motor vehicles used for carrying goods the period between 00.00 hours and 04.00 hours and in respect of motor vehicles used for carrying passengers the period between 01.00 hours and 05.00 hours.
9b. Is this definition taken up in the national collective agreement?	Unknown.
9c. What is the payment for night work as mentioned in the collective agreement (% of salary)?	Unknown.
10a. What is the maximum average weekly working time?	Exactly the definition from the directive.
10b. Is this limit taken up in the national collective agreement?	Unknown.
11a. What is the maximum weekly limit in any one week?	Exactly the definition from the directive.
11b. Is this limit taken up in the national collective agreement?	Unknown.
12a. What is the reference period for the maximum average weekly working time?	Exactly the definition from the directive.
12b. Is this reference period taken up in the national collective agreement?	Unknown.
13a. What is the limit of working hours in the night?	Exactly the definition from the directive.
13b. Is this limit taken up in the national collective agreement?	Unknown.
14a. Which breaks are agreed?	Exactly the definition from the directive.

14b. Are these breaks taken up in the national collective agreement?	Unknown.
15a. Are there any additional limitations with regard to working hours mentioned in national legislation (e.g. per day or special groups)?	No.
15b. Is this limit taken up in the national collective agreement?	No answer.
16. Have you laid down a system of penalties?	Yes. A person guilty of an offence under these Regulations shall be liable on summary conviction to a fine not exceeding 5000 euro or imprisonment for a term not exceeding 6 months of both.

Additional remarks

This legislation came into effect on 1 January 2006 so the checks for compliance are at an early stage. Collective agreements are also at an early stage and are strictly between the employer and employee or employee representative with no State intervention. All collective agreements will be inspected at the time of carrying out checks for compliance with the legislation.

Italy	<i>No preliminary text available</i>
1. Is the Directive already implemented into the national legislation?	No.
3. At what date has the directive been implemented or is it intended to be implemented?	Date of foreseen implementation is unknown.
4. What is your definition of a mobile worker?	
5. What is your definition of a self-employed driver?	
6. Did you make use of the possibility for derogations by means of collective agreements and/or social dialogue?	
7a. What is the definition of active working time in the national legislation?	
7b. Is this definition taken up in the national collective agreement?	
8a. What is the definition of periods of availability?	
8b. Is this definition taken up in the national collective agreement?	
8c. What is the payment for periods of availability as mentioned in the collective agreement (% of salary)?	
9a. What is the definition of night time?	
9b. Is this definition taken up in the national collective agreement?	
9c. What is the payment for night work as mentioned in the collective agreement (% of salary)?	
10a. What is the maximum average weekly working time?	
10b. Is this limit taken up in the national collective agreement?	
11a. What is the maximum weekly limit in any one week?	
11b. Is this limit taken up in the national collective agreement?	
12a. What is the reference period for the maximum average weekly working time?	
12b. Is this reference period taken up in the national collective agreement?	
13a. What is the limit of working hours in the night?	
13b. Is this limit taken up in the national collective agreement?	
14a. Which breaks are agreed?	
14b. Are these breaks taken up in the national collective agreement?	

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- 15a. Are there any additional limitations with regard to working hours mentioned in national legislation (e.g. per day or special groups)?
- 15b. Is this limit taken up in the national collective agreement?
16. Have you laid down a system of penalties?

Additional remarks

Latvia

1.	Is the Directive already implemented into the national legislation?	Yes.
3.	At what date has the directive been implemented or is it intended to be implemented?	The directive was transposed in national legislation by means of adopting Regulation of the Cabinet No 520 on the organisation, observation and registration of the working time of persons performing mobile road transport activities (12.07.2005) as well as amending the Road Traffic Law.
4.	What is your definition of a mobile worker?	In the national regulation there is made the reference that it extends to the travelling staff, including trainees and apprentices.
5.	What is your definition of a self-employed driver?	Exactly the definition from the directive.
6.	Did you make use of the possibility for derogations by means of collective agreements and/or social dialogue?	On the basis of agreements between the social partners the calculation of the average working time, which cannot exceed 48 hours a week, can be calculated within the period not exceeding six consecutive months (derogation from Article 4).
7a.	What is the definition of active working time in the national legislation?	Exactly the definition from the directive.
7b.	Is this definition taken up in the national collective agreement?	No.
8a.	What is the definition of periods of availability?	Exactly the definition from the directive.
8b.	Is this definition taken up in the national collective agreement?	No answer.
8c.	What is the payment for periods of availability as mentioned in the collective agreement (% of salary)?	Not regulated.
9a.	What is the definition of night time?	Exactly the definition from the directive.
9b.	Is this definition taken up in the national collective agreement?	No answer.
9c.	What is the payment for night work as mentioned in the collective agreement (% of salary)?	A collective agreement or an employment contract may provide a higher payment for night work.
10a.	What is the maximum average weekly working time?	Exactly the definition from the directive.
10b.	Is this limit taken up in the national collective agreement?	No answer.
11a.	What is the maximum weekly limit in any one week?	Exactly the definition from the directive.
11b.	Is this limit taken up in the national collective agreement?	No answer.
12a.	What is the reference period for the maximum average weekly working time?	Exactly the definition from the directive.
12b.	Is this reference period taken up in the national collective agreement?	No answer.

13a. What is the limit of working hours in the night?	Exactly the definition from the directive.
13b. Is this limit taken up in the national collective agreement?	No answer.
14a. Which breaks are agreed?	Exactly the definition from the directive.
14b. Are these breaks taken up in the national collective agreement?	No answer.
15a. Are there any additional limitations with regard to working hours mentioned in national legislation (e.g. per day or special groups)?	No.
15b. Is this limit taken up in the national collective agreement?	No answer.
16. Have you laid down a system of penalties?	Yes. The penalties are defined in Latvian Codex of Administrative Offences. The penalty for not complying with the requirements of working time and rest periods are: <ul style="list-style-type: none"> • for a driver 50-100 Lats; • for a legal person 400-500 Lats.

Additional remarks

None.

Lithuania

1.	Is the Directive already implemented into the national legislation?	Yes.
3.	At what date has the directive been implemented or is it intended to be implemented?	May 17, 2005.
4.	What is your definition of a mobile worker?	Exactly the definition from the directive.
5.	What is your definition of a self-employed driver?	Exactly the definition from the directive.
6.	Did you make use of the possibility for derogations by means of collective agreements and/or social dialogue?	Yes.
7a.	What is the definition of active working time in the national legislation?	Exactly the definition from the directive.
7b.	Is this definition taken up in the national collective agreement?	No answer.
8a.	What is the definition of periods of availability?	Exactly the definition from the directive.
8b.	Is this definition taken up in the national collective agreement?	No answer.
8c.	What is the payment for periods of availability as mentioned in the collective agreement (% of salary)?	Inspectorate does not have any data about this.
9a.	What is the definition of night time?	In according to Lithuanian Republic Labour code 154-clause night work is from 22 hours till 06 hours.
9b.	Is this definition taken up in the national collective agreement?	No answer.
9c.	What is the payment for night work as mentioned in the collective agreement (% of salary)?	Inspectorate does not have any data about this.
10a.	What is the maximum average weekly working time?	Exactly the same as mentioned in the directive.
10b.	Is this limit taken up in the national collective agreement?	Inspectorate does not have any data about this.
11a.	What is the maximum weekly limit in any one week?	Exactly the same as mentioned in the directive.
11b.	Is this limit taken up in the national collective agreement?	Inspectorate does not have any data about this.
12a.	What is the reference period for the maximum average weekly working time?	Exactly the same as mentioned in the directive.
12b.	Is this reference period taken up in the national collective agreement?	Inspectorate does not have any data about this.
13a.	What is the limit of working hours in the night?	Exactly the same as mentioned in the directive.
13b.	Is this limit taken up in the national collective agreement?	Inspectorate does not have any data about this.
14a.	Which breaks are agreed?	Exactly the same as mentioned in the directive.
14b.	Are these breaks taken up in the national collective agreement?	Inspectorate does not have any data about this.

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| 15a. Are there any additional limitations with regard to working hours mentioned in national legislation (e.g. per day or special groups)? | No. |
| 15b. Is this limit taken up in the national collective agreement? | No answer. |
| 16. Have you laid down a system of penalties? | Yes. In accordance with Lithuanian Republic Law distribution code there is an administrative responsibility (142 ² ; 1424). |

Additional remarks

None.

Luxembourg

1.	Is the Directive already implemented into the national legislation?	No. The directive will be implemented on a later point of time.
3.	At what date has the directive been implemented or is it intended to be implemented?	At the end of 2006.
4.	What is your definition of a mobile worker?	Within the meaning of the current law the definition of mobile worker is: all personnel that moves, including trainees and pupils, and who work for a company that exploits activities for others in the field of goods or passenger transport.
5.	What is your definition of a self-employed driver?	No definition.
6.	Did you make use of the possibility for derogations by means of collective agreements and/or social dialogue?	Yes, namely article 3 §1 of national project law 5559.
7a.	What is the definition of active working time in the national legislation?	Exactly the definition from the directive.
7b.	Is this definition taken up in the national collective agreement?	No.
8a.	What is the definition of periods of availability?	Exactly the definition from the directive.
8b.	Is this definition taken up in the national collective agreement?	No.
8c.	What is the payment for periods of availability as mentioned in the collective agreement (% of salary)?	No answer.
9a.	What is the definition of night time?	Article 6 of national project law 5559. From the moment the mobile worker is called for night duty in the period between 00.00 and 05.00 hours the daily working time may not be longer than 10 hours for each period of 24 hours.
9b.	Is this definition taken up in the national collective agreement?	No answer.
9c.	What is the payment for night work as mentioned in the collective agreement (% of salary)?	No answer.
10a.	What is the maximum average weekly working time?	Article 3 §1 of national project law 5559. The normal mean working week, calculated on the basis of a period of one month as reference, is 48 hours.
10b.	Is this limit taken up in the national collective agreement?	No.
11a.	What is the maximum weekly limit in any one week?	Article 3 §1 of national project law 5559. In case the length or the working week mounts to 60 hours, the ultimate limit of a mean of 48 hours per week may not be exceeded.
11b.	Is this limit taken up in the national collective agreement?	No answer.
12a.	What is the reference period for the maximum average weekly working time?	Article 3 §1 of national project law 5559. The normal mean working week, calculated on the basis of a period of one month as reference, is 48 hours.

12b. Is this reference period taken up in the national collective agreement?	No answer.
13a. What is the limit of working hours in the night?	<p>Article 6 of national project law 5559.</p> <p>From the moment the mobile worker is called for night duty in the period between 00.00 and 05.00 hours the daily working time may not be longer than 10 hours for each period of 24 hours.</p> <p>In agreement with the collective agreement derogations from this maximum are possible.</p>
13b. Is this limit taken up in the national collective agreement?	No answer.
14a. Which breaks are agreed?	<p>See article 4 of national draft law. Without detracting from the protection as described in the common regulations with regard to driving and resting times, or when these are not present, as described in the AETR agreement, the mobile worker can in no way, on the basis of the current legislation, perform activities that are related to Article 2 Section 2 and to Article 3 Section 4 Paragraph 2, for more than 6 hours in succession, without break, either recompensed or not.</p> <p>The working time must be interrupted by a break of at least 30 minutes, when the total of the working hours lies between 6 and 9 hours, and at least 45 minutes when the total of the working hours is higher than 9 hours.</p> <p>The breaks can be divided into periods of 15 minutes each.</p>
14b. Are these breaks taken up in the national collective agreement?	No answer.
15a. Are there any additional limitations with regard to working hours mentioned in national legislation (e.g. per day or special groups)?	No.
15b. Is this limit taken up in the national collective agreement?	No answer.
16. Have you laid down a system of penalties?	Yes, namely article 11 of the draft law 5559.

Additional remarks

None.

Malta	
1. Is the Directive already implemented into the national legislation?	Yes.
3. At what date has the directive been implemented or is it intended to be implemented?	No answer.
4. What is your definition of a mobile worker?	Exactly the definition from the directive.
5. What is your definition of a self-employed driver?	Exactly the definition from the directive.
6. Did you make use of the possibility for derogations by means of collective agreements and/or social dialogue?	Yes, namely Collective agreements or agreements entered into between the employer and mobile workers.
7a. What is the definition of active working time in the national legislation?	Definition is the same as that used in the directive but till now leaves out that part which refers to self employed drivers.
7b. Is this definition taken up in the national collective agreement?	No answer.
8a. What is the definition of periods of availability?	Broadly the same.
8b. Is this definition taken up in the national collective agreement?	No answer.
8c. What is the payment for periods of availability as mentioned in the collective agreement (% of salary)?	No answer.
9a. What is the definition of night time?	'Night time' means the period between the hours of 00.00 and 07.00hrs.
9b. Is this definition taken up in the national collective agreement?	No answer.
9c. What is the payment for night work as mentioned in the collective agreement (% of salary)?	No answer.
10a. What is the maximum average weekly working time?	Exactly the same as mentioned in the directive.
10b. Is this limit taken up in the national collective agreement?	No.
11a. What is the maximum weekly limit in any one week?	Exactly the same as mentioned in the directive.
11b. Is this limit taken up in the national collective agreement?	No answer.
12a. What is the reference period for the maximum average weekly working time?	Exactly the same as mentioned in the directive.
12b. Is this reference period taken up in the national collective agreement?	No answer.
13a. What is the limit of working hours in the night?	Exactly the same as mentioned in the directive.
13b. Is this limit taken up in the national collective agreement?	No answer.
14a. Which breaks are agreed?	Exactly the same as mentioned in the directive.
14b. Are these breaks taken up in the national collective agreement?	No answer.

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| 15a. Are there any additional limitations with regard to working hours mentioned in national legislation (e.g. per day or special groups)? | No. |
| 15b. Is this limit taken up in the national collective agreement? | No answer. |
| 16. Have you laid down a system of penalties? | Yes. Fines are imposed for infringements. |

Additional remarks

None.

The Netherlands

1.	Is the Directive already implemented into the national legislation?	No.
3.	At what date has the directive been implemented or is it intended to be implemented?	Autumn of 2006.
4.	What is your definition of a mobile worker?	Exactly the definition from the directive.
5.	What is your definition of a self-employed driver?	Exactly the definition from the directive.
6.	Did you make use of the possibility for derogations by means of collective agreements and/or social dialogue?	Yes. <ol style="list-style-type: none"> 1. Two derogation possibilities of Art. 4: <ol style="list-style-type: none"> a. in collective agreement derogation of reference period (26 weeks instead of 4 months); b. in collective agreement and with individual consent derogation of 48 hours cf Art. 22 of rl 2203/88/EG (mean of 55 hours over a period of 26 weeks); 2. One derogation possibility of Art. 7: <ol style="list-style-type: none"> a. in collective agreement derogation of 10 hours (instead of 12 hours).
7a.	What is the definition of active working time in the national legislation?	No definition in the law. However, there is a description in the explanation: "all time, that are not breaks, resting times or availability time".
7b.	Is this definition taken up in the national collective agreement?	No.
8a.	What is the definition of periods of availability?	Exactly the definition from the Directive, by direct reference to guideline Article 3 of 2005/15/EG.
8b.	Is this definition taken up in the national collective agreement?	No.
8c.	What is the payment for periods of availability as mentioned in the collective agreement (% of salary)?	At the moment no deals have been made about the way of compensating availability time cf Art. 3 of 2002/15/EG. At the moment availability is only compensated when it is required outside of the regular working time, and when the driver is not in the working accommodation and/or not in of in the vicinity of the vehicle. At the moment there is no discrimination with regard to availability cf Art. 3b of 2002/15/EG with the regular work and is compensated accordingly.
9a	What is the definition of night time?	With regard to the implementation of 2002/15/EG no separate definition of night time work has been included. The applied night time frame is from 01.00-05.00 hrs, completely cf. Article 3 of 2002/15/EG. When a shift extends within this time frame, the work time has to be reduced to either 10 hours or a maximum of 12 hours cf. Article 7 of 2002/15/EG. At the moment the legislation with regard to working and resting times is under reconsideration. At the moment all work between 00.00 and 06.00 hrs is regarded as night work. In the revised legislation night work will be defined as a shift in which more than one hour worked between 00.00 and 06.00 hrs.

9b. Is this definition taken up in the national collective agreement?	No.
9c. What is the payment for night work as mentioned in the collective agreement (% of salary)?	<p>Extra allowances in the case of night shifts during the week (in the weekend the extra allowance is 50% on Saturday and 100% on Sunday):</p> <ul style="list-style-type: none"> • between 18.00-24.00 hrs: 30% per hour; • between 00.00-06.00 hrs: 40% per hour; • between 06.00-07.00 hrs: 30% per hour; • in the two shift system with a night shift that starts at or after 22.00 hrs or ends after 02.00 hrs: 10% of the job rate. <p>Since 1 January 2006 a compensation of 2.19 euro per hour is paid for one day night rides for the working hours between 20.00-04.00 hrs. When the allowance for one day night rides coincides with the allowance for regular shift work conform Article 36 only the allowance for regular shift work will be paid.</p>
10a. What is the maximum average weekly working time?	<p>Three possibilities:</p> <ol style="list-style-type: none"> 1. an average of 48 hours over a period of 16 weeks; 2. an average of 48 hours over a period of 26 weeks (if agreed upon in the collective labour agreement); 3. an average of 55 hours over a period of 26 weeks (if agreed upon in the collective labour agreement and with individual agreement).
10b. Is this limit taken up in the national collective agreement?	No. Dependent on the implementation of 2002/15/EG in the legislation.
11a. What is the maximum weekly limit in any one week?	<p>Three possibilities:</p> <ol style="list-style-type: none"> 1. 60 hours, if no more than an average of 48 hours per week over a period of 16 weeks; 2. 60 hours, if no more than an average of 48 hours per week over a period of 26 weeks (if agreed upon in the collective labour agreement); 3. 60 hours, if no more than an average of 55 hours over a period of 26 weeks (if agreed upon in the collective labour agreement and with individual agreement).
11b. Is this limit taken up in the national collective agreement?	No. Dependent on the implementation of 2002/15/EG in the legislation.
12a. What is the reference period for the maximum average weekly working time?	<p>Two possibilities:</p> <ol style="list-style-type: none"> 1. 16 weeks; 2. 26 weeks (if agreed upon in the collective labour agreement).
12b. Is this reference period taken up in the national collective agreement?	No. Dependent on the implementation of 2002/15/EG in the legislation.
13a. What is the limit of working hours in the night?	<p>Two possibilities:</p> <ol style="list-style-type: none"> 1. 10 hours 2. 12 hours (if agreed upon in the collective labour agreement).
13b. Is this limit taken up in the national collective agreement?	No. Dependent on the implementation of 2002/15/EG in the legislation.
14a. Which breaks are agreed?	Exactly the same breaks as described in the directive.
14b. Are these breaks taken up in the national collective agreement?	No. Dependent on the implementation of 2002/15/EG in the legislation.

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| 15a. Are there any additional limitations with regard to working hours mentioned in national legislation (e.g. per day or special groups)? | Work in night shift (i.e., between 00.00-06.00 hrs): either a maximum of 26 times per 13 weeks, or a maximum of 12 hours every 2 weeks between 00.00-06.00 hrs. If agreed upon in the collective labour agreement: either a maximum of 35 times per 13 weeks, or a maximum of 20 hours per 2 weeks between 00.00-06.00 hrs. |
| 15b. Is this limit taken up in the national collective agreement? | There are various collective labour agreements in road transport. As far as these contain agreements over night time shifts, they stay within the national legislative norms. |
| 16. Have you laid down a system of penalties? | Yes. Violation of the guidelines for resting time, driving time and driving time pauses (conform regulation (EEG) nr. 3820/85) and the weekly working time in light transport (conform regulation 2003/88/EG) as well as the regulations conform 2002/15/EG are subject to penalties (pauses, weekly working time, including the derogation with individual agreement, the restriction of frequency and hours because of night work (additional) and the daily work restriction because of night shifts). Serious recidivism or violations with serious consequences for health can be prosecuted. |

Additional remarks

None.

Poland

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| 1. | Is the Directive already implemented into the national legislation? | Yes. |
| 3. | At what date has the directive been implemented or is it intended to be implemented? | May 5, 2004. |
| 4. | What is your definition of a mobile worker? | <p>The Act on Drivers' Working Time dated 16 April 2004 (Journal of Laws no. 92 item 879 of 2004, and no. 180 item 1497 of 2005), establishes a uniform working time system for all drivers employed under an employment contract. However, specific provisions of Chapter 2 of the aforementioned act (entitled 'Working time of drivers employed under an employment contract') transferred from the directive and concerning: the maximum 60-hour maximum weekly working time, breaks intended for rest, limitation of working time to 10 hours for night work, introducing the principle that working time for different employers is the sum of the working hours – do not apply to drivers who are not covered by provisions of Regulation (EEC) no. 3820/85 of 20 December 1985 r. on the harmonisation of certain social legislation relating to road transport. Based on the structure adopted in the act, the notion of a 'driver' is used in the act without being defined. This term corresponds with the notion of a 'mobile worker'.</p> |
| 5. | What is your definition of a self-employed driver? | <p>Definition of a 'self-employed driver' has not been transposed into the national legal system as, in keeping with its Article 2(1) second and third paragraphs, Directive 2002/15/EC will apply to this group of drivers after 23 March 2009, after a relevant report with proposals has been presented by the European Commission.</p> <p>At present, the Act on Drivers' Working Time does not define the term of a 'self-employed driver.' This group of drivers is not covered by regulations concerning working time, either.</p> |
| 6. | Did you make use of the possibility for derogations by means of collective agreements and/or social dialogue? | <p>Yes. Article 23 of the Act on Drivers' Working Time provides that, as far as working time, mandatory rest, daily and weekly rest limits are concerned, collective labour agreements (single enterprise level and trans-enterprise level) may provide higher minimums and lower maximums than those defined by the law.</p> |
| 7a. | What is the definition of active working time in the national legislation? | <p>A driver's working time is the time from the start till the end of work which includes all activities associated with road transport, in particular:</p> <ol style="list-style-type: none"> 1. driving of a vehicle; 2. loading and unloading as well as supervision over loading and unloading; 3. supervision and assistance to persons getting on and off the vehicle; 4. forwarding activities; 5. daily servicing of vehicles and trailers; 6. other work undertaken in order to perform a job-related |
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	<p>task or to ensure safety of people, vehicle and objects;</p> <p>7. necessary administrative formalities;</p> <p>8. keeping the vehicle clean.</p> <p>A driver's working time also includes the time beyond the adopted work schedule when the driver is in a stand-by mode, especially while waiting for loading or unloading where the driver does not know the duration of such loading or unloading prior to departure or prior to commencement of the period concerned.</p> <p>A driver's working time also includes a break of 15 minutes which must be introduced by the employer if a driver's daily working time is at least 6 hours.</p>
7b. Is this definition taken up in the national collective agreement?	No answer.
8a. What is the definition of periods of availability?	<p>Pursuant to Article 10 of the law on drivers' working time the periods of availability mean the periods other than break times and rest times, during which the driver is not required to remain at his workstation while being available to start or to continue driving or performing other work. The periods of availability include, in particular, the time during which the driver accompanies the vehicle being transported by a ferry or a train, waiting periods at the border crossing points and those connected with road traffic limitations.</p> <p>If a driver has not worked the time provided by the daily limit, the periods of availability are included into his working time in the duration which is provided by the work schedule and the remaining time is recorded as time on duty.</p> <p>Time not spent driving in cases when a vehicle is driven by two or more workers is recorded as 'time on duty.'</p> <p>Pursuant to the Act on Drivers' Working Time drivers are entitled to remuneration for time on duty. The time on duty during which the driver did not perform any work is not included into working time.</p>
8b. Is this definition taken up in the national collective agreement?	No answer.
8c. What is the payment for periods of availability as mentioned in the collective agreement (% of salary)?	No answer.
9a. What is the definition of night time?	<p>The term 'night work' is defined in Article 1517 § 1 of the Labour Code – Act of law dated 26 June 1974 (Journal of Laws of 1998 no. 21 item 94 with subsequent amendments), which provides that night work covers the 8-hour period from 9 pm till 7 am.</p> <p>The said act does not include a separate definition of 'night work' but this intent is included in Article 21 of the Act on Drivers' Working Time which provides that 'when work is performed during night time for at least 4 hours, a driver's working time may not exceed 10 hours during each 24-hour period.'</p> <p>Compensation for night work is regulated by Article 1518</p>

	of the Labour Code which provides that night work entitles the worker to extra remuneration per each hour of work at night time, equalling 20% of the hourly rate under the minimum compensation computed pursuant to separate provisions.
9b. Is this definition taken up in the national collective agreement?	No answer.
9c. What is the payment for night work as mentioned in the collective agreement (% of salary)?	No answer.
10a. What is the maximum average weekly working time?	Exactly the same as mentioned in the directive.
10b. Is this limit taken up in the national collective agreement?	No answer.
11a. What is the maximum weekly limit in any one week?	Exactly the same as mentioned in the directive.
11b. Is this limit taken up in the national collective agreement?	No answer.
12a. What is the reference period for the maximum average weekly working time?	Exactly the same as mentioned in the directive.
12b. Is this reference period taken up in the national collective agreement?	No answer.
13a. What is the limit of working hours in the night?	Pursuant to Article 21 of the Act on Drivers' Working Time, when work is performed at night time for at least 4 hours, a driver's working time must not exceed 10 hours during each 24-hour period which is defined as 24 subsequent hours from the start of work. The wording of Article 21 of the Act on Drivers' Working Time was formulated in keeping with Article 8 of the Directive which allows derogations from, inter alia, Article 7 of the Directive. The draft version of the act was agreed with social partners.
13b. Is this limit taken up in the national collective agreement?	No answer.
14a. Which breaks are agreed?	Exactly the same as mentioned in the directive.
14b. Are these breaks taken up in the national collective agreement?	No answer.
15a. Are there any additional limitations with regard to working hours mentioned in national legislation (e.g. per day or special groups)?	Yes. Pursuant to Article 11 of the Act on Drivers' Working Time, a driver's working time must not exceed 8 hours during a 24-hour period and, on average, 40 hours during an average 5-day working week during the adopted accounting period which does not exceed 4 months (the so-called basic working time system). Moreover, the act also introduces so-called specific working time systems: <ol style="list-style-type: none"> 1. equivalent working time - allowable extension of working time up to 10 hours during a 24-hour period in road transport and up to 12 hours for other drivers; extended working time during individual days is offset by shortened working time on other days or by days off work); 2. interrupted working time - under this system one break is allowed in working time, no longer than 5 hours (6

	hours for public transport in cities) in accordance with provisions regarding daily and weekly rest periods;
	3. task-oriented working time - under this system transport tasks are defined by the employer in a way which fits with the statutory working time thresholds and in keeping with the applicable provisions on rest periods; the working schedule during a particular transport task is defined by the driver.
	If the aforementioned thresholds are exceeded, work is recorded as overtime, which entitles workers to additional remuneration or holiday, as provided in the Labour Code (Articles 1511 and 1512).
15b. Is this limit taken up in the national collective agreement?	No answer.
16. Have you laid down a system of penalties?	Yes. Penalties for non-compliance with working time regulations are defined in the Labour Code – Act of law dated 26 June 1974 (Journal of Laws of 1998 no. 21 item 94 with subsequent amendments). The employer, or a person acting on employer’s behalf, who violates the working time regulations must pay a fine. Regardless of violations relating to driving time and drivers’ rest periods pecuniary penalties are imposed in keeping with the Act on Road Transport dated 6 September 2001 (Journal of Laws of 2004 no. 204 item 2088 with subsequent amendments).

Additional remarks

In connection with questions concerning the national collective agreement we would like to inform you that Poland has no uniform country-level collective agreement for road transport. In keeping with the provisions of the Polish Labour Code social partners can enter into collective agreements at the enterprise level (single enterprise collective agreements) or ones that encompass a number of enterprises (trans-enterprise collective agreements). Provisions of collective labour agreements may not be less favourable for employees than provisions of the Labour Code and other legal acts and executive acts, including the Act on Drivers’ Working Time. The rights and obligations of parties to an employment contract may also be defined in collective agreements, by-laws and sets of rules.

Portugal

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| 1. | Is the Directive already implemented into the national legislation? | No, the directive will be implemented on a later point. |
| 3. | At what date has the directive been implemented or is it intended to be implemented? | The project as labour legislation, should be submit first a public appreciation before to go to the Minister Council for they approve. In 28th June 2006 has published in the reprint nº6 the "Boletim do Trabalho e Emprego"; We are waiting that the legal procedure will be concluded during 2006 year. |
| 4. | What is your definition of a mobile worker? | The worker, include the trainees and the apprentices are the travelling staff who is in service of the employers that execute the road transports applying for the Regulation or for the AETR (Project of a law by decree, art.2º, section d). |
| 5. | What is your definition of a self-employed driver? | The project of transposition doesn't mention this category. To make allowances the moratorium of art.2º, nº1, second paragraph of the Directive that foresee these professionals only in 23 Mars 2009, in conditions to define. |
| 6. | Did you make use of the possibility for derogations by means of collective agreements and/or social dialogue? | Yes. Project of a law by decree:
Art. 6º, n.º 3 (working time limit):
"For instrument of collective regulation negotiable, the period foreseen referential in the nº1 can be large until six months"
Art.7º (Expectations to the time working limit): "Per objective reasons nominated technical or work organization, the norms the first part of n.º 1 and the n.ºs 4 to 6 of article before can be push for collective convention". |
| 7a. | What is the definition of active working time in the national legislation? | Art. 155º: "Considered working time every period during the worker is to fulfil the activity or stay a job adscript, and also the breaks and the pauses foreseen in the next article"
Art. 156º: In the working time is considered:
a) the working for breaks considered in the collective regulation and in the company internal regulation;
b) the occasional breaks in the daily working time, either the necessity worker urgent satisfaction personal, or others according the employer;
c) the working breaks per technical questions, as cleaning, maintenance or refining equipments, change of production programmed, loading and unloading, short of raw material or energy, the weather if create problems to the company, or some economical questions as less orders;
d) the breaks for meals when the worker need stay in the company space or near the office, for conduct any job if is necessary;
e) the breaks in the working time for special norms like security, cleanness and health". |
| 7b. | Is this definition taken up in the national collective agreement? | No answer. |
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8a. What is the definition of periods of availability?	Art. 2°, section c) of law by decree: "Any period that not be a break time, daily break or a weekly break, when the time is know by the worker or in terms of the Collective Convention and also when the worker do not needs stay in the office but even so adscript to the necessity of job or also in case that the workers driving in a team, any period when spent sitting next to the driver or on the couchette while the vehicle is in motion".
8b. Is this definition taken up in the national collective agreement?	No.
8c. What is the payment for periods of availability as mentioned in the collective agreement (% of salary)?	No answer.
9a. What is the definition of night time?	Art. 192° of Working Code: "1. Considered night time the minimum period of seven hours and the maximum of eleven hours, between 00.00 hours and 5.00 hours. "2. The Collective Regulation of work can to fix a night working time, according in the point 1. "3. If do not exist any Collective Regulation of work, is to consider a night working period between the 22.00 hours and 7.00 hours.."
9b. Is this definition taken up in the national collective agreement?	No.
9c. What is the payment for night work as mentioned in the collective agreement (% of salary)?	Working Code, art. 257°: "1. The night work increase 25% of salary (salary during the day). "2. This increase foreseen in the point 1 can be fix in the Collective Regulation of work across: a) Equivalent reduction of the maximum limit of a normal working time; b) Fix increase of the salary (base of salary). "3 The arranged for n°1 do not apply to the work during night time, unless if is foreseen in Collective Regulation of work: a) To work in activities when the time work is in night period like shows and public entertainments; b) Activities like tourism, restaurants, pubs, pharmacies in the public service time; c) When the salary was established according the work in the night time period.
10a. What is the maximum average weekly working time?	Project of law by decree, art. 6°, n.° 1: "The weekly working time of the drivers includes supplementary work, not exceed 70 hours neither 48 hours in average in a 4 months period".
10b. Is this limit taken up in the national collective agreement?	No.

11a. What is the maximum weekly limit in any one week?	Project of law by decree art. 6°, n.°s 1 e 2: "1. The weekly working time of the drivers include supplementary work, not exceed 70 hours neither 48 hours in average in a 4 months period" "2. The arranged for the n°1 do not apply to the drivers in the international trips without usual passengers"
11b. Is this limit taken up in the national collective agreement?	No answer.
12a. What is the reference period for the maximum average weekly working time?	Project of law by decree, art. 6°, n.° 3: "For Collective Regulation work the time foreseen in n°1 can be increase until 6 months."
12b. Is this reference period taken up in the national collective agreement?	No.
13a. What is the limit of working hours in the night?	Project of law by decree, art. 6°, n.° 6: "If the working time include the supplementary work is between the 0.00 hours and the 5.00 hours does not exceed 10 hours per day."
13b. Is this limit taken up in the national collective agreement?	No.
14a. Which breaks are agreed?	"1. The daily working time shall be interrupted by a break of at 30 minutes or 45 minutes, if the number of hours will be more than nine, for the workers do not work more than six. "2. The breaks may be subdivided into periods of at least 15 minutes. "3. The arranged in the point 1 and 2, do not cause any problem to the drivers with a regime of breaks foreseen in the article 7 of the Regulation or in AETR."
14b. Are these breaks taken up in the national collective agreement?	No.
15a. Are there any additional limitations with regard to working hours mentioned in national legislation (e.g. per day or special groups)?	The working Code foreseen limitations regarding the workers enfold in the maternity or paternity protection. (arts. 37° e 45° a 47°, regulation for arts. 70° and 78° to 83° of law n.° 35/2004, 29th July) and the workers with deficient or a chronic disease (arts. 75° a 77°)
15b. Is this limit taken up in the national collective agreement?	No.
16. Have you laid down a system of penalties?	Project of law by decree, articles 10° a 17°): • Art. 10° - Of the Working Code, art.s 614° to 640°, stair step of breaches (light, serious and very serious) and value for the penalties (depend the company invoice and the blame if is negligence or fraud; this determination is the employer responsibility. • Art. 11° - Qualified entity to supervising the fulfilment. • Art. 12° - Penalties destiny • Art. 13° - The minimum age to work is a countermand very serious • Art. 14°- Obligation to the information is a countermand light • Art. 15° - 1. Is a countermand light the utilization of the record support... for a period superior that was conceded,

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- when do not impassable to read the records made.
2. Is a countermand serious: the utilization of the record support not attest; incomplete record or not discriminated with the time periods; incomplete indications to include in the record paper, to not give to the worker, in the time established, a record copy when he demand.
 3. Is a countermand very serious: Do not use the record support; use for more time that is established the record support, when impassable to read the records made; change the records; do not present the support records, when is demanded by the supervision entity to check the last working week; not maintenance of records support, during 3 years in conditions to help the supervision to check them.
 4. Art. 16° - Is a countermand serious the violation concerning the working time.
- Art. 17° - Is a countermand serious the violation that is determinate about the working time and weekly pauses.

Additional remarks

None.

Slovakia

1.	Is the Directive already implemented into the national legislation?	Yes.
3.	At what date has the directive been implemented or is it intended to be implemented?	April 1, 2004.
4.	What is your definition of a mobile worker?	Not exist - only driver. Act No. 121 Coll. of 3 February 2004.
5.	What is your definition of a self-employed driver?	No answer.
6.	Did you make use of the possibility for derogations by means of collective agreements and/or social dialogue?	Yes, namely: By implementation article 7 night work to knot article 8 of Directive using social dialog. The draft of act No. 121/2004 Coll. was discussed with social partners – trade unions and employers associations including CESMAD Slovakia.
7a.	What is the definition of active working time in the national legislation?	Exactly the definition from the directive.
7b.	Is this definition taken up in the national collective agreement?	No answer.
8a.	What is the definition of periods of availability?	Exactly the definition from the directive.
8b.	Is this definition taken up in the national collective agreement?	No answer.
8c.	What is the payment for periods of availability as mentioned in the collective agreement (% of salary)?	No answer.
9a.	What is the definition of night time?	Night time' shall mean: a period of at least three hours, as defined by national law, between 22.00 hours and 06.00 hours; (Labour Act 433/2003).
9b.	Is this definition taken up in the national collective agreement?	No answer.
9c.	What is the payment for night work as mentioned in the collective agreement (% of salary)?	No answer.
10a.	What is the maximum average weekly working time?	Exactly the definition from the directive.
10b.	Is this limit taken up in the national collective agreement?	No answer.
11a.	What is the maximum weekly limit in any one week?	Exactly the definition from the directive.
11b.	Is this limit taken up in the national collective agreement?	No answer.
12a.	What is the reference period for the maximum average weekly working time?	Exactly the definition from the directive.
12b.	Is this reference period taken up in the national collective agreement?	No answer.

13a. What is the limit of working hours in the night?	If night work is performed, the daily working time does not exceed in average ten hours in each 24 period in 6 month period.
13b. Is this limit taken up in the national collective agreement?	No answer.
14a. Which breaks are agreed?	Exactly the definition from the directive.
14b. Are these breaks taken up in the national collective agreement?	No answer.
15a. Are there any additional limitations with regard to working hours mentioned in national legislation (e.g. per day or special groups)?	Working time during 24 hours must not be more than 12 hours.
15b. Is this limit taken up in the national collective agreement?	No answer.
16. Have you laid down a system of penalties?	I don't know.

Additional remarks

None.

Slovenia

1.	Is the Directive already implemented into the national legislation?	Yes.
3.	At what date has the directive been implemented or is it intended to be implemented?	August 12, 2005.
4.	What is your definition of a mobile worker?	Exactly the definition from the directive.
5.	What is your definition of a self-employed driver?	Exactly the definition from the directive.
6.	Did you make use of the possibility for derogations by means of collective agreements and/or social dialogue?	No.
7a.	What is the definition of active working time in the national legislation?	<p>Working time' in the case of mobile workers means the time from the beginning to the end of work, during which the mobile worker is at his workstation, at the disposal of the employer and exercising his functions or activities, except for breaks from Article 5 of this legislation, resting time from Article 6 of this legislation, and periods of availability from 3rd point of 1st paragraph of this Article in this legislation. Working time means:</p> <ul style="list-style-type: none"> • the time devoted to all road transport activities. Driving; • loading and unloading. <p><i>The rest is the same.</i></p>
7b.	Is this definition taken up in the national collective agreement?	No.
8a.	What is the definition of periods of availability?	Exactly the definition from the directive.
8b.	Is this definition taken up in the national collective agreement?	No.
8c.	What is the payment for periods of availability as mentioned in the collective agreement (% of salary)?	No answer.
9a.	What is the definition of night time?	<p>'Night time' means time between 23.00 and 06.00 hours. 'Night work' means every work performed during night time.</p>
9b.	Is this definition taken up in the national collective agreement?	No.
9c.	What is the payment for night work as mentioned in the collective agreement (% of salary)?	No answer.
10a.	What is the maximum average weekly working time?	Exactly the definition from the directive.
10b.	Is this limit taken up in the national collective agreement?	No.
11a.	What is the maximum weekly limit in any one week?	Exactly the definition from the directive.
11b.	Is this limit taken up in the national collective agreement?	No.
12a.	What is the reference period for the maximum average weekly working time?	Exactly the definition from the directive.

12b. Is this reference period taken up in the national collective agreement?	No.
13a. What is the limit of working hours in the night?	If mobile worker performs 4 or more hours of night work, the daily working time does not exceed ten hours in each 24 period. The rest is the same.
13b. Is this limit taken up in the national collective agreement?	No.
14a. Which breaks are agreed?	Exactly the same breaks as described in the directive.
14b. Are these breaks taken up in the national collective agreement?	No.
15a. Are there any additional limitations with regard to working hours mentioned in national legislation (e.g. per day or special groups)?	No.
15b. Is this limit taken up in the national collective agreement?	No answer.
16. Have you laid down a system of penalties?	<p>Yes. Fine of 200.000 to 300.000 Slovene tolar will be charged to legal entity or individual entrepreneur if:</p> <ul style="list-style-type: none"> • they give work to mobile worker in such a way, that weekly working time in a period of 4 months exceeds 48 hours; • they do not make possible for mobile worker to take breaks as stated in Article 5 of this legislation; • they give mobile workers night work in such a way, that their total number of working hours exceeds ten hours in each 24 period.

Additional remarks

Articles stated in the answers are referring to Law on working time and compulsory breaks for mobile workers and on tracking equipment in road transport. (Attached a copy of it in Slovene).

Spain

1.	Is the Directive already implemented into the national legislation?	No. The directive will be implemented on a later point of time.
3.	At what date has the directive been implemented or is it intended to be implemented?	The transposition will be carried out this quarter (of 2006).
4.	What is your definition of a mobile worker?	Exactly the definition from the directive.
5.	What is your definition of a self-employed driver?	See the Statute of Workers art. 1.g.
6.	Did you make use of the possibility for derogations by means of collective agreements and/or social dialogue?	Yes. They are not derogations but exceptions.
7a.	What is the definition of active working time in the national legislation?	Workers can not work more then a total of 12 hours, including the additional hours. In order to compute the working time of the different transport sectors and work at sea, a distinction must be made between effective working time and periods of availability. <ul style="list-style-type: none"> • Active working time is the time in which the worker is at the disposal of the employer and exercising his functions or activities, the time devoted to driving or other activities in relation to the vehicle (or means of transport), passengers or load. • Periods of availability is the time in which the worker is at the disposal of the employer which is not active working time, such as: waiting, standing still, guarding, travelling without service, eating on the way and similar activities.
7b.	Is this definition taken up in the national collective agreement?	No.
8a.	What is the definition of periods of availability?	See 7a. Periods of availability may not exceed an average of 20 hours per week in 1 month reference period, and shall be divided in accordance with collective agreements and taken into account the periods of rest between working days and weeks, related to each activity. <ul style="list-style-type: none"> • The periods of availability will not be included in the calculation of the maximum normal work day nor in the limit of extra hours. When agreed that they will not be compensated in paid rest periods, they will not be paid with a lesser salary than the corresponding normal hours. <p>Note: So far, there is no reference with regard to the working hours of self-employed drivers in the current Spanish legislation. There is no national agreement, there is consensus but the working day is not defined. The norm will be replaced with the transposed of the Directive.</p>

8b. Is this definition taken up in the national collective agreement?	No.
8c. What is the payment for periods of availability as mentioned in the collective agreement (% of salary)?	The same as the other hours: 100%.
9a. What is the definition of night time?	Exactly the definition from the directive.
9b. Is this definition taken up in the national collective agreement?	Yes. But for the moment no agreement.
9c. What is the payment for night work as mentioned in the collective agreement (% of salary)?	As agreed.
10a. What is the maximum average weekly working time?	Annual average of 40 hours per week.
10b. Is this limit taken up in the national collective agreement?	Yes. It must comply with the Statute.
11a. What is the maximum weekly limit in any one week?	No answer.
11b. Is this limit taken up in the national collective agreement?	No answer.
12a. What is the reference period for the maximum average weekly working time?	No answer.
12b. Is this reference period taken up in the national collective agreement?	No answer.
13a. What is the limit of working hours in the night?	Eight hours.
13b. Is this limit taken up in the national collective agreement?	No answer.
14a. Which breaks are agreed?	Idem.
14b. Are these breaks taken up in the national collective agreement?	
15a. Are there any additional limitations with regard to working hours mentioned in national legislation (e.g. per day or special groups)?	No answer.
15b. Is this limit taken up in the national collective agreement?	No answer.
16. Have you laid down a system of penalties?	Yes. Not in a specific way for the sector. In any case it would have to be developed once the transposition was approved.

Additional remarks

To check the national legislation and directive one should be guided by the Statute of Workers and by the R.D. 1561 concerning special days. In some cases by the provincial agreements and business contracts. The directive would substitute or modify part of the text of the 1561. or it could be turned into an Agreement of state character, with clauses by provincial negotiation. In other words, to modify the regulations, whether those promulgated by the Ministry of Labour, or the collective negotiation (which are also regulations).

Sweden

1.	Is the Directive already implemented into the national legislation?	Yes.
3.	At what date has the directive been implemented or is it intended to be implemented?	July 1, 2005.
4.	What is your definition of a mobile worker?	Exactly the definition from the directive, but the wording "including trainees and apprentices" is left out since these words only give examples; the meaning is the same as in Art. 3d.
5.	What is your definition of a self-employed driver?	There is no definition of this in the legislation since the directive does not apply to the self-employed. There is no need for a definition.
6.	Did you make use of the possibility for derogations by means of collective agreements and/or social dialogue?	Yes. Article 4 and 7.
7a.	What is the definition of active working time in the national legislation?	There is no definition in the national legislation but the definition is commensurable with Swedish case law.
7b.	Is this definition taken up in the national collective agreement?	I do not know.
8a.	What is the definition of periods of availability?	There is no such definition.
8b.	Is this definition taken up in the national collective agreement?	I do not know.
8c.	What is the payment for periods of availability as mentioned in the collective agreement (% of salary)?	I do not know.
9a.	What is the definition of night time?	Exactly the definition from the directive.
9b.	Is this definition taken up in the national collective agreement?	I do not know.
9c.	What is the payment for night work as mentioned in the collective agreement (% of salary)?	I do not know.
10a.	What is the maximum average weekly working time?	Exactly the definition from the directive.
10b.	Is this limit taken up in the national collective agreement?	I do not know.
11a.	What is the maximum weekly limit in any one week?	Exactly the definition from the directive.
11b.	Is this limit taken up in the national collective agreement?	I do not know.
12a.	What is the reference period for the maximum average weekly working time?	Exactly the definition from the directive.
12b.	Is this reference period taken up in the national collective agreement?	I do not know.
13a.	What is the limit of working hours in the night?	Exactly the definition from the directive.
13b.	Is this limit taken up in the national collective agreement?	I do not know.
14a.	Which breaks are agreed?	Exactly the definition from the directive.

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| 14b. Are these breaks taken up in the national collective agreement? | I do not know. |
| 15a. Are there any additional limitations with regard to working hours mentioned in national legislation (e.g. per day or special groups)? | Yes. See enclosed "lag on arbetstid vid visst vägtransportarbete", especially 6-9§§. |
| 15b. Is this limit taken up in the national collective agreement? | I do not know. |
| 16. Have you laid down a system of penalties? | Yes. See 25-26§§ in the enclosed "lag on arbetstid vir visst vägtransportarbete". |
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Additional remarks

None.

United Kingdom

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|-----|---|--|
| 1. | Is the Directive already implemented into the national legislation? | Yes. |
| 3. | At what date has the directive been implemented or is it intended to be implemented? | The implementing Regulations for Great Britain came into force on April 4th 2005; the implementing Regulations for Northern Ireland came into operation on June 16th 2005. |
| 4. | What is your definition of a mobile worker? | Exactly the definition from the directive. In both sets of Regulations. |
| 5. | What is your definition of a self-employed driver? | Both sets of Regulation replace the word "aforementioned" with "such". |
| 6. | Did you make use of the possibility for derogations by means of collective agreements and/or social dialogue? | <p>Yes. Both sets of Regulations allow employers to:</p> <ol style="list-style-type: none"> 1. Extend the reference period for calculating the 48 hour average working weekly time from 17 up to 26 weeks. 2. Exceed the 10 hour working time limit for working at night. <p>Both derogations are subject to a collective or workforce agreement being in place.</p> |
| 7a. | What is the definition of active working time in the national legislation? | <ol style="list-style-type: none"> 1. Both sets of Regulations replace "that is to say: the time devoted to all road transport activities" with: "being: time devoted to all road transport activities, including, in particular" 2. GB Regulations replace "immigration officers etc." with: "immigration officers and others; or" and for the Northern Ireland Regulations remove "etc." 3. Both sets of Regulations replace "or under the general conditions ... Member States" with "or under collective agreements or workforce agreements" 4. Both sets of Regulations remove "In the case of self-employed-drivers ... specific transport operation under way." as our legislation does not refer to self-employed drivers in the definition of "working time". |
| 7b. | Is this definition taken up in the national collective agreement? | Neither Great Britain nor Northern Ireland have a national collective agreement. |
| 8a. | What is the definition of periods of availability? | <ol style="list-style-type: none"> 1. Both sets of Regulations replace "periods other than ... rest times" with "a period". 2. Both sets of Regulations remove "These periods and their foreseeable ... while the vehicle is in motion". However, similar text in then used in Regulation 6 to describe a PoA in further detail: <ul style="list-style-type: none"> • a period shall not be treated as a period of availability unless the mobile worker knows before the start of the relevant period about that period of availability and its reasonably foreseeable duration; • the time spent by a mobile worker, who is working as part of a team, travelling in, but not driving, a moving vehicle as part of that team shall be a period of availability for that mobile worker; • subject to paragraph (4), a period of availability shall not include a period of rest or a break; • a period of availability may include a break taken by a mobile worker during waiting time or time which is |
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	not devoted to driving by the mobile worker and is spent in a moving vehicle, a ferry or a train.
8b. Is this definition taken up in the national collective agreement?	No answer.
8c. What is the payment for periods of availability as mentioned in the collective agreement (% of salary)?	No answer.
9a. What is the definition of night time?	Both sets of Regulations remove "Night time shall mean ... 07.00 hours;" with: "night time means in respect of goods vehicles the period between midnight and 4 a.m. and in respect of passenger vehicles the period between 1 a.m. and 5 a.m.;"
9b. Is this definition taken up in the national collective agreement?	No answer.
9c. What is the payment for night work as mentioned in the collective agreement (% of salary)?	No answer.
10a. What is the maximum average weekly working time?	Both sets of regulation replace "The average weekly working time ... over four months;" with: "In any reference period which is applicable to his case, a mobile worker's working time shall not exceed an average of 48 hours for each week."
10b. Is this limit taken up in the national collective agreement?	No answer.
11a. What is the maximum weekly limit in any one week?	Both sets of Regulations replace "the maximum weekly working time ... is not exceeded." with the text below, which sets the same limit: "Subject to paragraph (2), the working time, including overtime of a mobile worker shall not exceed 60 hours in a week."
11b. Is this limit taken up in the national collective agreement?	No answer.
12a. What is the reference period for the maximum average weekly working time?	Both sets of Regulations replace "4 months" with the text below to reflect the fact that the reference period can be extended if a relevant agreement is in place. "The reference periods which apply in the case of a mobile worker shall be - a) where a collective agreement or a workforce agreement provides for the application of this regulation in relation to successive periods of 17 weeks, each such period; b) in case where - (i) there is no such provision, and (ii) the employer gives written notice to the mobile worker in writing that he intends to apply this subparagraph, any period of 17 weeks in the course of the worker's employment, or c) in any other case, the period ending at midnight between Sunday 31st July 2005 and Monday 1st August 2005 and thereafter, in each year, the successive periods beginning at midnight at the beginning of the Monday which falls on, or is the first Monday after, a date in column 1 below and ending at midnight at the

	beginning of the Monday which falls on, or is the first Monday after, the date on the same line in column 2 below.								
	<table border="0"> <tr> <td>Column 1 (beginning)</td> <td>Column 1 (end)</td> </tr> <tr> <td>1st December</td> <td>1st April</td> </tr> <tr> <td>1st April</td> <td>1st August</td> </tr> <tr> <td>1st August</td> <td>1st December</td> </tr> </table>	Column 1 (beginning)	Column 1 (end)	1st December	1st April	1st April	1st August	1st August	1st December
Column 1 (beginning)	Column 1 (end)								
1st December	1st April								
1st April	1st August								
1st August	1st December								
	(4) The reference period may be extended in relation to particular mobile workers or groups of mobile workers for objective or technical reasons or reasons concerning the organisation of work, by a collective agreement or a workforce agreement, by the substitution for 17 weeks of a period not exceeding 26 weeks in the application of paragraphs (2) and (3)(a) above."								
12b. Is this reference period taken up in the national collective agreement?	No answer.								
13a. What is the limit of working hours in the night?	Both sets of Regulations replace "night work is performed ... endanger road safety." with the following which sets the same limits: “(1) The working time of a mobile worker, who performs night work in any period of 24 hours, shall not exceed 10 hours during that period. (2) The period of 10 hours may be extended in relation to particular mobile workers or groups of mobile workers for objective or technical reasons or reasons concerning the organisation of work, by a collective agreement or a workforce agreement. (3) Compensation for night work shall not be given to a mobile worker in any manner which is liable to endanger road safety. (4) An employer shall take all reasonable steps in keeping with the need to protect the health and safety of mobile workers to ensure that the limit specified in paragraph (1), or extended in accordance with paragraph (2), is complied with in the case of each mobile worker employed by him.”								
13b. Is this limit taken up in the national collective agreement?	No answer.								
14a. Which breaks are agreed?	Both sets of Regulations replace "Working time shall be interrupted ... at least 15 minutes each." with the text below, but the break requirements are the same: “(1) No mobile worker shall work for more than six hours without a break. (2) Where a mobile worker's working time exceeds six hours but does not exceed nine hours, the worker shall be entitled to a break lasting at least 30 minutes and interrupting that time. (3) Where a mobile worker's working time exceeds nine hours, the worker shall be entitled to a break lasting at least 45 minutes and interrupting that period. (4) Each break may be made up of separate periods of								

	not less than 15 minutes each.
	(5) An employer shall take all reasonable steps, in keeping with the need to protect the health and safety of the mobile worker, to ensure that the limits specified above are complied with in the case of each mobile worker employed by him.”
14b. Are these breaks taken up in the national collective agreement?	No answer.
15a. Are there any additional limitations with regard to working hours mentioned in national legislation (e.g. per day or special groups)?	No. For both sets of Regulations.
15b. Is this limit taken up in the national collective agreement?	No answer.
16. Have you laid down a system of penalties?	Yes - same penalties apply under both sets of Regulations.
	<ol style="list-style-type: none"> 1. Any person who fails to comply with any of the relevant requirements shall be guilty of an offence.(2) The provisions of paragraph (3) shall apply where an inspector is exercising or has exercised any power conferred by Schedule 2.(3) It is an offence for a person - <ol style="list-style-type: none"> a. to contravene any requirement imposed by an inspector under paragraph 2 of Schedule 2; b. to prevent or attempt to prevent any other person from appearing before an inspector or from answering any question to which an inspector may by virtue of paragraph 2(2)(e) of Schedule 2 require an answer; c. to contravene any requirement or prohibition imposed by an improvement notice or a prohibition notice referred to in paragraphs 3 and 4 of Schedule 2 (including any such notice as is modified on appeal); d. intentionally to obstruct an inspector in the exercise or performance of his powers; e. to use or disclose any information in contravention of paragraph 7 of Schedule 2; f. to make a statement which he knows to be false or recklessly to make a statement which is false where the statement is made in purported compliance with a requirement to furnish any information imposed by or under these Regulations. 4. Any person guilty of an offence under paragraph (1) shall be liable - <ol style="list-style-type: none"> a. on summary conviction, to a fine not exceeding the statutory maximum; b. on conviction on indictment, to a fine. 5. A person guilty of an offence under paragraph (3)(b) or (d) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale. 6. A person guilty of an offence under paragraph (3)(c) shall be liable - <ol style="list-style-type: none"> a. on summary conviction, to imprisonment for a term

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- not exceeding three months, or a fine not exceeding the statutory maximum;
 - b. on conviction on indictment, to imprisonment for a term not exceeding two years, or a fine or both.
7. A person guilty of an offence under paragraph (3)(a), (e) or (f) shall be liable -
- a. on summary conviction, to a fine not exceeding the statutory maximum;
 - b. on conviction on indictment -
 - i if the offence is under paragraph (3)(e), to imprisonment for a term not exceeding two years or a fine or both,
 - ii if the offence is under paragraph (3)(a) or (f), to a fine.
- (8) The provisions set out in regulations 18 to 22 shall apply in relation to the offences provided for in paragraphs (1) and (3).

Offences due to fault of other person

18. Where the commission by any person of an offence is due to the act or default of some other person, that other person shall be guilty of the offence, and a person may be charged with the conviction of the offence by virtue of this regulation whether or not proceedings are taken against the first-mentioned person.

Offences by bodies corporate

19. -
- a. Where an offence committed by a body corporate is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or a person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.
 - b. Where the affairs of a body corporate are managed by its members, the preceding paragraph shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

Additional remarks

Please find attached copies of both the Road Transport (Working Time) Regulations 2005 and the Road Transport (Working Time) Regulations (Northern Ireland) 2005 which implement Directive 2002/15/EC in Great Britain and Northern Ireland respectively.

Annex 3 National reports: structure of road transport industry

1. Austria

Structure of the road freight transportation industry

The number of companies that are active in road freight transportation in Austria are depicted in Table 1.1. The size of the companies is expressed in the number of employees.

The economic structure of road haulage in Austria is characterised by the predominance of small companies with 20 or less employees. A substantial share of companies - 57.7% in 2001, and in 2002 increasing towards 79.8% - has a very small size, with less than five employees and consisting of a substantial number of self-employed truck drivers. The fastest growth is realised in both the very small (1-5 employees) and larger companies (>50 employees).

Growth in employment is also visible in the smallest and largest firms (Table 1.2). Firms with 1-5 employees showed an annual growth in employment of 14.8 percent, compared to 12.1% related to firms with more than 50 employees.

As a consequence of liberalisation and deregulation efforts, a large number of new companies were founded and existing companies extended their capacities by buying more and bigger trucks, fuelling competition and decreasing profits. This trend was accelerated with Austria's entry into the European Union in 1995 and the subsequent abolishment of trade barriers against non-Austrian road transport companies.

The consequences are visible from Table 1.1 and 1.2; both fragmentation and consolidation are occurring because, next to the growth of small companies (average yearly growth of 9.3%), also large companies show an impressive average yearly growth of 8.0%. An important reason for this is the EU-membership. Company size had to increase to enable competition on a European level and the smaller companies focussed on niche markets or acted as subcontractors for the larger companies.

Self-employed persons and family members make up 10.7% of total employment (2002) in the road transport sector¹ which is slightly less than the 12.2% which is the figure for all Austrian sectors.² In 1995 the share of self-employed workers was 9.7%, so the amount of self-employed was growing in the late 1990s.

¹ Source: Hermann C. Branch survey on working conditions: Freight road transport. Vienna: Forschungs- und Beratungsstelle Arbeitswelt, 2002.

² Hermann (2002) states that According to a Statistik Austria special study 3.3% of employees in NACE 60-64 (transport, storage, communication) account as false employed. However, the share for male employees is significantly higher than for the average of all sectors (3.3% compared to 1.3%). Generally it seems to be rather difficult to survey the share of false self-employment since many self-employed persons may not be aware that the work they are performing is a type that would entitle them to a regular employment contract. Drivers of big companies are officially made independent entrepreneurs, but still receive their orders like dependent employees from the big company. This is an attractive arrangement for the company, as they have to pay less to their drivers.

Table 1.1 Number of companies in road freight transportation in Austria, categorised by number of employees (source: Eurostat)

Size companies	Year											Av. Y. growth (%)
	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	
1-5 employees	2532	–	2287	2518	2612	2851	3165	5168	–	–	–	9.3
6-9 employees	942	–	1304	1085	1075	989	1112	–	–	–	–	2.4
10-19 employees	624	–	626	714	727	690	667	750	–	–	–	2.3
20-49 employees	282	–	356	322	330	372	405	415	–	–	–	4.9
> 50 employees	77	–	93	101	102	117	136	143	–	–	–	8.0
# enterprises	4457	–	4666	4740	4846	5019	5485	6476	–	–	–	4.8
Avg. fleet size		6.40		6.82		7.03	–	–	–	–	–	

Table 1.2 Employment in goods transport enterprises in Austria, categorised by number of employees (source: Eurostat)

Size companies	Year											Av. Y. growth (%)
	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	
Total	34826	–	43033	44451	45734	47650	51289	55346	–	–	–	6.0
1-5 employees	5029	–	4821	4996	6064	6144	6253	15161	–	–	–	14.8
6-9 employees	6255	–	8250	7071	7041	6544	7250	–	–	–	–	2.1
10-19 employees	8390	–	8359	10150	9902	9314	8857	10031	–	–	–	2.3
20-49 employees	8019	–	10460	10026	9936	10963	12348	12403	–	–	–	5.6
> 50 employees	7133	–	11142	12209	12791	14684	16581	17751	–	–	–	12.1

Table 1.3 National and international market share of the Austrian road freight transportation industry (ton/km) (source: Eurostat, ECMT)

	Year										
	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
National haulage	1.29	–	–	1.26	1.29	1.26/1.16	1.26/1.15	1.25/1.14	1.28/1.17	1.16/1.06	–
International haulage	5.84	–	–	–	–	6.75/5.41	7.17/5.75	7.22/5.69	7.40/5.73	6.81/5.20	–

Market share

In Table 1.3 the national and international market share of the road freight transportation market in Austria is presented. When the information wasn't available, a '-' is depicted. In the available data it can be seen that as of 2000 there's a difference whether the market share is calculated using the numbers of the "EU 15" countries or the "EU 25" countries. Using the "EU 25" numbers means that the new Member States of the EU are also taken into account. In Table 1.3 this is the second, *italic*, percentage. The international market share of Austria shows a small increase in the years 1995-2004, but remains stable at the 7% (5.5%). The year 2004 shows a decreasing market share, most likely related to new Member States taken into account in 2004, intensifying competition.

Conclusion

In conclusion, it can be said that the road freight transportation industry in Austria is showing both fragmentation and consolidation. The EU membership has had a big impact on the Austrian road freight transportation industry. Not only did this membership have an effect on the number of companies and the company size, but it also made it possible for companies to hire cheaper employees from Eastern Europe.

2. Belgium

Structure of road freight transportation industry

The number of companies that are active in road-freight transportation in Belgium are depicted in Table 2.1. The size of the companies is expressed in the number of employees.

Statistical information on the structure of the road freight industry in Belgium is lacking. However, based on Hermans and Roskams it is clear that the number of small companies are very large: almost 70% of the companies in the sector have 0-9 employees. Hermans and Roskams (2003) make a number of other observations relating to the structure of the Belgian road freight industry.³

- There is an increase in the number of companies over the last ten years of about 10 percent. This increase in the total number of companies in the road transport of goods is mainly present in Flanders.
- The sector can still be considered small-scale due to the high percentage of companies with less than 5 vehicles (see: additional information) and less than 10 employees, but there is an increase in bigger companies compared with ten years ago.
- On a European level it is expected that the sector, traditionally a mix of small and medium sized companies, will evolve into a mix of very small and very large companies. Fusions between companies will occur, whereas the very small companies will specialize in local niches and product niches.
- Studies mention that the reason for the increase in bankruptcies in the transport sector is the shortage of professional skilled personnel: people have not enough knowledge on cost accounting and financial policy; they have not enough experience and inadequate organisation skills and the start capital is often too low. This may lead to the above-mentioned trend in terms of a concentration of bigger companies.
- The high intra-sector personnel turnover is an important problem for the sector, and is held to be caused by different working conditions and accompanying wages. This necessitates the need for a clear labour market policy at the sector level that is based on quantitative and qualitative working conditions, the recognition of the profession and clear action plans to attract other workers to the sector.
- The number of self-employed people for the sector are not mentioned officially, but can be estimated to be 11% (5,895 self-employed drivers according to the ECWS study of 2001, compared with 48,824 employed workers). On a national level, the number of self-employed people are on average 20%.

Market share

In Table 1.2 the national and international market share of road freight transportation market in Belgium is shown. When the information wasn't available, a '-' is depicted. In the available data it can be seen that as of 2000 there's a difference whether the market share is calculated using the numbers of the "EU 15" countries or the "EU 25" countries. The international market share of the Belgium road freight transportation sector is decreasing, especially since the year 2003. This relates to the increased competition of new EU-countries. Since the early 2000s, Belgium adopts an active policy aimed at improving the logistics function of the country and increasing the number of European Distribution Centres.

³ Hermans V, Roskams N. The working and employment conditions of the road transport of goods (NACE 60.24) in Belgium. Brussels: PREVENT, 2003.

Table 2.1 Number of companies in road freight transportation in Belgium, categorised by number of employees (source: Federale Overheidsdienst Mobiliteit en Vervoer; a: Hermans & Roskams, 2003)

Size companies	Year											Av. Y. growth (%)
	1995	1996	1997	1998	1999	2000	2001 ^a	2002	2003	2004	2005	
1-5 employees	-	-	-	-	-	-	(69.2%)	-	-	-	-	-
6-9 employees	-	-	-	-	-	-	(27.4%)	-	-	-	-	-
10-19 employees	-	-	-	-	-	-	(3.0%)	-	-	-	-	-
20-49 employees	-	-	-	-	-	-	(0.4%)	-	-	-	-	-
> 50 employees	-	-	-	-	-	-	(0.02%)	-	-	-	-	-
# enterprises	8033	8133	8303	8509	8739	8926	9080	9225	9247	8861	8972	1.1
Avg. fleet size	5.8	-	-	-	-	-	-	-	5.5	6.0	6.0	-

Table 2.2 National and international market share of the Belgian road freight transportation industry (ton/km) (source: Eurostat, ECMT)

		Year										
		1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
National haulage	EU15	2.15	-	-	1.80	1.66	2.01	2.07	2.00	1.93	1.82	-
	EU25	-	-	-	-	-	1.85	1.90	1.84	1.76	1.66	-
International haulage	EU15	10.25	-	-	-	-	9.30	9.32	9.10	8.65	7.24	-
	EU25	-	-	-	-	-	7.46	7.47	7.17	6.70	5.53	-

Conclusion

Data on the structure of the road transport industry in Belgium is lacking. Based on Hermans and Roskams (2003) the sector can still be considered small-scale due to the high percentage of companies with less than 5 vehicles and less than 10 employees, but there is an increase in bigger companies compared with ten years ago. Also, the market share in Europe of the Belgian road transport industry is decreasing.

Additional information

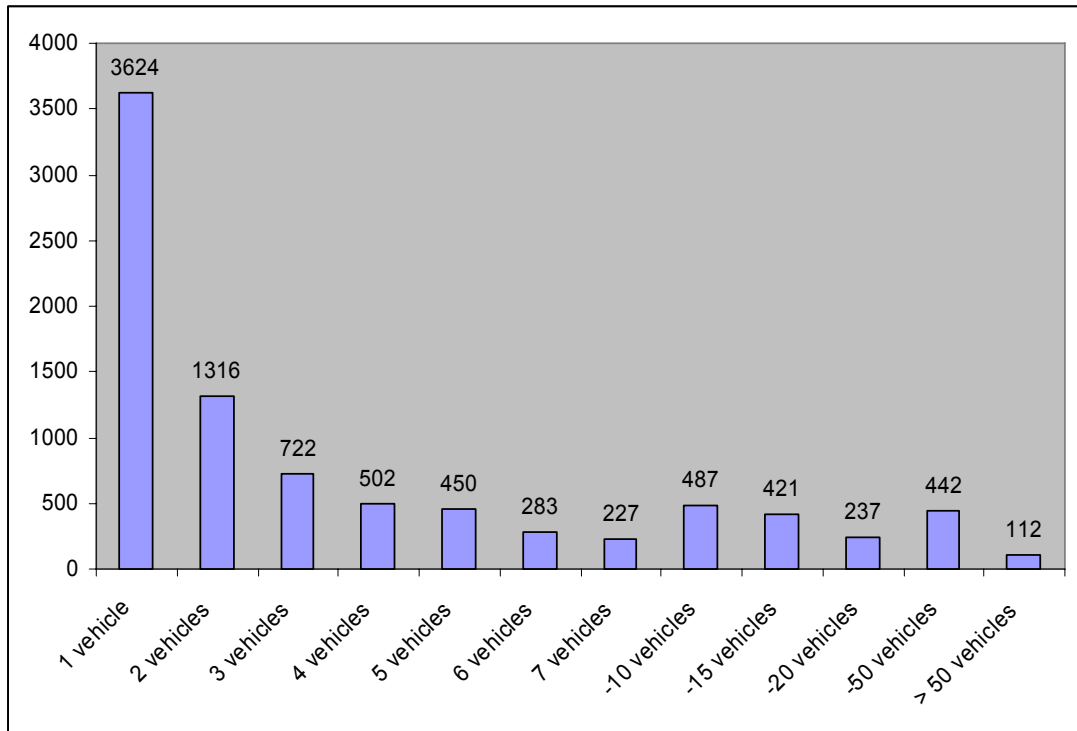


Figure 2.1 Number of road transport firms related to the number of vehicles used (2006). Source: Federale Overheidsdienst Mobiliteit en Vervoer (see: <http://www.iwt-itr.be>)

3. Cyprus

Structure of road freight transportation industry

The number of companies that are active in road freight transportation in Cyprus are depicted in Table 3.1. The size of the companies is expressed in the number of employees.

Freight transport is one of the smaller sectors of the Cyprus economy. Road-freight transport is the most important sector with 56% of the enterprises and 45% of total employment in the sector. The sector is characterised by the small size of the economic units. Over 97% of the companies employ 5 employees or less and approximately 85% of the establishments employ only 1 person or less. 86% of the enterprises were privately owned, 10.7% were limited companies, 1.2% partnerships, 1.6% joint ventures and 0.2% other. There are no government enterprises. It can be concluded that the self-employed truck driver is the most common form of enterprise in the road transport industry in Cyprus and that the sector is very fragmented.

Developments in road transport are largely affected by general economic developments in the country. Despite the increases in tourism and trade, which have had positive effects on road transport during the last decade, the economic indicators in the sector showed marginal increases, mainly due to the declining trend in passenger transport in Cyprus, attributed to the wide use of private cars. The average annual rate of real growth in the sector as a whole dropped from 5% in the period 1990-95, to 3.7% in 1996-2000 and 2.7% in 2001-2003.

Market share

In Table 3.2 the national and international market share of road freight transportation market in Cyprus is shown. When the information wasn't available, a '-' is depicted. In the available data it can be seen that as of 2000 there's a difference whether the market share is calculated using the numbers of the "EU 15" countries or the "EU 25" countries. Using the "EU 25" numbers means that the new Member States of the EU as of 2004 are also taken into account. For Cyprus this "EU 25" number is used, as Cyprus became a Member State in 2004. Because Cyprus only became a member in 2004, there is no information on market share from before 2000, but as well as the market share after 2004, this is negligible.

Conclusion

The self-employed truck driver is the most common form of enterprise in the road transport industry in Cyprus, resulting in a very fragmented structure of employment. From the data above and the fact that Cyprus is a small island, it can be concluded that Cyprus doesn't play a role of any significance on the European transportation market and has a negligible market share.

4. Czech Republic

Structure of road freight transportation industry

The number of companies that are active in road freight transportation in Czech Republic, are depicted in Table 4.1. The size of the companies is expressed in the number of employees.

Different sources give different numbers of enterprises active within the Czech Republic, ranging from 59.1 thousand enterprises⁴ to 31.8 thousand in 2000.⁵ In this document Eurostat data are used, resulting in 44.3 thousand enterprises in 2000 (Table 4.1).

During the years 1995-2003 the number of enterprises in the road freight transportation industry showed an average yearly growth of 6.1%, resulting in an increase in the number of transport companies from 32.5 thousand enterprises in 1995 to 55.5 thousand in 2003. The number of very small enterprises - 1-5 employees - in particular showed an increase: an average yearly growth of 6.7 percent. Also expressed in employment figures (Table 4.2), the smallest companies show the fastest growth, although the growth rate in itself is rather limited (1.0%). The market share of these very small enterprises increased from 88.4 percent in 1995 to 93.3 percent in 2003. Two particular years are distinctive in the period analysed: 1999, in which the total number of road transport companies increased from 37.9 thousand to 46.3 thousand, and 2003, in which an increase from 44.5 to 55.5 thousand enterprises occurred. Next to the smallest companies, the larger companies also show an impressive average yearly growth of 10.7%. Especially in 2003 the number of larger companies increased spectacularly.

The conclusion is that the structure of the road freight industry in the Czech Republic is characterised by a majority of small companies. IRU estimates that one-man haulers are responsible for 63 percent of the total number of companies.

Market share

In Table 4.3 the national and international market share of road freight transportation market in Czech Republic is shown. When the information wasn't available, a "--" is depicted. In the available data it can be seen that as of 2000 there's a difference whether the market share is calculated using the numbers of the "EU 25" countries. Using the "EU 25" numbers means that the new Member States of the EU (countries that joined the EU in 2004) are taken into account, which is needed because the Czech Republic became a member in 2004. That's also the reason why there are only data available since 2000.

The IRU estimates that of the total number of road transport companies, 15% are active on the international market and 70% of these companies possess 1-5 vehicles. Because of the growing Czech economy, the problem of overcapacity in international operations seems not so apparent. In domestic transport, the competition is intense, mainly because of the high number of operators. Overcapacity does exist but is relative, very much depending on the state of the whole economy, according to IRU.

Co-operation opportunities exist in both goods and passenger transport sectors. Czech road transport operators look for partners mainly from neighbouring countries (Slovakia, Austria and Germany) and from France or Italy as well. An increasing number of international operators are offering complex logistics services.

⁴ Ministry of Transport & Communications (2003). Transport Yearbook 2001 (www.mdcz.cz).

⁵ IRU (2003) Czech republic: Road Transport Fact file.

Table 4.1 Number of companies in road freight transportation in the Czech Republic, categorised by number of employees (source: Eurostat)

Size companies	Year											Av. Y. growth (%)
	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	
1-5 employees	28765	30009	30408	33530	40933	40575	38798	40030	51781	–	–	6.7
6-9 employees	2142	2235	2264	2650	3301	2380	2694	2780	1527	–	–	-3.7
10-19 employees	1029	1074	1088	1116	1318	867	41036	1069	1273	–	–	2.4
20-49 employees	477	498	504	508	614	329	446	430	603	–	–	2.6
> 50 employees	117	122	124	125	151	184	160	165	292	–	–	107
# enterprises	32530	33937	34388	37930	46316	44335	43134	44504	55475	–	–	6.1
Avg. fleet size	–	–	–	–	–	–	–	–	–	–	–	–

Table 4.2 Employment in goods transport enterprises in the Czech Republic, categorised by number of employees (source: Eurostat)

Size companies	Year											Av. Y. growth (%)
	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	
Total	133581	139359	104817	143713	144107	141820	–	–	–	–	–	1.0
1-5 employees	86295	90027	91224	93884	94754	94075	–	–	–	–	–	1.4
6-9 employees	14994	15850	15850	15900	16330	15895	–	–	–	–	–	1.0
10-19 employees	13347	13924	13934	14005	13579	13150	–	–	–	–	–	-0.2
20-49 employees	11925	12441	12480	12592	12123	11710	–	–	–	–	–	-0.3
> 50 employees	7020	7324	7328	7331	7320	6990	–	–	–	–	–	-0.1

Table 4.3 National and international market share of the Czech road freight transportation industry (ton/km) (source: Eurostat, ECMT)

		Year										
		1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
National haulage	EU15	(not relevant)										
	EU25	–	–	–	–	–	1.33	1.38	1.47	1.56	1.37	–
International haulage	EU15	(not relevant)										
	EU25	–	–	–	–	–	5.51	5.52	6.05	6.31	5.82	0.00

Conclusion

The number of road transport companies in the Czech Republic is growing, total employment in the industry however is relatively stable. This results in an increase of the number of very small and larger companies. The number of medium sized companies is declining or showing smaller growth figures. The rise in larger companies is related to the increasing amount of complex logistics services offered by road transport companies in the Czech Republic.

5. Denmark

Structure of road freight transportation industry

The number of companies that are active in road freight transportation in Denmark, are depicted in Table 5.1. The size of the companies is expressed in the number of employees.

Table 5.1 shows that the road transport sector is characterised by the fact that a significant share of the sector is made up by small companies. Hence, more than 85% of the companies have less than 10 employees. This is, however, not significantly different from the overall situation in Denmark, where approximately 81% of all companies have less than ten employees.

In the sub sector “road transport of goods”, almost half of the companies (48.6% in 2000) have only one employee. This is explained by the large share of one-man haulage contractor businesses in the road transport of goods sector. Almost three quarters of the haulage companies have less than five employees.

It is difficult to compare the situation in 2000 with 1995-1997 because the data are insufficient and should therefore be interpreted with caution. However, Table 5.1 points to a tendency towards larger companies. All in all it seems that the sector has followed the development at the national level.⁶

Expressed in the share of employment in the different size classes, it seems that the Danish road transport industry has a relatively stable structure: employment in companies with 1-5 employees is responsible for 22.8%, 6-9 employees for 16.6%, 10-19 employees for 18.7%, 20-49 employees for 25.2% and companies employing more than 50 employees for 15.8% (situation in 1997, the most recent data available).

Oxford Research (2002) found that with 17.3% in 2001 (NACE 60.2) a very large part of the people working in the sector is self-employed compared to the national level: the share of self-employed is more than twice as high as the national level. The share of self-employed showed an increase from 17.0% in 1996 towards 17.3% of total employment.

Market share

In Table 5.2 the national and international market share of the road freight transportation market in Denmark is shown. When the information wasn't available, a “-“ is depicted. In the available data it can be seen that as of 2000 there's a difference whether the market share is calculated using the numbers of the “EU 15” countries or the “EU 25” countries. Using the “EU 25” numbers means that the new Member States of the EU are also taken into account.

Table 5.2 shows a decline in both national and international market share in road freight transportation in Denmark. A report on the Danish transport sector from the Danish Ministry of Economic and Business Affairs identifies a number of strengths and weaknesses characterizing the road transport sector in Denmark.⁷

- The most important of the identified strengths of the road transport sector is that it is very cost-effective. The sector is said to be very well organised and there is an effective organisational cooperation between large and small companies causing a high degree of satisfaction among the customers of the road transport sector. Furthermore, the customers point to a high quality of the products. This is explained by a large degree of flexibility and customer focus in the products.

⁶ Oxford Research A/S. Branch Survey on Working Conditions in the Road Transport Sector, Country Report for Denmark. Dublin: The European Foundation for the Improvement of Living and Working Conditions, 2002.

⁷ www.efs.publikationer.dk.

Table 5.1 Number of companies in road freight transportation in Denmark, categorised by number of employees (source: Eurostat)

Size companies	Year											Av. Y. growth (%)
	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	
1-5 employees	5562	5614	5397	–	–	(5476)	–	–	–	–	–	–
6-9 employees	959	948	955	–	–	(946)	–	–	–	–	–	–
10-19 employees	536	534	523	–	–	(547)	–	–	–	–	–	–
20-49 employees	306	310	318	–	–	(324)	–	–	–	–	–	–
> 50 employees	64	73	74	–	–	(90)	–	–	–	–	–	–
# enterprises	7424	7479	7267	–	–	(7383)	–	–	–	–	–	–
Avg. fleet size	–	–	–	–	–	–	–	–	–	–	–	–

Note: the numbers between brackets are from a different source: Statistics Denmark. Branch Survey on Working Conditions in the Road Transport Sector.

Table 5.2 National and international market share of the Danish road freight transportation industry (ton/km) (source: Eurostat, ECMT)

		Year										
		1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
National haulage	EU15	1.08	–	–	1.09	1.09	1.12	1.09	1.09	1.08	0.98	–
	EU25	–	–	–	–	–	1.03	1.01	1.00	0.99	0.90	–
International haulage	EU15	4.97	–	–	–	–	3.86	3.23	3.22	3.35	3.20	–
	EU25	–	–	–	–	–	3.10	2.59	2.54	2.60	2.44	–

- Looking at the weaknesses of the road transport sectors the report points to a number of weaknesses, which to a wide extent can be explained by the fact that the sector is characterised by so many small companies with limited resources for development and innovation. For instance, it is pointed out that many lorries are on the road for only 8-10 hours a day, which is a relatively poor utilization in relation to the cost of the investment in vehicles. Furthermore, the sector suffers from a lack of investment capital to secure the development of the sector towards a higher degree of innovation and use of technology. The relatively low educational level in the sector also increases the lack of development.
- Finally the report points to a weakness of the sector that is not caused by the structure of the sector, but rather exists despite the high number of small companies. That is the lack of specialisation and strategic market positioning in the Danish road transport sector. By and large, most of the small companies offer the relatively simple product of transportation of part loads from point A to point B. Combined with a general excess capacity in the sector, this leads to very low prices on the standardised products, which further causes low profit ratios.

Conclusion

It can be concluded that the Danish road freight transportation industry is characterised by the fact that a significant share of the sector is made up by small companies; more than 85% of the companies have less than 10 employees. The sector however is showing a tendency towards larger companies and a trend toward consolidation. This however is not a very strong development and should be observed with caution. In addition, the international market share is declining. This is related to some weak points of the Danish road transport industry, in which the characteristics of the large amount of small companies are an important issue.

6. Estonia

Structure of road freight transportation industry

The number of companies that are active in road freight transportation in Estonia, are depicted in Table 6.1. The size of the companies is expressed in the number of employees.

The Eurostat data on Estonia have some inconsistencies. However, an alternative data source is available. The results should therefore be assessed with caution. The smallest companies are responsible for 77.2% of the total number of companies in 2005. Although the dominance of small companies is clearly visible, this share is relatively low. The share of large companies - 3.3% in 2005 - is relatively high.

During the years 1997-2005 - relying on two different data sources (Table 6.1) - the number of road transport enterprises grew spectacular with an average yearly growth of 11.1%, resulting in an increase from 633 companies in 1997 to 1,632 companies in 2005. The smallest companies grew by 14.4% yearly, but the largest companies showed a decline (because of the two different sources, the decline of the larger companies should be treated with caution; the least one can say is that the largest companies do not show a spectacular growth pattern). In 2002 some 17.4 thousand employees were active in the Estonian road transport sector (according to Eurostat).

According to IRU⁸, the average internationally operating road freight company in Estonia owns 6.1 trucks against 4.4 for the rest of the candidate countries and 5.2 for the EU companies with Community authorizations (data from 2000). The average Estonian international passenger transport company by road owns 2 coaches against 5.3 for the average EU company holding Community authorizations (data from 2000).

Market share

In Table 6.2 the national and international market share of road freight transportation market in Estonia is shown. When the information wasn't available, a "--" is depicted. Using the "EU 25" numbers means that the new Member States of the EU as of 2004 are also taken into account. For Estonia this "EU 25" number is used, as Estonia became a Member State in 2004. Because Estonia only became a member in 2004, there's no information on market share from before 2000.

According to IRU, competition is high in the road transport sector. The main reason is that there is free competition between transport companies, and the number of vehicles is increasing quite rapidly, which has caused overcapacity on the market. This can be seen in Table 6.2 where the share of Estonia in the EU25 market is increasing. The international market share however seems small and stable.

Conclusion

The quality of data available prevents a clear assessment. Based on data available, the number of road transport companies in Estonia is growing fast. Especially the smaller companies show a spectacular growth performance.

⁸ IRU. Estonia: Road Transport Fact File, 2003. <http://www.iru.org/EUenlargement/Fiches/estonia.pdf>.

Table 6.1 Number of companies in road freight transportation in Estonia, categorised by number of employees (source: Eurostat)

Size companies	Year											Av. Y. growth (%)
	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	
1-5 employees	–	–	376	728	728	870	709	(968)	(1135)	(1203)	(1260)	(14.4)
6-9 employees	–	–	–	–	–	–	–	–	–	–	–	–
10-19 employees	–	–	98	126	126	126	128	(148)	(170)	(193)	(211)	(8.9)
20-49 employees	–	–	–	–	–	–	67	(80)	(92)	(92)	(108)	–
> 50 employees	–	–	104	109	105	98	32	(52)	(52)	(55)	(53)	(-7.2)
# enterprises	–	–	633	1058	1196	1523	1369	(1248)	(1449)	(1542)	(1632)	(11.1)
Avg. fleet size	–	–	–	–	–	–	–	–	–	–	–	–

Note: the numbers between brackets are from a different source: <http://pub.stat.ee/px-web.200/Dislog/Saveshow.asp>.

Table 5.2 National and international market share of the Estonian road freight transportation industry (ton/km) (source: Eurostat, ECMT)

		Year										
		1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
National haulage	EU15						(not relevant)					
	EU25	–	–	–	–	–	0.07	0.07	0.07	0.11	0.13	–
International haulage	EU15						(not relevant)					
	EU25	–	–	–	–	–	0.76	0.78	0.79	0.78	0.70	–

7. Finland

Structure of road freight transportation industry

The number of companies that are active in road freight transportation in Finland are depicted in Table 7.1. The size of the companies is expressed in the number of employees.

The Finnish road freight transportation industry is dominated by small companies (1-5 employees): 88.0% of the total number of companies are in this size category (2003). The share of larger companies (>50 employees) is small: 0.4%. Growth figures however suggest that this might change in the future (Table 7.1) because the smallest companies are showing a negative growth rate during the years 1995-2003. In contrast, all the other size categories are growing, from 4.9% (>50 employees) to 6.9% on average per year.

The dominance of small companies is also visible when the employment by number of employees in the Finnish road freight transportation industry is considered (Table 7.2). Employment in the category 1-5 employees is responsible for 40.9% of total employment (15.6 thousand out of a total of 38.0 thousand). Large firms are responsible for 19.8% (7.5 thousand), but show the largest growth figures: an average yearly growth of 7.7%. Employment in the smallest companies is also growing, in contrast to the total number of small companies. This indicates that the average employment in this category is growing and that the amount of very small companies is decreasing.

The Finnish register of trucks included 68,100 vehicles in 2001. Of these, 30,600, nearly half, were in professional use. However, these vehicles handled the main part, about 90%, of the total domestic haulage. In 2001, 4,829 new trucks were entered into the register, 5% less than in 2000 (Finnish Trucking Association, 2002). Goods transport declined at the beginning of the 1990s due to the recession, but after the considerable increasing industrial production and foreign trade it already started to grow rapidly during the recession. Since 1995 goods transport has not increased at the same pace as economic growth, because an ever larger proportion of production involves high technology, with less need for transport (www.tiehallinto.fi).

Market share

In Table 7.3 the national and international market share of the road freight transportation market in Finland is presented. When the information wasn't available, a "--" is depicted. In the available data it can be seen that as of 2000 there's a difference whether the market share is calculated using the numbers of the "EU 15" countries or the "EU 25" countries. Using the "EU 25" numbers means that the new Member States of the EU are also taken into account. The market share of Finland in the national and international market segment is relatively stable.

Conclusion

The road freight transportation industry in Finland is showing a slight trend towards consolidation. Despite the dominance of the number of the smallest companies (1-5 employees) with 88.0%, and the large share of employment in these smallest companies (40.9%), growth of the number of companies occurs in the other categories. Growth in employment, however, also takes place in these small companies, next to the largest companies. Developments in the structure of the Finnish road transport industry show a mixed picture.

Table 7.1 Number of companies in road freight transportation in Finland, categorised by number of employees (source: Eurostat)

Size companies	Year											Av. Y. growth (%)
	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	
1-5 employees	10319	10941	10872	10864	10648	10401	10182	10026	9821	–	(9626)	-0.6
6-9 employees	427	503	612	621	641	664	659	668	688	–	(726)	5.4
10-19 employees	255	291	340	367	382	435	437	452	465	–	(430)	6.9
20-49 employees	82	96	131	115	122	132	123	134	145	–	(169)	6.5
> 50 employees	28	27	30	34	36	40	38	39	43	–	(39)	4.9
# enterprises	11111	11858	11985	12001	11829	11672	11439	11319	11162	–	(10990)	0.1
Avg. fleet size	–	–	–	–	2.4	–	–	–	–	–	–	–

Note: the number between brackets are from a different source: <http://tilastokekskus.fi/tup/yritysrekisteri/>.

Table 7.2 Employment in goods transport enterprises in Finland, categorised by number of employees (source: Eurostat)

Size companies	Year											Av. Y. growth (%)
	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	
Total	21086	23498	26714	28001	36335	37812	36870	37250	38003	–	–	6.8
1-5 employees	8450	9220	9846	10298	16965	16855	16085	15907	15554	–	–	7.0
6-9 employees	3022	3565	4341	4395	4534	4660	4639	4747	4897	–	–	5.5
10-19 employees	3351	3824	4431	4742	4956	5617	5676	5900	6063	–	–	6.8
20-49 employees	2413	2755	3600	3270	3398	3708	3417	3714	3968	–	–	5.7
> 50 employees	3851	4135	4496	5296	6482	6972	7053	6983	7521	–	–	7.7

Table 7.3 National and international market share of the Finnish road freight transportation industry (ton/km) (source: Eurostat, ECMT)

		Year										
		1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
National haulage	EU15	2.54	–	–	2.76	2.68	2.81	2.68	2.76	2.64	2.56	–
	EU25	–	–	–	–	–	2.59	2.46	2.53	2.42	2.34	–
International haulage	EU15	1.02	–	–	–	–	1.28	1.09	1.09	1.12	1.27	–
	EU25	–	–	–	–	–	1.03	0.87	0.76	0.87	0.97	–

8. France

Structure of road freight transportation industry

The number of companies that are active in road freight transportation in France, are depicted in Table 8.1. The size of the companies is expressed in the number of employees.

The road freight transportation industry in France is dominated by small companies (1-5 employees): 74.1% of the total number of enterprises belong to this size category. Large enterprises (>50 employees) have a market share of only 2.6% (2003). But this structure is changing according to the growth rates presented in Table 8.1: the larger the size category, the larger the growth rate. The largest firms show an average annual growth rate of 3.6%, well above the - relatively low - growth rate of the total number of enterprises and above the other categories. Measured in the number of firms the French road transport industry certainly shows a consolidation trend.

This consolidation trend proves to be even more clearly when presenting the employment in goods transport enterprises in France categorised by number of employees (Table 8.2). Of total employment 38.3% are realised in the largest size category (>50 employees, 2003). This category also shows the fastest growth rate. The smallest firms (1-5 employees) are responsible for only 18.9% of total employment and the 1.4% growth rate are clearly below the total growth of employment (2.5%).

Lohman et al.(1999)⁹ estimate that the share of self-employed in the sector ‘transport and communication’ in France 5.2% are in 1994. We adopt this figure because it’s the only source available. The sector transport and communication means an overrepresentation, so the actual figure might be lower. However, Lohman et al. identified a growth trend, which means that the figure might be higher.

Market share

In Table 8.3 the national and international market share of the road freight transportation market in France is shown. When the information wasn’t available, a “-“ is depicted. In the available data it can be seen that as of 2000 there’s a difference whether the market share is calculated using the numbers of the “EU 15” countries or the “EU 25” countries. Using the “EU 25” numbers means that the new Member States of the EU are also taken into account.

The most striking observation with respect to the French market share of road transport in Europe is the decreasing international market share. The market share in international road transport in the EU15 was 16.3% in 1995 and has been decreased to 8.4% in 2004. High costs of French drivers compared to other EU countries is the main cause for the worsening of the competitive position. These high costs are related to high social taxes and a short working week for French drivers (35 hours).¹⁰

⁹ Lohmann H, Luber S, Müller W. Who is self-employed in France, the United Kingdom and West Germany? Patterns of male non-agricultural self-employment. Mannheim: Mannheimer Zentrum für Europäische Sozialforschung, 1999.

¹⁰ Verbeekmoes S. Franse wegvervoerders willen lagere sociale lasten. Nieuwsblad Transport 2006;March 29.

Table 8.1 Number of companies in road freight transportation in France, categorised by number of employees (source: Eurostat)

Size companies	Year											Av. Y. growth (%)
	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	
1-5 employees	28766	29366	31744	33590	34081	32276	30923	28829	28644	–	–	-0.1
6-9 employees	3433	3428	3286	3401	2625	2975	3421	3830	3544	–	–	0.4
10-19 employees	2685	2504	2656	2911	2624	2916	3184	3106	2936	–	–	1.0
20-49 employees	2044	2104	2043	2208	2312	2411	2536	2533	2528	–	–	2.4
> 50 employees	744	753	777	841	905	969	998	996	1022	–	–	3.6
# enterprises	37672	38155	40504	52951	42847	41547	41062	39294	38674	–	–	0.3
Avg. fleet size	–	–	–	–	2.4	–	–	–	–	–	–	–

Table 8.2 Employment in goods transport enterprises in France, categorised by number of employees (source: Eurostat)

Size companies	Year											Av. Y. growth (%)
	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	
Total	277276	276438	282887	305464	312163	328953	348270	343175	345297	–	–	2.5
1-5 employees	57233	56978	60680	57852	66154	65916	68746	62768	65121	–	–	1.4
6-9 employees	25494	25681	25337	32658	23922	23317	27367	27611	27489	–	–	0.8
10-19 employees	37674	35097	36004	41435	37299	40595	44228	42965	41000	–	–	0.9
20-49 employees	64930	66378	64719	69601	72855	76198	80724	79562	79388	–	–	2.3
> 50 employees	91945	92304	96147	103917	111933	122927	127205	130269	132299	–	–	4.1

Table 8.3 National and international market share of the French road freight transportation industry (ton/km) (source: Eurostat, ECMT)

		Year										
		1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
National haulage	EU15	15.75	–	–	15.67	16.66	16.57	16.93	16.66	16.80	16.80	–
	EU25	–	–	–	–	–	15.23	15.55	15.30	15.36	15.34	–
International haulage	EU15	16.28	–	–	–	–	12.12	10.95	9.68	9.13	8.39	–
	EU25	–	–	–	–	–	9.73	8.77	7.63	7.07	6.40	–

The national market share of France in Europe is relatively stable and is showing a slight growth (15.7% in 1998 to 16.8% in 2004 in the EU15). The growth in employment in the French road transport industry therefore will be directed to the national markets, in which competition is intensifying. While small companies dominate in both national and international markets, it is worthwhile to note that this phenomenon is much more marked in the local freight transportation sector. For example, in 2000, about 75% inter-city freight companies had less than 10 employees, whereas about 90% of local freight companies employed fewer than 10 persons. At the same time, about 20% of inter-city freight operators had between 10 and 49 employees. This compares with about 7.5% for local freight companies.¹¹

Conclusion

It can be concluded that the road freight transportation in France is showing a trend of consolidation. Next, the international market share is decreasing because of the worsening of the competitive position related to high taxes and a short working week. Growth in the road transport industry is therefore directed to the national market.

¹¹ London Economics. Working conditions in road transport. National report for France. Dublin: European Foundation for the Improvement of Living and Working Conditions, 2003.

9. Germany

Structure of road freight transportation industry

The number of companies that are active in road freight transportation in Germany, are depicted in Table 9.1. The size of the companies is expressed in the number of employees.

Data on the structure of the road freight transport industry of Germany are very poor.¹² Based on the small amount of data available (Table 9.1) it becomes clear that:

- the number of enterprises is growing on average with 4.1% per year,
- small companies are dominating the structure, nearly 60% relate to companies in the size class 1-5 employees,
- the different size classes show a relatively stable development with the exception of the larger companies, which are increasing in importance.

Also data on employment in road transport in Germany are insufficient.¹³ The share of self-employed and family workers in the commercial road transport is around 10%. Although there are no national data available that could be compared directly in the same database this figure does not differ from national data in other databases. According to data by the Federal Statistical Offices the share of self-employed and family workers is also around 10% (Statistisches Bundesamt, 2001:FS1, 4.1.1).

Market share

In Table 9.2 the national and international market share of the road freight transportation market in Germany is shown. When the information wasn't available, a "-" is depicted. In the available data it can be seen that as of 2000 there's a difference whether the market share is calculated using the numbers of the "EU 15" countries or the "EU 25" countries. Using the "EU 25" numbers means that the new Member States of the EU are also taken into account.

The market share in the international markets of Germany increased in the years 2000-2004 from 16.1 to 18.2%. This is surprising because of the intensifying competition of enterprises from Eastern European countries and because of the high tax base in Germany in general. On the other hand, strong investment in the Eastern European countries also gives Germany advantages. The core of the European heartland is moving eastwards and favours 'Standort' Germany.

Conclusion

Information is very limited for drawing conclusions on the structure of the German road transport industry. Some of the trends visible in other countries also seem to be relevant in Germany, notably the dominance of small firms and the rise of the amount of large firms. The market share of the German road transport industry in Europe is increasing.

¹² Also the information in the 'Branch Surveys on Working Conditions: Road Transport, National Report for Germany' (January 2003) was rather limited.

¹³ As an example: Eurostat states that total employment in the road freight industry in 1996 was 262 thousand employees, employment increased to 503 thousand in 2000.

Table 9.1 Number of companies in road freight transportation in Germany, categorised by number of employees (source: Eurostat)

Size companies	Year											Av. Y. growth (%)
	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	
1-5 employees	(24987)	(26795)	(24118)	(25183)	-	-	-	-	-	-	-	-
6-9 employees	(6529)	(6637)	(6715)	(6885)	-	-	-	-	-	-	-	-
10-19 employees	(6346)	(5745)	(5848)	(6246)	-	-	-	-	-	-	-	-
20-49 employees					-	-	-	-	-	-	-	-
> 50 employees	-	-	(564)	(685)	-	-	-	-	-	-	-	-
# enterprises	(42658)	(42822)	(40142)	(42047)	-	-	-	-	-	-	-	-
	34819	34842	33890	37631	-	48246	46063	-	-	-	-	4.1
Avg. fleet size	-	-	-	-	-	-	-	-	-	-	-	-

Note: the numbers between brackets are from a different source: Bundesamt für Güterkraftverkehr (BAG), 2000.

Table 9.2 National and international market share of the French road freight transportation industry (ton/km) (source: Eurostat, ECMT)

		Year										
		1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
National haulage	EU15	22.43	-	-	22.66	23.77	23.00	23.09	22.13	22.34	21.77	-
	EU25	-	-	-	-	-	21.14	21.21	20.32	20.42	19.89	-
International haulage	EU15	13.85	-	-	-	-	16.11	16.83	16.71	17.73	18.15	-
	EU25	-	-	-	-	-	12.92	13.49	13.17	13.73	13.84	-

10. Greece

Structure of road freight transportation industry

The number of companies that are active in road freight transportation in Greece, are depicted in Table 10.1. The size of the companies is expressed in the number of employees.

The road freight sector in Greece, in which approximately 25,000 are employed, is made up almost exclusively of self-employed owner-drivers. This is the reason why there are so little data to be found on the number of companies that are active in the road freight transportation industry in Greece. It is also noted in the report from which this information is taken (*Working conditions in the road transport sector in Greece*) that there was no response or cooperation in surveys or research projects that intended to map the situation of freight transport in Greece. The only data available are on land transport as a whole, and don't distinguish between different sub-sectors (for example: passenger transport or freight transport).

The high level of self-employment and small-firm employment in the sector as a whole is shown in Table 10.1, which indicates that more than 90% of enterprises have fewer than four employees. In the road freight sub-sector, only one of the top 10 Greek road haulage firms by turnover has more than 50 direct employees (ICAP, 2002).

Banoutas et al.¹⁴ present for NACE 60 the number of self-employed for the years 1993-2002. They distinguish between self-employed with and without employees. For 2002 the total number of self-employed without employees is 46.4 thousand (44.1% of total employment in land transport) and the total for self-employed with employees is 4.6 thousand (4.3%), resulting in 48.4% of total employment. This share of employment is relatively stable during the years '93-'02.

Market share

In Table 10.2 the national and international market share of the road freight transportation market in Greece is shown. When the information wasn't available, a "--" is depicted. In the available data it can be seen that as of 2000 there's a difference whether the market share is calculated using the numbers of the "EU 15" countries or the "EU 25" countries. Using the "EU 25" numbers means that the new Member States of the EU are also taken into account.

The international market share is very small and decreasing. The local orientation and the dominant share of very small enterprises are important factors preventing further growth. Also the not very balanced import-export ratio of the economy of Greece is a factor of importance.

Conclusion

First of all, data are lacking for a thorough analysis of the road transport industry of Greece. What becomes clear is the dominance of very small firms, the large amount of self-employed drivers and the small and decreasing international market share.

¹⁴ Banoutas I, Manos J, Kallergis S. Working conditions in the road transport sector. Athens: Ergonomia, 2003.

Table 10.1 Number of companies in road freight transportation in Greece, categorised by number of employees (source: National Statistical Service of Greece)

Size companies	Year											Av. Y. growth (%)	
	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005		
1-5 employees	(14663)	-	-	-	-	-	-	-	-	-	-	-	-
6-9 employees	(661)	-	-	-	-	-	-	-	-	-	-	-	-
10-19 employees	(51)	-	-	-	-	-	-	-	-	-	-	-	-
20-49 employees	(27)	-	-	-	-	-	-	-	-	-	-	-	-
> 50 employees	(7)	-	-	-	-	-	-	-	-	-	-	-	-
# enterprises	(15409)	-	-	-	-	-	-	-	-	-	-	-	-
Avg. fleet size	-	-	-	-	-	-	-	-	-	-	-	-	-

Table 10.2 National and international market share of the Greek road freight transportation industry (ton/km) (source: Eurostat, ECMT)

		Year										
		1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
National haulage	EU15	1.44	-	-	2.08	2.10	2.03	2.02	1.98	2.00	1.92	-
	EU25	-	-	-	-	-	1.87	1.85	1.82	1.82	1.76	-
International haulage	EU15	0.30	-	-	-	-	0.45	0.43	0.42	0.42	0.38	-
	EU25	-	-	-	-	-	0.36	0.34	0.33	0.32	0.29	-

11. Hungary

Structure of road freight transportation industry

The number of companies that are active in the Hungarian road freight transportation market, are depicted in Table 11.1.

The number of Hungarian companies is increasing quite strongly (Table 11.2). This growth is mainly caused by the increase in the number of smaller companies. But besides the number of bigger companies is decreasing. This makes it clear that the Hungarian freight transport market clearly shows a fragmentation process. This fragmentation process is also visible in the - relatively old - data on employment: employment in small companies (1-5 employees) is increasing and employment in the large companies is decreasing (Table 11.2).

The number of self-employed in the road transport industry have been estimated by Robert and Bukodi (2001) at 15-20%.¹⁵

In Hungary, domestic road freight transport has been liberalised since the mid 1980s. In the past, international road transport was a monopolistic market protected by the state, it then became oligopolistic with two major competitors. It was only in the late eighties, and especially early nineties that the international road freight market became competitive. However, quantitative restrictions have been set on the number of firms licensed for international road freight transport, established by the government in cooperation with and with the understanding of the haulers.¹⁶

The IRU concluded in 2003 in its Hungary Road Transport fact File¹⁷, that there is limited competition in the international road haulage sector because of the self-established quota of 5,950 full licences and 600 limited range licences for vehicles above 20 tonnes loading capacity, as well as about 4,000 vehicles under 3.5 tonnes capacity (intermediate categories are not allowed to travel abroad). Foreign-registered road transport companies, most of which originate from Central and Eastern Europe, steadily increased their market share on the Hungarian export/import market (60% market share in export). Reportedly, competition in domestic road haulage is fierce, due, arguably, to an overcapacity of up to 50%. This, together with the increased costs of EU harmonisation, may well drive many road haulage firms out of business, in particular those with complementary activities (farming, commerce, service workshops, etc.).

Market share

In Table 11.3 the national and international market share of the road freight transportation market in Hungary is shown. When the information wasn't available, a "--" is depicted. In the available data it can be seen that as of 2000 there's a difference whether the market share is calculated using the numbers of the "EU 15" countries or the "EU 25" countries. Using the "EU 25" numbers means that the new Member States of the EU as of 2004 are also taken into account. For Hungary this "EU 25" number is used, as Hungary became a Member State in 2004. Because Hungary only became a member in 2004, there's no information on market share from before 2000.

Table 11.3 shows that the international market share increased slowly since 2001. Hungarian drivers are an example of low cost operators entering the European market. Until 2005 the effect on the market share however is modest.

¹⁵ Róbert P, Bukodi E. Entry into and exit from self-employment in Hungary, in the 1980s and the 1990s. Paper prepared for the Session on 'Self-employment and Social Stratification' of the meeting of ISA RC28 on 'Expanding Markets, Welfare State Retrenchment and their Impact on Social Stratification', Mannheim, April 26-28, 2001

¹⁶ Source: privatisation and regulation of road freight transport ECMT Seminar, Paris, 5 September 1996.

¹⁷ IRU (2003) Hungary: Road Transport Fact File. www.iru.org/EUenlargement/Fiches/hungary.pdf.

Table 11.1 Number of companies in road freight transportation in Hungary, categorised by number of employees (source: Eurostat)

Size companies	Year											Av. Y. growth (%)
	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	
1-5 employees	1370	1698	2227	2877	3121	3347	3451	3725	4003	–	–	12.7
6-9 employees	–	–	–	561	582	661	712	772	855	–	–	7.3
10-19 employees	287	286	280	280	278	327	362	395	427	–	–	4.5
20-49 employees	212	217	199	185	186	177	170	214	198	–	–	-0.8
> 50 employees	104	106	100	72	70	79	87	77	83	–	–	-2.5
# enterprises	1973	2307	2806	3975	4237	4591	4782	5183	5566	–	–	12.2
Avg. fleet size	–	–	–	–	–	–	–	–	–	–	–	–

Table 11.2 Employment in goods transport enterprises in Hungary, categorised by number of employees (source: Eurostat)

Size companies	Year											Av. Y. growth (%)
	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	
Total	74284	72768	71498	22654	24778	27200	27300	30700	31243	–	–	5.5
1-5 employees	6800	6792	8912	–	–	–	–	–	–	–	–	–
6-9 employees	–	0	0	–	–	–	–	–	–	–	–	–
10-19 employees	4300	4290	4235	–	–	–	–	–	–	–	–	–
20-49 employees	6800	7595	7151	–	–	–	–	–	–	–	–	–
> 50 employees	56384	54041	51200	–	–	–	–	–	–	–	–	–

Table 11.3 National and international market share of the Hungarian road freight transportation industry (ton/km) (source: Eurostat, ECMT)

		Year										
		1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
National haulage	EU15	(not relevant)										
	EU25	–	–	–	–	–	1.1	1.0	1.0	0.96	0.94	–
International haulage	EU15	(not relevant)										
	EU25	–	–	–	–	–	1.7	1.5	1.47	1.6	1.8	–

Conclusion

In conclusion it can be said that the road freight transportation industry in Hungary is clearly showing fragmentation; there's an overall increase in the number of road freight transportation companies, which is caused by the growing number of smaller companies, as the bigger companies are declining in numbers. There is growth in the international market share, but up to 2004 the growth rate is modest.

12. Ireland

Structure of road freight transportation industry

The number of companies that are active in road freight transportation in Ireland, are depicted in Table 12.1. The size of the companies is expressed in the number of employees.

Data on the number of companies in the Irish road freight transportation are relatively old and in the last decade there has been a lot of dynamism in the Irish economy related to the fast export-led growth. But starting from the available data it can be said that there is a trend towards fragmentation: the size category 1-5 employees showed an average growth of 7.2%, whereas the largest size category (>50) only showed an average yearly growth of 2.0%. The number of firms overall is growing by 7.0% a year. Small companies dominate the Irish road transport industry with a share of 84.8% in the total number of firms. The largest firms only make up 0.4% of the total.

Employment in the Irish road transport sector is increased yearly by 6.4% (table 12.2) - again, data are relatively old and economic dynamism is high, so these conclusions should be read cautiously. Nearly all size categories showed a growth rate of 5-7% annually and both small and large firms showed a considerable growth. Small firms (1-5) however stayed the most dominant size class, responsible for 41.7% of total employment, and showing a continued fast growth of 7.0% annually.

The majority of companies are small independent often owner-driver operations. Ryan et al. (2003)¹⁸ do not present a clear figure on the share of self-employed but 53.3% of all companies in the road transport industry have no employees, so this might be the number of self-employed drivers. Duggan (2000)¹⁹ reports an employment of self-employed in the sector 'Transport, storage and communication' of 13.5 thousand (1997) - equivalent of 30% of total employment in the road transport industry. Because the 30% included other sub-sectors the share might be estimated at 25%.

Market share

In Table 12.3 the national and international market share of the road freight transportation market in Ireland is shown. When the information wasn't available, a "--" is depicted. In the available data it can be seen that as of 2000 there's a difference whether the market share is calculated using the numbers of the "EU 15" countries or the "EU 25" countries. Using the "EU 25" numbers means that the new Member States of the EU are also taken into account.

The international market share of the Irish road transport industry does not show a clear growth pattern since 2000 and remains in the 1 percent range. The ferry market is very important for international transport movements. This market continues to grow.²⁰

Conclusion

Recent data on the structure of the road freight industry in Ireland are lacking. The Irish economy has undergone rapid growth for the last two decades. Therefore it is hard to give a proper assessment of the changes in the Irish road freight industry. The international market share remained stable since 2000 at about one percent.

¹⁸ Ryan P, Dundon T, Byrne E, Shovlin S. Branch report for the road transport sector in Ireland. Galway: National University of Ireland, 2003.

¹⁹ Duggan C. Self-employment in the United Kingdom and Ireland. Dublin: WRC Social & Economic Consultants, 2000.

²⁰ Holthof P. Ierse ferrymarkt groeit. Nieuwsblad Transport 2005;7 December.

Table 12.1 Number of companies in road freight transportation in Ireland, categorised by number of employees (source: Eurostat)

Size companies	Year											Av. Y. growth (%)
	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	
1-5 employees	2179	2515	2829	2882	-	-	-	-	-	-	-	7.2
6-9 employees	229	244	271	275	-	-	-	-	-	-	-	4.7
10-19 employees	125	129	143	166	-	-	-	-	-	-	-	7.3
20-49 employees	52	60	61	64	-	-	-	-	-	-	-	5.3
> 50 employees	12	12	12	13	-	-	-	-	-	-	-	2.0
# enterprises	2597	2960	3316	3400	-	-	-	-	-	-	-	7.0
Avg. fleet size	-	-	-	-	-	-	-	-	-	-	-	-

Table 12.2 Employment in goods transport enterprises in Ireland, categorised by number of employees (source: Eurostat)

Size companies	Year											Av. Y. growth (%)
	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	
Total	9867	10861	11927	12643	-	-	-	-	-	-	-	6.4
1-5 employees	4020	4613	5154	5269	-	-	-	-	-	-	-	7.0
6-9 employees	1609	1707	1889	1930	-	-	-	-	-	-	-	4.7
10-19 employees	1588	1646	1825	2119	-	-	-	-	-	-	-	7.5
20-49 employees	1499	1719	1773	1854	-	-	-	-	-	-	-	5.5
> 50 employees	1151	1176	1286	1471	-	-	-	-	-	-	-	-

Table 12.3 National and international market share of the Irish road freight transportation industry (ton/km) (source: Eurostat, ECMT)

		Year										
		1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
National haulage	EU15	0.55	-	-	0.51	0.81	0.84	0.91	1.05	1.17	1.24	-
	EU25	-	-	-	-	-	0.77	0.84	0.96	1.07	1.13	-
International haulage	EU15	0.30	-	-	-	-	1.16	0.91	0.98	1.03	0.99	-
	EU25	-	-	-	-	-	0.93	0.73	0.77	0.80	0.76	-

13. Italy

Structure of road freight transportation industry

The number of companies that are active in road freight transportation in Italy, are depicted in Table 13.1. The size of the companies is expressed in the number of employees.

The availability of data on the structure of the Italian road freight transport industry are very limited (see Table 13.1). The Italian road transport industry is very fragmented: 85.4% of all companies are in the size class 1-5 employees. Employment is also concentrated in these smaller firms: 54.6% of total employment are related to the smallest size class and 22.7% to larger firms (>20 employees). Note that the data are relatively old; furthermore in the reports analyzed (for instance London Economics, 2003) quite some different totals are presented related to total employment.

Firms in the sector are typically small, though this is more a country-specific characteristic than a sector related one. The transport of freight sector is characterised by a myriad of very small firms (less than 5 workers). In addition, 80% of the firms in the transport of freight are “individual companies”, a fraction higher than the national average. This reality reflects the fact that a large number of firms in the sector are family-owned and there are a large number of self-employed workers in the sector. The number of self-employed drivers is very high: 69.7 thousand or 62.6% of all drivers are considered to be self-employed in 2003.²¹

Market share

In Table 13.3 the national and international market share of the road freight transportation market in Italy is shown. When the information wasn't available, a “-“ is depicted. In the available data it can be seen that as of 2000 there's a difference whether the market share is calculated using the numbers of the “EU 15” countries or the “EU 25” countries. Using the “EU 25” numbers means that the new Member States of the EU are also taken into account.

Italy has a large market share in international road haulage, which is still increasing. This position is related to the growth of Italian exports and the economy as a whole and to the strong performance of family-owned businesses in Italy.²²

Conclusion

Because of the limited amount of data available it is difficult to present a proper assessment of the Italian road transport Industry. The industry is fragmented and dominated by small, family-owned businesses. The international market share of Italian road transport stays strong during the years 2000-2004.

²¹ London Economics. Working conditions in road transport. National report for Italy. Dublin: European Foundation for the Improvement of Living and Working Conditions, 2003.

²² Houweling F. De politieke pastasausfabriek. Nieuwsblad Transport 2005;20 April.

Table 13.1 Number of companies in road freight transportation in Italy, categorised by number of employees (source: <http://www.istat.it/imprese/turtrasp/>)

Size companies	Year											Av. Y. growth (%)	
	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005		
1-5 employees	-	-	-	-	-	-	-	-	-	95115	-	-	-
6-9 employees	-	-	-	-	-	-	-	-	-	6002	-	-	-
10-19 employees	-	-	-	-	-	-	-	-	-	2759	-	-	-
20-49 employees	-	-	-	-	-	-	-	-	-	-	-	-	-
> 50 employees	-	-	-	-	-	-	-	-	-	1512	-	-	-
# enterprises	109874	-	-	-	113882	-	-	-	-	111445	-	-	-
Avg. fleet size	-	-	-	-	-	-	-	-	-	-	-	-	-

Table 13.2 Employment in goods transport enterprises in Italy, categorised by number of employees (source: Istat)

Size companies	Year											Av. Y. growth (%)	
	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005		
Total	-	-	270492	-	-	-	-	-	-	-	-	-	-
1-5 employees	-	-	148105	-	-	-	-	-	-	-	-	-	-
6-9 employees	-	-	30189	-	-	-	-	-	-	-	-	-	-
10-19 employees	-	-	30712	-	-	-	-	-	-	-	-	-	-
> 20 employees	-	-	61486	-	-	-	-	-	-	-	-	-	-

Table 13.3 National and international market share of the Irish road freight transportation industry (ton/km) (source: Eurostat, ECMT)

		Year										
		1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
National haulage	EU15	17.5	-	-	17.68	15.92	16.07	15.53	15.71	14.08	14.83	-
	EU25	-	-	-	-	-	14.78	14.27	14.43	12.87	13.35	-
International haulage	EU15	9.15	-	-	-	-	7.85	9.09	9.12	8.63	9.86	-
	EU25	-	-	-	-	-	6.29	7.28	7.19	6.68	7.52	-

14. Latvia

Structure of road freight transportation industry

The number of companies that are active in road freight transportation in Latvia are depicted in Table 14.1. The size of the companies is expressed in the number of employees.

Small companies make up 50% of the total of road transport companies in Latvia (2003). The amount of small and smaller companies did show a remarkable growth in the years 1995-2003 (Table 14.1). The total number of enterprises grew on average by 10.9%, but the size categories 6-9 and 10-19 employees were growing at a spectacular rate by 16.0 and 26.7% on average - note that there are some blank spots in the Eurostat statistics.

Employment in the road transport industry in Latvia showed a remarkable growth in employment, in accordance with the growth of enterprises (Table 14.2). The smallest companies (1-5 and 6-9 employees) have a share in total employment of both 14%, the largest companies (>50 employees) of 20% and the other company sizes are responsible for both a quarter of employment. The growth figures however clearly indicate a fragmentation of the Latvia road transport industry (Table 14.2): the increase of employment in small companies and the decrease of employment in the largest category.

The average internationally operating road freight company in Latvia owns 4.4 trucks against 4.4 for the other acceding countries and 5.2 for EU companies with Community authorizations. The domestically operating road freight and passenger transport sector is characterized by a majority of small and medium sized companies. During the last years, the number of domestically operating road haulage companies has not increased and the main types of goods carried are timber and building materials. Competition is high in international transport. This is due to the present economic climate, where the road transport business is among the most profitable activities. Competitors with the largest presence on the Latvian market are Lithuanian, Polish and Russian companies. In domestic transport, competition is moderate, mainly because the Latvian market is rather small and in a number of cases transport is only one of many other business activities of a company. Latvian road transport operators mainly look for partners from Western and Eastern Europe for transport activities to the Baltic region or transit transport to Russia and Belarussia. There exist good opportunities for Latvian carriers to move goods through Latvian ports (Riga, Liepaja, Ventspils).²³

We have not found information on the number of self-employed in Latvian road transport.

Market share

In Table 14.3 the national and international market share of the road freight transportation market in Latvia is shown. When the information wasn't available, a "--" is depicted. In the available data it can be seen that as of 2000 there's a difference whether the market share is calculated using the numbers of the "EU 15" countries or the "EU 25" countries. Using the "EU 25" numbers means that the new Member States of the EU as of 2004 are also taken into account. For Latvia this "EU 25" number is used, as Latvia became a Member State in 2004. Because Latvia only became a member in 2004, there's no information on market share from before 2000.

The market share of Latvian road transport firms is small but increasing, from 0.79% in 2000 to 0.97% in 2004. Latvian transport operators are an example of low-cost carriers entering Western European markets.

²³ IRU. Latvia: road transport fact file. 2003. www.iru.org/Euenlargement/Fisches/Latvia.pdf.

Table 14.1 Number of companies in road freight transportation in Latvia, categorised by number of employees (source: Eurostat)

Size companies	Year											Av. Y. growth (%)
	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	
1-5 employees	286	515	695	864	930	1022	625	635	621	–	–	9.0
6-9 employees	65	59	–	–	–	–	210	176	248	–	–	16.0
10-19 employees	27	–	–	–	–	–	161	226	227	–	–	26.7
20-49 employees	58	73	83	77	87	61	80	85	110	–	–	7.4
> 50 employees	53	41	40	35	23	23	19	22	30	–	–	-6.1
# enterprises	489	629	818	976	1040	1106	1095	1167	1236	–	–	10.9
Avg. fleet size	–	–	–	–	–	–	–	–	–	–	–	–

Table 14.2 Employment in goods transport enterprises in Latvia, categorised by number of employees (source: Eurostat)

Size companies	Year											Av. Y. growth (%)
	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	
Total	8423	8781	9120	9808	9520	8677	9249	10617	12039	–	–	4.1
1-5 employees	388	878	2967	4619	5101	5192	1663	1855	1700	–	–	17.8
6-9 employees	486	434	–	–	–	–	1452	1256	1748	–	–	15.3
10-19 employees	367	928	2967	4619	5101	5192	2151	3042	3026	–	–	26.4
20-49 employees	1927	2328	2541	2179	2319	1576	220	2475	3186	–	–	5.7
> 50 employees	5255	4213	3612	3010	2100	1909	1783	1989	2379	–	–	-8.4

Table 14.3 National and international market share of the Latvian road freight transportation industry (ton/km) (source: Eurostat, ECMT)

		Year										
		1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
National haulage	EU15	(not relevant)										
	EU25	–	–	–	–	–	0.14	0.15	0.18	0.22	0.21	–
International haulage	EU15	(not relevant)										
	EU25	–	–	–	–	–	0.79	0.85	0.93	0.95	0.97	–

Conclusion

The structure of the road freight transportation industry in Latvia shows a strong development towards fragmentation. Large firms (>50 employees) are showing negative growth rates whereas the number of firms and total employment are showing positive growth rates. The market share in international transport is at the moment small but is increasing.

15. Lithuania

Structure of road freight transportation industry

The number of companies that are active in road freight transportation in Lithuania, are depicted in Table 15.1. The size of the companies is expressed in the number of employees.

The structure of the road freight transport industry is dominated by small-scale enterprises (1-5 employees): 59.8% of the total amount of firms are in this size category (1,505 out of 2,515: Table 15.1). The largest firms (>50 employees) have a share of 2.9% (73 firms out of 2,515). The second characteristic is the small growth of the number of enterprises. In the years 1995-2003 the total amount of enterprises grew on average by 13.5% per year resulting in a growth from 803 enterprises in 1995 to 2,515 in 2003. This growth is realized by the smaller size categories, especially by enterprises in the size categories 6-9 and 10-19 employees with an average annual growth of respectively 22.4 and 18.9% (Table 15.1). The largest firms (>50 employees) showed a negative growth. The third characteristic of the structure of the road transportation industry in Lithuania therefore is a fragmentation of the number of businesses.

Expressed in employment categorized by number of employees enterprises employing 50 employees or more have the largest share with 28.8% (7,095 out of 24,617 employees: Table 15.2). The share of employment in small companies (1-5 and 6-9 employees) is small with 13.3 and 11.1% respectively. According to the growth rates in employment (Table 15.2) this will change in the coming years because employment in the largest firms is decreasing by on average 4.1% per year, as opposed to very strong growth in the other size categories - in line with the fragmentation trend identified above.

According to IRU information²⁴, the average internationally operating road freight company in Lithuania owns 3.4 trucks against 4.4 for the rest of the candidate countries and 5.2 for the EU companies with Community authorisations (data from 2000). 3,659 road freight and passenger transport companies operating internationally (3,175 road freight and 660 passenger transport companies), (data from 2000, by issued licences). The majority of transport companies are private. The total number of road freight vehicles are 12,707 (age until 10 years: 6,354, until 5 years: 3,614, until 2 years: 1,970, produced in 2001: 1,259), (data from 2001, by issued licences to perform international transport). *Domestically operating road freight and passenger transport* sector is characterised by a majority of small and medium sized companies with high competition. Fleet renewal is slower than in internationally operated companies.

We have not found information on the number of self-employed in Lithuanian road transport.

Market share

In Table 15.3 the national and international market share of the road freight transportation market in Lithuania is shown. When the information wasn't available, a "--" is depicted. In the available data it can be seen that as of 2000 there's a difference whether the market share is calculated using the numbers of the "EU 15" countries or the "EU 25" countries. Using the "EU 25" numbers means that the new Member States of the EU as of 2004 are also taken into account. For Lithuania this "EU 25" number is used, as Lithuania became a Member State in 2004. Because Lithuania only became a member in 2004, there's no information on market share from before 2000.

²⁴ IRU. Lithuania: road transport fact file, 2003. www.iru.org/Euenlargement/Fisches/Lithuania.pdf.

Table 15.1 Number of companies in road freight transportation in Lithuania, categorised by number of employees (source: Eurostat)

Size companies	Year											Av. Y. growth (%)
	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	
1-5 employees	515	667	902	818	1096	1472	1662	1653	1505	–	–	12.7
6-9 employees	60	117	176	198	273	276	327	294	370	–	–	22.4
10-19 employees	71	105	165	195	214	243	274	306	336	–	–	18.9
20-49 employees	70	92	108	97	135	152	179	171	231	–	–	14.2
> 50 employees	77	64	60	55	57	58	48	64	73	–	–	-0.6
# enterprises	803	1045	1411	1353	1775	2203	2490	2488	2515	–	–	13.5
Avg. fleet size	–	–	–	–	–	–	–	–	–	–	–	–

Table 15.2 Employment in goods transport enterprises in Lithuania, categorised by number of employees (source: Eurostat)

Size companies	Year											Av. Y. growth (%)
	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	
Total	15112	13539	14739	14004	16392	18195	19321	20450	24617	–	–	5.6
1-5 employees	996	1230	1888	1813	2303	2960	3356	3227	3275	–	–	14.1
6-9 employees	431	845	1279	1452	2011	2010	2382	2153	2725	–	–	22.7
10-19 employees	992	1396	2162	2427	2816	3215	3645	4130	4543	–	–	18.4
20-49 employees	2353	2974	3192	2843	3856	4405	3217	5092	6979	–	–	12.8
> 50 employees	10340	7094	6218	5469	5406	5605	4721	5848	7095	–	–	-4.1

Table 15.3 National and international market share of the Lithuanian road freight transportation industry (ton/km) (source: Eurostat, ECMT)

		Year										
		1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
National haulage	EU15	(not relevant)										
	EU25	–	–	–	–	–	0.14	0.14	0.14	0.18	0.19	–
International haulage	EU15	(not relevant)										
	EU25	–	–	–	–	–	1.48	1.56	2.03	2.05	1.96	–

Since 2000 the international market share grew steadily from 1.48 to 2.03% in 2002. In the years 2003 and 2004 the market share stayed the same. In international road freight transport, competition is still high. After liberalisation of transport business in Lithuania the number of road freight transport companies increased rapidly until 1999. After 2000 there was a tendency of decline. The main reason is more stringent national and EU requirements and regulations for the transport sector. In domestic transport, the competition is less than in international transport, however it still remains high. But due to the increasing costs of EU harmonisation, some domestic transport companies may leave the domestic market and cease business (IRU, 2003).

Conclusion

The structure of the road transport industry in Lithuania is dominated by smaller firms and shows high growth with respect to the number of companies and employment. A fragmentation of the industry structure is observed: the number of large companies decreased whereas the number of companies employing 6-9 and 10-19 employees increased very fast. The international market share of Lithuania stagnated since 2003.

16. Luxembourg

Structure of road freight transportation industry

The number of companies that are active in road freight transportation in Luxembourg are depicted in Table 16.1. The size of the companies is expressed in the number of employees.

Unfortunately, the Eurostat data are restricted to the years 1998-2001 which means that the trends in the road transport industry in Luxembourg should be treated with caution.

The structure of the road transport sector in Luxembourg is dominated by small scale firms (1-5 employees) having a share of 38.9% (136 out of 350 enterprises: see Table 16.1²⁵). Next, there is a high share of middle-sized companies. The share of large firms is exceptionally high compared to other EU-countries: 10.9% of the total number of road transport enterprises have an employment of more than 50 employees (38 out of 350 enterprises). This is also the size category which showed that highest growth rate in the years 1998-2001: 12.2% on average (Table 16.1).

When looking at employment, the importance of the largest firms (>50 employees) becomes clear: 54.0% of total employment (3,646 out of 6,752 employees in 2001: Table 16.2) are concentrated in this size class and only 4.8% of total employment (326 out of 6,752) are realized in the smallest firms. Also growth in employment is very high in the largest firm size with on average 17.0% per year. The structure of the road transport industry in Luxembourg is clearly showing a concentration towards large firms.

Hermans et al. (2003)²⁶ state - based on data from STATEC - that, on a national level, 6% of workers are self employed, whereas only 5% in the sector of road transport are.

Market share

In Table 16.3 the national and international market share of the road freight transportation market in Luxembourg is shown. When the information wasn't available, a "-" is depicted. In the available data it can be seen that as of 2000 there's a difference whether the market share is calculated using the numbers of the "EU 15" countries or the "EU 25" countries. Using the "EU 25" numbers means that the new Member States of the EU are also taken into account.

The Luxembourg international market share is relatively high compared to the position of Luxembourg in the EU (0.04% market share of the national transport industry in EU25). This international market share showed an increase in the years 2000-2003 but declined in 2004, most probably because of intensifying competition related to the new EU-Member States.

Conclusion

Small firms are dominating the Luxembourg road transport industry but the largest firms show a considerable growth, both in number of enterprises as in employment - indicating a clear concentration/consolidation trend. Employment is concentrated in the large firms. Next, middle-sized firms are important in the structure of the industry. The international market share of the Luxembourg road transport sector is high, but decreased in 2004 after some years of solid growth.

²⁵ The totals presented by Eurostat have a difference compared to adding up the size classes in Table 16.1. Eurostat presented as totals for the years 1998-2001 respectively 409, 442, 460 and 478.

²⁶ Hermans V, Hoare S, Wlodarski O . The working and employment conditions of the sector road transport of goods (NACE 60.24) in Luxembourg, Brussels: PREVENT Institute for Occupational Safety and Health, 2003.

Table 16.1 Number of companies in road freight transportation in Luxembourg, categorised by number of employees (source: Eurostat)

Size companies	Year											Av. Y. growth (%)
	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	
1-5 employees	–	–	–	129	141	140	136	–	–	–	–	1.3
6-9 employees	–	–	–	47	47	52	59	–	–	–	–	5.8
10-19 employees	–	–	–	65	64	68	64	–	–	–	–	-0.4
20-49 employees	–	–	–	40	41	46	53	–	–	–	–	7.3
> 50 employees	–	–	–	24	33	36	38	–	–	–	–	12.2
# enterprises	–	–	–	(305)	(326)	(342)	(350)	–	–	–	–	4.0
Avg. fleet size	–	–	–	–	–	–	–	–	–	–	–	–

Table 16.2 Employment in goods transport enterprises in Luxembourg, categorised by number of employees (source: Eurostat)

Size companies	Year											Av. Y. growth (%)
	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	
Total	–	–	–	4743	5339	6086	6752	–	–	–	–	9.2
1-5 employees	–	–	–	320	350	352	326	–	–	–	–	0.5
6-9 employees	–	–	–	339	344	388	434	–	–	–	–	6.4
10-19 employees	–	–	–	887	851	943	861	–	–	–	–	-0.7
20-49 employees	–	–	–	1248	1175	1386	1485	–	–	–	–	4.4
> 50 employees	–	–	–	1949	2619	3017	3646	–	–	–	–	17.0

Table 16.3 National and international market share of the road freight transportation industry in Luxembourg (ton/km) (source: Eurostat, ECMT)

		Year										
		1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
National haulage	EU15	0.06	–	–	0.04	0.04	0.04	0.05	0.06	0.06	0.05	–
	EU25	–	–	–	–	–	0.04	0.05	0.05	0.05	0.04	–
International haulage	EU15	1.90	–	–	–	–	2.14	2.34	2.41	2.54	2.29	–
	EU25	–	–	–	–	–	1.72	1.88	1.90	1.97	1.74	–

17. Malta

Structure of road freight transportation industry

According to research performed by the University of Louvain²⁷, there are no registered enterprises in the transport service in Malta. Every owner of a vehicle is practically a self-employed person (all vehicles operating with a licence are privately owned), the totals are estimated to be 94% based on the study of the University of Louvain. There are people who are owners of more than one vehicle and they may even own a garage from where they conduct their operations. But these tend to be very small business enterprises and those employed to operate their vehicles are not unionised.

However, many service providers depend on government aid in the form of subsidies, grants and exemptions from duties (in the case of public service bus-owners), maintenance of quota for licences (the government has to consult the owners before issuing new licences), guarantee of a certain amount of work throughout the year by signing contracts with government ministries.

The total number of workers in the sector is 2,249. In terms of employed persons, the sub-sector “freight transport by road” is the largest. The sector contributes to 1% of the GDP at factor cost. No data are available regarding the average monthly wage in the sector.

The MTA (Malta Transport Authority) thinks that a liberalization of the market is possible which would bring in its process an expansion of transport especially in the public service. The representatives of various sections within the transport sector (mainly UBS and PTA) do not agree. According to them, the workers are experiencing a reduction in their income and they do not see any prospects for expansion in the sector because the market is already saturated.

²⁷ Universite Catholique de Louvain. Monographs on the situation of social partners in the new member states and candidate countries: road transport sector. Louvain: Universite Catholique de Louvan, Institut des sciences de travail, 2004.

18. The Netherlands

Structure of road freight transportation industry

The number of companies that are active in the Dutch road freight transportation market are depicted in Table 18.1.

The structure of the road freight transportation industry in the Netherlands is fragmented. The smallest firms - 1-5 employees, Table 18.1 - make up 72.2% of the total number of enterprises: 9,810 out of 13,595. The largest firms have a share of 4.1% (555 out of 13,595). Self-employed companies have a share of 47.0% in the total (6,390 out of 13,595).

Over the years, the number of companies have increased from 11,265 in 1995 to 13,595 in 2005, or by 1.7% on average (Table 18.1). The year 2001 was clearly the peak year with 14,294 enterprises. The most spectacular growth rate has been realised by the self-employed category with an average yearly growth rate of 4.8%. Without the self-employed, the size category of 1-5 employees declined in importance (-0.6%). The largest size category (>50 employees) also showed an above average growth with 2.0%. The smallest size category showed the highest growth in The Netherlands, together with the larger firms, so both a fragmentation and consolidation trend is visible in the number of enterprises in the road transport industry in the Netherlands.

When looking at employment in the different size categories, data are poor in the Netherlands. But employment in the largest enterprises is dominant with a share of 41.9% in total employment in 2005 (54,200 out of 12,9500: see Table 18.2). The smallest firms (1-9 employees) have a market share of 24.2%. Self employed drivers - however only 4.9% of total employment - are growing in importance as Table 18.1 proved.

Market share

In Table 18.3 the national and international market share of the road freight transportation market in the Netherlands is shown. When the information wasn't available, a "--" is depicted. In the available data it can be seen that as of 2000 there's a difference whether the market share is calculated using the numbers of the "EU 15" countries or the "EU 25" countries. Using the "EU 25" numbers means that the new Member States of the EU are also taken into account.

Table 18.3 shows clearly a steady decline in the Dutch international market share. In the years 2002-2004 the market share starts to grow, despite the increased competition from new entrants in the market. Dutch road transport enterprises founded quite some successfully operations in Eastern Europe and it is increasingly difficult to make a clear distinction between those Eastern European operations and operations based in the Netherlands.

Conclusion

The number of companies in Dutch road freight transportation is steadily increasing, on average by 1.7% yearly. Especially companies operated by self-employed drivers are growing (4.8%). But also the largest road transport companies (>50 employees) are growing above the average growth trend. Because of the dominance of these larger companies, the road transport industry in the Netherlands is characterised by consolidation. The international market share of Dutch international road transport shows a recovery since 2002 after a gradual structural decline since the mid-1990s.

Table 18.1 Number of companies in road freight transportation in The Netherlands, categorised by number of employees (source: www.cbs.nl/statline)

Size companies	Year											Av. Y. growth (%)
	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	
1-5 employees	7465	7255	8060	8695	9455	9505	10220	10050	9875	9735	9810	2.5
<i>of which self-employed</i>	3830	3485	3790	4515	5235	5125	6530	6775	6380	6295	6390	4.8
6-9 employees	1255	1465	1815	1735	1700	1765	1280	1200	1130	1190	1170	-0.6
10-19 employees	1185	1275	1275	1285	1290	1260	1205	1140	1120	1120	1130	-0.4
20-49 employees	915	920	925	940	1005	1070	1050	1055	1010	960	930	0.1
> 50 employees	445	445	475	495	520	530	540	570	565	560	555	2.0
# enterprises	11265	11360	12550	13250	13970	14130	14295	14015	13700	13565	13595	1.7

Table 18.2 Employment in goods transport enterprises in the Netherlands, categorised by number of employees (source: VTL)

Size companies	Year											Av. Y. growth (%)
	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	
Total	–	–	–	–	–	–	125370	129280	129840	128800	129500	1.7*
1-9 employees	–	–	–	–	–	–	–	–	–	31450	31300	0.5
10-49 employees	–	–	–	–	–	–	–	–	–	43720	44000	–
> 50 employees	–	–	–	–	–	–	–	–	–	53630	54200	–

* TNO. De economische betekenis van het goederewegvervoer. Delft: TNO, 2005.

Table 18.3 National and international market share of the Dutch road freight transportation industry (ton/km) (source: Eurostat, ECMT)

		Year										
		1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
National haulage	EU15	3.11	–	–	3.04	3.43	3.20	3.11	2.97	3.13	3.18	–
	EU25	–	–	–	–	–	2.94	2.86	2.73	2.86	2.90	–
International haulage	EU15	15.33	–	–	14.6	15.5	14.26	13.58	13.21	13.40	14.18	–
	EU25	–	–	–	–	–	11.44	10.88	10.41	10.38	10.82	–

19. Poland

Structure of road freight transportation industry

The number of companies that are active in road freight transportation in Poland are depicted in Table 19.1. The size of the companies is expressed in the number of employees.

The structure of the road transport industry in Poland is extremely fragmented. The size category of firms with 1-5 employees (probably 1-9) is responsible for 98.0% of the total number of enterprises (83,570 out of 84,965 in 2003: Table 19.1) and showed an average yearly growth of 4.0% in the years 1995-2004. The size category 10-19 employees shows with 8.6% (Table 19.1) the highest growth rate, but this category only makes up 0.9% of the total number of firms (781 out of 84,965). The amount of large firms (>50 employees) is strongly decreasing in importance: the number of enterprises in this size category decreased with 7.7% yearly.

Also when presented in employment data, the fragmentation trend in the Polish road transport industry is very clear. The smallest companies show an employment growth of 7.1% on average during 1995-2003 (Table 19.2). Although the dominance of these small companies is slightly smaller expressed in the share of employment (76.0% in 2003) compared to the number of companies (98.0%), the growth rate is impressive. Employment is declining in the largest size category (>50 employees) by 3.8% on average. These companies make up 12.1% of employment in 2003 but this share will diminish according to the growth trend presented in Table 19.2. Clear data on the share of self-employed in the Polish road freight transport industry are lacking. Based on own calculations of a report provided by the World Bank²⁸, 43% of all drivers are self-employed.

Market share

In Table 19.3 the national and international market share of the road freight transportation market in Poland is shown. When the information wasn't available, a "--" is depicted. In the available data it can be seen that as of 2000 there's a difference whether the market share is calculated using the numbers of the "EU 15" countries or the "EU 25" countries. Using the "EU 25" numbers means that the new Member States of the EU as of 2004 are also taken into account. For Poland this "EU 25" number is used, as Poland became a Member State in 2004. Because Poland only became a member in 2004, there's no information on market share from before 2000.

Starting from 2003, the international market share of Polish road transport companies in the EU25 increased sharp from 7.14 towards 8.53% in 2004. The rise of the low cost Polish driver, together with the use which is made of Polish drivers by large road transport companies from other (older) Member States are the most obvious reasons.

Conclusion

The structure of the road transport industry in Poland is extremely fragmented. The size category of firms with 1-5 employees is responsible for 98.0% of the total number of enterprises in 2003 and showed an average yearly growth of 4.0% in the years 1995-2004. The amount of large firms (>50 employees) is strongly decreasing in importance (-7.7%). Also when presented in employment data, the fragmentation trend in the Polish road transport industry is very clear. Starting from 2003, the international market share of Polish road transport companies in the EU25 increased sharp from 7.14 towards 8.53% in 2004.

²⁸ World Bank. Poland. Country Gender Assessment. World Bank, Poverty Reduction and Economic Management Unit, Europe and Central Asia region, 2004.

Table 19.1 Number of companies in road freight transportation in Poland, categorised by number of employees (source: Eurostat)

Size companies	Year											Av. Y. growth (%)
	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	
1-5 employees	58681	71885	84848	95664	96612	90185	85331	86050	83570	–	–	4.0
6-9 employees	309	358	499	671	–	–	–	–	–	–	–	–
10-19 employees	371	505	527	763	818	869	929	956	781	–	–	8.6
20-49 employees	340	356	384	483	489	524	537	510	435	–	–	2.7
> 50 employees	369	367	366	238	230	216	172	165	179	–	–	-7.7
# enterprises	60070	73471	86624	97819	98149	91794	86969	87681	84965	–	–	3.9
Avg. fleet size	–	–	–	–	–	–	–	–	–	–	–	–

Table 19.2 Employment in goods transport enterprises in Poland, categorised by number of employees (source: Eurostat)

Size companies	Year											Av. Y. growth (%)
	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	
Total	138992	157692	177043	195385	200608	195354	189121	202626	196993	–	–	4.0
1-5 employees	80662	99356	117771	134907	145455	140533	137035	153138	149780	–	–	7.1
6-9 employees	3158	3219	3433	4058	–	–	–	–	–	–	–	–
10-19 employees	7712	8030	8806	9758	9556	11695	12405	12754	10837	–	–	3.9
20-49 employees	13793	15074	16184	16416	15473	15409	15789	14637	12634	–	–	-1.0
> 50 employees	33667	32013	30849	30246	30124	27717	23892	22097	23742	–	–	-3.8

Table 19.3 National and international market share of the Polish road freight transportation industry (ton/km) (source: Eurostat, ECMT)

		Year										
		1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
National haulage	EU15	(not relevant)										
	EU25	–	–	–	–	–	4.48	4.52	4.55	4.76	5.03	–
International haulage	EU15	(not relevant)										
	EU25	–	–	–	–	–	6.44	6.46	6.58	7.14	8.53	–

20. Portugal

Structure of road freight transportation industry

The number of companies that are active in road freight transportation in Portugal are depicted in Table 20.1. The size of the companies is expressed in the number of employees.

Data on the structure of the road transport industry in Portugal are relatively old: 1995-1999 and in 1996 a different series seems to start. Therefore we present growth rates of 1996-1999. Trends presented below should be interpreted with caution because of this short time series.

Based on the developments with respect to the number of enterprises, a consolidation trend is visible. The largest companies are showing the fastest growth rate in the years identified: 4.0% yearly (Table 20.1). This is in contrast with the growth rate of the number of small companies - in Portugal 1-9 employees - which is only 1.7%. However, the share of small companies is very large with 89.2% (5,572 out of 6,246 in 1999). The share of the largest companies is 1.3%.

This growth trend is also clearly visible when presenting the employment in goods transport enterprises in Portugal categorised by number of employees. The largest firms grew by 8.0% in the years 1996-1999 (Table 20.2), the smallest firms only by 4.4%. Overall growth in employment in the road transport industry in Portugal is impressive with 5.4% on average.

Table 20.2 proved that employment in road transport of freight registered a large increase from 1996 to 1999. This is equivalent to a significant expansion of the sector as an employer in the Portuguese economy according to London Economics (2003). At the same time the number of self-employed ("unpaid employment" according to the Portuguese statistics denomination) registered a large decrease of 14%.²⁹ As Table 20.1 showed, the number of firms have also increased but not as much. This results in the size of the average firm having increased over the period from 7.4 workers in 1997 to 8.0 workers in 1999. It is thus possible that some of the previously self-employed workers have, during this period, joined other companies. London Economics (2003) presented an IRU estimate on the number of self-employed in Portugal of about 75,000 self-employed in the freight sector 1995. But based on the totals in Table 20.1 this probably is an overestimation by IRU.

Market share

In Table 20.3 the national and international market share of the road freight transportation market in Portugal is shown. When the information wasn't available, a "--" is depicted. In the available data it can be seen that as of 2000 there's a difference whether the market share is calculated using the numbers of the "EU 15" countries or the "EU 25" countries. Using the "EU 25" numbers means that the new Member States of the EU are also taken into account.

Since 2002, the international market share of the Portugal road transport industry in the EU25 countries declined from 5.27% in 2001 towards 4.54% in 2004. The intensifying international competition in which new EU Member States are competing with low cost operations is an important cause for this decrease. The new entrants in the EU are a threat to the competitive position of the Portugal road transport industry, because Portugal also competes by offering low costs.

²⁹ London Economics. Working conditions in road transport. National report for Portugal. Dublin: European Foundation for the Improvement of Living and Working Conditions, 2003.

Table 20.1 Number of companies in road freight transportation in Portugal, categorised by number of employees (source: Eurostat)

Size companies	Year											Av. Y. growth (%)
	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	
1-5 employees	2730	–	–	–	–	–	–	–	–	–	–	–
6-9 employees	646	5140	5316	4833	5572	–	–	–	–	–	–	1.7
10-19 employees	254	348	349	370	392	–	–	–	–	–	–	3.0
20-49 employees	176	176	176	190	200	–	–	–	–	–	–	3.2
> 50 employees	66	70	70	78	82	–	–	–	–	–	–	4.0
# enterprises	3872	5804	5899	5471	6246	–	–	–	–	–	–	1.9
Avg. fleet size	–	–	–	–	–	–	–	–	–	–	–	–

Table 20.2 Employment in goods transport enterprises in Portugal, categorised by number of employees (source: Eurostat)

Size companies	Year											Av. Y. growth (%)
	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	
Total	26798	40495	43519	46373	49955	–	–	–	–	–	–	5.4
1-5 employees	6679	–	–	–	–	–	–	–	–	–	–	–
6-9 employees	4251	21960	24347	24497	26069	–	–	–	–	–	–	4.4
10-19 employees	3376	5044	5228	5439	6210	–	–	–	–	–	–	5.3
20-49 employees	5.50	5524	5380	5416	6827	–	–	–	–	–	–	5.4
> 50 employees	7142	7967	8564	11021	10849	–	–	–	–	–	–	8.0

Table 20.3 National and international market share of the Portuguese road freight transportation industry (ton/km) (source: Eurostat, ECMT)

		Year										
		1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
National haulage	EU15	1.55	–	–	–	–	1.74	1.76	1.70	1.67	1.63	–
	EU25	–	–	–	–	–	1.60	1.61	1.56	1.53	1.49	–
International haulage	EU15	5.28	–	–	–	–	6.48	6.57	6.41	6.34	5.95	–
	EU25	–	–	–	–	–	5.20	5.27	5.05	4.91	4.54	–

Conclusion

The conclusions presented should be interpreted with caution because of the short time series used. Based on the developments with respect to the number of enterprises and employment in the different size categories, a consolidation trend is visible. The largest companies are showing the fastest growth rate in the years identified: 4.0% yearly. However, the share of small companies is very large with 89.2%. Since 2002, the international market share of the Portugal road transport industry in the EU25 countries declined from 5.27% in 2001 towards 4.54% in 2004.

21. Slovakia

Structure of road freight transportation industry

The number of companies that are active in road freight transportation in Slovakia are depicted in Table 21.1. The size of the companies is expressed in the number of employees.

The Eurostat data regarding Slovakia in fact present two series: 1995-1998 and 2000-2003 (Table 21.1). When relating the data in Table 21.1 with the number of enterprises according to IRU data, the confusion increases because IRU states that 3,263 companies are active in the road freight transport sector in Slovakia. For our analysis we use the years 2000-2003 because these are most consistent with the number of employees (Table 21.2). Because of this unclear situation, the Slovakian data should be interpreted with caution.

The structure of the road freight industry in Slovakia is very fragmented, 88.6% of all companies are of the smallest size category (1-5 employees, 8,735 out of 9,861 in 2003; see Table 21.1). Only 0.6% of the total number of enterprises are large (>50 employees). The size category 6-9 employees showed the highest growth rate in the period 2000-2003 with a growth of 5.8%. The smallest firms showed a negative growth (-0.6%). The largest firms however showed a fast growth rate with 5.1%. Because of the dominance of small firms overall growth of the number of firms is slightly negative.

Employment is decreasing yearly with 2.6% on average during the years 2000-2003. Only in the smallest firms (1-5 employees) employment is increasing by 5.8% a year on average. While the number of large firms grew by 5.1%, employment is decreasing by 0.5% a year. Overall Slovakia shows a fragmentation process in which employment in the smallest firms is increasing.

Market share

In Table 21.3 the national and international market share of the road freight transportation market in Slovakia is shown. When the information wasn't available, a "--" is depicted. In the available data it can be seen that as of 2000 there's a difference whether the market share is calculated using the numbers of the "EU 15" countries or the "EU 25" countries. Using the "EU 25" numbers means that the new Member States of the EU as of 2004 are also taken into account. For Slovakia this "EU 25" number is used, as Slovakia became a Member State in 2004. Because Slovakia only became a member in 2004, there's no information on market share from before 2000.

Since 2001 the international market share of Slovakia in EU25 increased from 1.95% towards 2.54% in 2004.

Conclusion

The Eurostat data regarding Slovakia in fact present two series: 1995-1998 and 2000-2003. Because of this unclear situation, the Slovakian data should be interpreted with caution. The structure of the road freight industry in Slovakia is very fragmented, 88.6% of all companies are of the smallest size category. Only 0.6% of the total number of enterprises are large (>50 employees). The largest firms however showed a fast growth rate with 5.1%. Employment is decreasing yearly with 2.6% on average during the years 2000-2003. Only in the smallest firms (1-5 employees) employment is increasing by 5.8% a year on average. Overall Slovakia shows a fragmentation process in which employment in the smallest firms is increasing. Slovakia's international market share increased since 2001.

Table 21.1 Number of companies in road freight transportation in Slovakia, categorised by number of employees (source: Eurostat)

Size companies	Year											Av. Y. growth (%)
	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	
1-5 employees	182	168	239	442	418	8958	8798	8554	8735	–	–	-0.6
6-9 employees	57	47	62	109	148	486	478	452	608	–	–	5.8
10-19 employees	55	54	57	65	91	307	299	299	340	–	–	2.6
20-49 employees	22	23	41	44	57	127	110	97	123	–	–	-0.8
> 50 employees	89	112	108	58	52	45	49	52	55	–	–	5.1
# enterprises	405	404	507	718	766	9923	9734	9454	9861	–	–	-0.5
Avg. fleet size	–	–	–	–	–	–	–	–	–	–	–	–

Table 21.2 Employment in goods transport enterprises in Slovakia, categorised by number of employees (source: Eurostat)

Size companies	Year											Av. Y. growth (%)
	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	
Total	19594	17983	18845	18659	19843	23841	27331	21754	21418	–	–	-2.6
1-5 employees	328	781	867	517	744	9466	17531	11557	11866	–	–	5.8
6-9 employees	381	173	461	122	594	2642	1043	1959	1969	–	–	-7.1
10-19 employees	1055	555	755	532	1216	5294	2374	1225	1309	–	–	1.5*
20-49 employees	10505	8677	8681	8336	1346	1337	1810	2023	1312	–	–	-0.5
> 50 employees	–	–	–	–	6168	5102	4573	4990	4962	–	–	-0.7

* 1999-2003

Table 21.3 National and international market share of the road freight transportation industry in Slovakia (ton/km) (source: Eurostat, ECMT)

		Year										
		1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
National haulage	EU15	(not relevant)										
	EU25	–	–	–	–	–	0.48	0.49	0.45	0.47	0.46	–
International haulage	EU15	(not relevant)										
	EU25	–	–	–	–	–	2.22	1.95	2.18	2.49	2.54	–

22. Slovenia

Structure of road freight transportation industry

The number of companies that are active in road freight transportation in Slovenia are depicted in Table 22.1. The size of the companies is expressed in the number of employees.

The road transport industry of Slovenia is fragmented: 71.9% of all enterprises are to be characterised as small (1-5 employees: 610 out of 848 in 2003: see Table 22.1). The largest firms only have a share of 2.5% of the total number of enterprises and this share declined in the years 1995-2003. Average yearly growth of the largest firms was -3.5%, this in sharp contrast with the other size categories, which showed impressive growth rates (Table 22.1).

Expressed in employment figures, the same overall trend can be discerned: large firms are declining in importance and smaller firms are showing impressive growth rates in employment. Although the largest size category (>50 employees) still has a share of 39.4% of total employment in 2003, its dominance decreased in importance in the period analysed (Table 22.2).

Market share

In Table 22.3 the national and international market share of the road freight transportation market in Slovenia is shown. When the information wasn't available, a "-" is depicted. In the available data it can be seen that as of 2000 there's a difference whether the market share is calculated using the numbers of the "EU 15" countries or the "EU 25" countries. Using the "EU 25" numbers means that the new Member States of the EU as of 2004 are also taken into account. For Slovenia this "EU 25" number is used, as Slovenia became a Member State in 2004. Because Slovenia only became a member in 2004, there's no information on market share from before 2000.

The international market share of Slovenia is relatively stable in the years 2001-2004, with a peak growth in 2004.

Conclusion

The road transport industry of Slovenia is fragmented: 71.9% of all enterprises are to be characterised as small. The largest firms only have a share of 2.5% of the total number of enterprises and this share declined in the years 1995-2003. Expressed in employment figures, the same overall trend can be discerned: large firms are declining in importance and smaller firms are showing impressive growth rates in employment.

Table 22.1 Number of companies in road freight transportation in Slovenia, categorised by number of employees (source: Eurostat)

Size companies	Year											Av. Y. growth (%)
	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	
1-5 employees	452	495	534	560	577	587	558	566	610	–	–	3.4
6-9 employees	74	89	107	91	89	95	108	115	112	–	–	4.7
10-19 employees	44	37	42	46	54	53	57	63	64	–	–	4.3
20-49 employees	22	28	29	35	33	35	38	39	41	–	–	7.2
> 50 employees	29	26	23	21	23	22	21	24	21	–	–	-3.5
# enterprises	621	675	735	753	776	792	809	807	848	–	–	3.5
Avg. fleet size	–	–	–	–	–	–	–	–	–	–	–	–

Table 22.2 Employment in goods transport enterprises in Slovenia, categorised by number of employees (source: Eurostat)

Size companies	Year											Av. Y. growth (%)
	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	
Total	6253	5964	5928	5898	6033	6062	6221	6575	6664	–	–	0.7
1-5 employees	789	879	957	1013	1028	1056	1065	992	1123	–	–	4.0
6-9 employees	478	564	685	579	570	616	711	746	731	–	–	4.8
10-19 employees	597	505	569	625	740	728	779	889	909	–	–	4.8
20-49 employees	664	838	894	1029	955	1041	1186	1155	1274	–	–	7.5
> 50 employees	3725	3178	2823	2652	2740	2621	2480	2793	2627	–	–	-3.8

Table 22.3 National and international market share of the road freight transportation industry in Slovenia (ton/km) (source: Eurostat, ECMT)

		Year										
		1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
National haulage	EU15	(not relevant)										
	EU25	–	–	–	–	–	0.18	0.18	0.17	0.18	0.20	–
International haulage	EU15	(not relevant)										
	EU25	–	–	–	–	–	0.81	1.17	1.04	1.08	1.30	–

23. Spain

Structure of road freight transportation industry

The number of companies that are active in road freight transportation in Spain, are depicted in Table 23.1. The size of the companies is expressed in the number of employees.

Data concerning the road freight transportation industry in Spain are limited to the years 1999-2002. Therefore the trends presented below should be treated with caution because of the short time series.

The Spanish road freight industry is very fragmented, but shows a spectacular consolidation phase in which the largest firms (>50 employees) show the highest growth rates. This growth can be observed both in terms of number of enterprises (an average yearly growth of the largest firms by 12.4% in the years 1999-2002: see Table 23.1) as in number of employees (15.2%: see Table 23.2). In 2002 93.6% of the total number of firms and 55.1% of total employment were concentrated in the smallest size category (1-5 employees). The largest firms had a share of only 0.3% in the total number of firms, and 12.1% in total employment. The total number of firms decreased in the years 1999-2002 by 0.9% yearly. In contrast, employment showed an average yearly growth of 3.6%.

According to Irastorza and Isusi (2002)³⁰ 69.3% of enterprises in the road transport sector have no employees and therefore can be considered self-employed. As far as the total national is concerned, the relative weight of self employed people without employees is considerably lower than in the NACE 60.2 sector (53.3%), but the share of businesses with 1-9 employees is higher (40.8%). The relative weight of self-employed without employees businesses has decreased throughout the 1995-2001 period, going down from 72.05% in 1995 to 69.3% in 2001. So the share of self-employed is about 28% of the total number of employees in 2001 (69.3% of businesses mean 28% of employees). Jiménez³¹ however gives a clear figure and states that 54% of all workers in the Spanish transport sector are to be considered a self-employed worker.

Market share

In Table 23.3 the national and international market share of the road freight transportation market in Spain is shown. When the information wasn't available, a "--" is depicted. In the available data it can be seen that as of 2000 there's a difference whether the market share is calculated using the numbers of the "EU 15" countries or the "EU 25" countries. Using the "EU 25" numbers means that the new Member States of the EU are also taken into account.

The sector has experienced recent changes as a result of its structural features and the urge to adapt it to an increasingly international and competitive market. These developments have been aimed at fostering deregulation and harmonising the Spanish market conditions with the European standards (Irastorza & Isusi, 2002). This resulted in an increasing market share in the EU25, from 9.97% in 2000 towards 12.76% in 2004.

Conclusion

The trends presented for Spain should be treated with caution because of the short time series. The Spanish road freight industry is very fragmented but shows a spectacular consolidation phase in which the largest firms (>50 employees) show the highest growth rates. The international market share of Spanish road transport showed a growth in market share in the years 2000-2004 from 9.97 to 12.76%.

³⁰ Irastorza X, Isusi I. Working conditions in the road transport of goods sector. San Sebastian: IKEI, 2002.

³¹ Jiménez GM. Optimizing the working conditions of self-employed urban parcel delivery workers. Contribution to TUTB-SALSA Conference, Brussels, 27-29 September 2000.

Table 23.1 Number of companies in road freight transportation in Spain, categorised by number of employees (source: Eurostat)

Size companies	Year											Av. Y. growth (%)
	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	
1-5 employees	–	–	–	–	124352	123124	119507	118384	–	–	–	-1.2
6-9 employees	–	–	–	–	3214	3273	3520	3590	–	–	–	2.8
10-19 employees	–	–	–	–	2383	2331	2508	2826	–	–	–	4.3
20-49 employees	–	–	–	–	1046	1131	1374	1310	–	–	–	5.8
> 50 employees	–	–	–	–	229	283	301	366	–	–	–	12.4
# enterprises	–	–	–	–	131225	130141	127211	126475	–	–	–	-0.9
Avg. fleet size	–	–	–	–	–	–	–	–	–	–	–	–

Table 23.2 Employment in goods transport enterprises in Spain, categorised by number of employees (source: Eurostat)

Size companies	Year											Av. Y. growth (%)
	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	
Total	–	–	–	–	292240	301618	314183	336675	–	–	–	3.6
1-5 employees	–	–	–	–	178407	177250	177507	185391	–	–	–	1.0
6-9 employees	–	–	–	–	24657	26113	27455	28607	–	–	–	3.8
10-19 employees	–	–	–	–	34087	32868	35755	41287	–	–	–	4.9
20-49 employees	–	–	–	–	31918	34618	39941	40462	–	–	–	6.2
> 50 employees	–	–	–	–	23171	30770	33525	40748	–	–	–	15.2

Table 23.3 National and international market share of the Spanish road freight transportation industry (ton/km) (source: Eurostat, ECMT)

		Year										
		1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
National haulage	EU15	9.16	–	–	9.83	10.28	11.16	11.45	12.71	13.61	14.53	–
	EU25	–	–	–	–	–	10.26	10.51	11.67	12.44	13.27	–
International haulage	EU15	8.69	–	–	–	–	12.42	13.43	15.39	15.13	16.73	–
	EU25	–	–	–	–	–	9.97	10.77	12.14	11.72	12.76	–

24. Sweden

Structure of road freight transportation industry

The number of companies that are active in road freight transportation in Sweden are depicted in Table 24.1. The size of the companies is expressed in the number of employees.

The Swedish road transport industry is fragmented. In 2003 68.8% (5,563 out of 8,082: see Table 24.1) of all enterprises was in the size category of 1-5 employees. On the other hand, only 1.6% of all enterprises could be characterized as being large (>50 employees). However, the growth trend in the years 1995-2003 showed a concentration process: the number of small firms decreased yearly with 1.1% on average while the large firms showed an increase of 4.3%. Because of the dominance of the smaller firms, the decreasing growth rate has been responsible for a decreasing number of companies in the years analyzed.

Expressed in number of employees, the largest firms had the largest share of employment: 23.7% (12,026 out of 50,819 employees in 2003: see Table 24.2). The share of employment concentrated by the largest firms is growing fast by 4.0%, in line with the growth of the number of companies. The concentration trend therefore is also visible in the employment data. Although declining, the share of the smallest firms is still 20.6% in 2003 (10,461 out of 50,819). Total employment is growing in the Swedish road transport industry. London Economics (2003)³² concluded that the sector has enjoyed healthy growth. As a result, new companies have been created, bankruptcies have fallen and employment has grown. There are also anecdote reports of labour shortage.

According to London Economics (2003), there are proportionally more self-employed in the Swedish road transport sector than in the economy at large. According to Statistics Sweden, 7.2% of those working in transport were self-employed in 1999 (compared to the national average of 5.3%). Within the transport sector, self-employment is expected to be more prevalent in road transport than in others modes. As illustrated in Table 24.2, road transport in Sweden is a growing sector and fixed-term employment is not expected to be very common (employers are expected to offer permanent positions to attract personal into the business).

Market share

In Table 24.3 the national and international market share of the road freight transportation market in Sweden is shown. When the information wasn't available, a "--" is depicted. In the available data it can be seen that as of 2000 there's a difference whether the market share is calculated using the numbers of the "EU 15" countries or the "EU 25" countries. Using the "EU 25" numbers means that the new Member States of the EU are also taken into account.

The market share of Swedish road transport in the EU25 showed a decline from 1.00% in 2000 to 0.83% in 2004. After a gradual increase of the market share, in 2004 an important part has been lost. The hardening competition from drivers out of the new Member States might be an explanation for this sudden decrease in market share.

³² London Economics. Working conditions in road transport. National report for Sweden. Dublin: European Foundation for the Improvement of Living and Working Conditions, 2003.

Table 24.1 Number of companies in road freight transportation in Sweden, categorised by number of employees (source: Eurostat)

Size companies	Year											Av. Y. growth (%)
	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	
1-5 employees	6164	6159	5870	5904	5898	5860	5747	5579	5563	–	–	-1.1
6-9 employees	1217	1284	1296	1330	1328	1373	1379	1356	1344	–	–	1.1
10-19 employees	628	636	660	685	692	711	697	692	705	–	–	1.3
20-49 employees	277	297	307	285	314	325	340	347	344	–	–	2.4
> 50 employees	86	96	98	109	102	118	125	130	126	–	–	4.3
# enterprises	8372	8472	8231	8313	8334	8387	8288	8104	8082	–	–	-0.4
Avg. fleet size	–	–	–	–	–	–	–	–	–	–	–	–

Table 24.2 Employment in goods transport enterprises in Sweden, categorised by number of employees (source: Eurostat)

Size companies	Year											Av. Y. growth (%)
	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	
Total	44223	46051	46603	47733	48377	51216	51169	51065	50819	–	–	1.6
1-5 employees	11323	11397	10967	11058	11025	11075	10792	10562	10461	–	–	-0.9
6-9 employees	7898	8398	8406	8570	8601	8927	9080	8799	8769	–	–	1.2
10-19 employees	8344	8429	8787	9120	9212	9514	9344	9228	9422	–	–	1.4
20-49 employees	8222	8733	8995	8390	9315	9483	9873	10106	10144	–	–	2.4
> 50 employees	8436	9094	9448	10595	10224	12217	12100	12370	12026	–	–	4.0

Table 24.3 National and international market share of the Swedish road freight transportation industry (ton/km) (source: Eurostat, ECMT)

		Year										
		1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
National haulage	EU15	3.31	–	–	3.27	3.18	3.20	3.01	3.12	3.10	3.06	–
	EU25	–	–	–	–	–	2.94	2.77	2.87	2.83	2.80	–
International haulage	EU15	1.21	–	–	–	–	1.25	1.20	1.34	1.45	1.09	–
	EU25	–	–	–	–	–	1.00	0.96	1.06	1.12	0.83	–

Conclusion

The Swedish road transport industry is fragmented. In 2003 68.8% of all enterprises was in the size category of 1-5 employees. On the other hand, only 1.6% of all enterprises could be characterized as being large (>50 employees). However, the growth trend showed a concentration process: the number of small firms decreased while the large firms showed an increase. Because of the dominance of the smaller firms, the decreasing growth rate has been responsible for a decreasing number of companies in the years analyzed. According to Statistics Sweden, 7.2% of those working in transport were self-employed in 1999. The market share of Swedish road transport in the EU25 showed a decline from 1.00% in 2000 to 0.83% in 2004.

25. United Kingdom

Structure of road freight transportation industry

The number of companies that are active in road freight transportation in Great Britain, are depicted in Table 25.1. The size of the companies is expressed in the number of employees.

The road transport industry in the UK is dominated by the smallest enterprises: 83.1% of the total enterprises is of the smallest size category (1-5 employees) and only 1.3% of the largest (>50 employees). The total number of enterprises is declining, in line with the declining of the smallest enterprises. The number of largest enterprises however is growing, indicating a consolidation of the industry in the UK.

When presenting the employment data related to the road transport industry in the UK, this consolidation trend becomes even clearer. Employment as a whole shows a yearly growth of 4.1%. Employment growth in the largest enterprises is responsible for this growth by realising an average annual growth in employment of 8.9%. Employment growth is stagnating in the other size categories. The number of self-employed drivers in the UK is decreasing from 17.7% in 1992 to 12.7% in 2002.³³ This decrease reflects the trend in which the importance of smaller companies is decreasing as compared to the larger ones.

Market share

In Table 25.3 the national and international market share of the road freight transportation market in Great Britain is shown. When the information wasn't available, a "--" is depicted. In the available data it can be seen that as of 2000 there's a difference whether the market share is calculated using the numbers of the "EU 15" countries or the "EU 25" countries. Using the "EU 25" numbers means that the new Member States of the EU are also taken into account.

The international market share of the UK road transport industry in Europe is small compared to the national market share and is even further decreasing. Reasons behind the decreasing market share are a lack of level playing field due to high petrol prices in the UK (foreign drivers entering the UK loaded with cheaper petrol) and the influx of Eastern European low cost drivers.³⁴

Although the market is consolidating and companies grow bigger on average, the total number of companies is declining and the international market share is getting smaller. Possible reasons for this are:

- Firms seek to make savings by contracting out peripheral operations, and an increasing tendency for large national companies to contract with one logistics supplier rather than several haulage operators. This has led to a growth of large, dedicated contract distribution companies with large regional distribution centres, owned either by the logistics supplier or its customer;
- Distribution companies themselves often subcontract their transport operations to medium sized road haulage companies, requiring their vehicles to display the livery of the distribution company or its customer. The smallest companies and self-employed drivers can increasingly find themselves at the precarious end of a long logistics supply chain.

(source: *Department of Transport*)

Conclusion

In conclusion, it can be said that the road freight transportation industry in Great Britain is consolidating. The number of self-employed drivers is decreasing and the international market share also is decreasing.

³³ Carroll M, Smith M. Branch report for road transport in the UK. Manchester: Manchester School of management, 2003.

³⁴ Peijs R. Buitenlanders zitten Brits wegvervoer dwars. Nieuwsblad Transport, 2005;December 7.

Table 25.1 Number of companies in road freight transportation in the United Kingdom, categorised by number of employees (source: Eurostat)

Size companies	Year											Av. Y. growth (%)
	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	
1-5 employees	33020	35220	34830	34760	34210	32485	31005	–	–	–	–	-0.9
6-9 employees	2390	2705	2670	2755	2830	2805	2765	–	–	–	–	2.1
10-19 employees	2140	2350	2325	2285	2315	2280	2165	–	–	–	–	0.2
20-49 employees	1070	1275	1200	1110	965	920	905	–	–	–	–	-2.4
> 50 employees	440	460	495	490	485	475	490	–	–	–	–	1.5
# enterprises	39060	42010	41525	41400	40810	38970	37330	35700	35600	–	–	-0.6
Avg. fleet size	3.4	3.5	3.5	3.6	3.6	3.7	3.8	3.9	4	–	–	–

Table 25.2 Employment in goods transport enterprises in the United Kingdom, categorised by number of employees (source: Eurostat)

Size companies	Year											Av. Y. growth (%)
	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	
Total	205190	237000	280380	296405	287640	276525	282830	282575	–	–	–	4.1
1-5 employees	53420	61095	60970	61335	60910	58910	56380	55325	–	–	–	0.4
6-9 employees	17375	19630	19295	19835	20370	20165	19935	19735	–	–	–	1.6
10-19 employees	28920	31735	31260	30710	31220	30635	29220	28985	–	–	–	0.0
20-49 employees	31525	37425	35960	33320	29145	27925	27845	32570	–	–	–	0.4
> 50 employees	73950	87110	132890	151205	145990	138890	149450	145955	–	–	–	8.9

Table 25.3 National and international market share of the road freight transportation industry in the United Kingdom (ton/km) (source: Eurostat, ECMT)

		Year										
		1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
National haulage	EU15	17.1	–	–	17.8	16	15.2	15.1	14.5	15.1	14.4	–
	EU25	–	–	–	–	–	14	13.8	13.6	13.8	13.2	–
International haulage	EU15	5.6	–	–	6.4	6.1	4.5	3.8	3.6	3.6	3.5	–
	EU25	–	–	–	–	–	3.6	3.1	2.9	2.8	2.6	–

Annex 4 Minutes of the stakeholders meeting

Implementation of Directive 2002/15/EC: Presentation of preliminary results by TNO to government', employers' and employees' representative at the stakeholder meeting for road transport, European Commission, Brussels, 19 September 2006

The **Chairman** opens the meeting. On the agenda is Directive 2002/15/EC on the organisation of the working time of persons performing mobile and road transport activities. The Commission shall present a report to the European Parliament and the Council, which analyses the consequences of the exclusion of self-employed drivers from the scope of the Directive. On the basis of this report the Commission shall submit a proposal which may either set out modalities for the inclusion of the self-employed drivers or propose not to include them. TNO has studied the implementation of the Directive and the possible consequences of the inclusion of self-employed. The Commission will take the results of this study into account as one of the sources with regard to the decision on the inclusion or exclusion of the self-employed into the scope of the Directive. The presentation given today, shows the *preliminary* results of the study by TNO. TNO is still working on the data and the final report at the moment. This expert meeting gives the opportunity to put forward first remarks and questions, it is not meant to discuss on the conclusions. All comments on the research method or the results of the study will be taken into account in finalising the report. The report itself will be finished in November.

TNO shortly presents the status of the transposition of the Directive in the Member States. Only few Member States had transposed the Directive by 23 March 2003 and at the moment there are still six Member States who have not yet adopted their national legislation. There has been a debate on the transposition in at least 19 countries. The main issues of the debate are: the perceived vagueness of definitions of working time and periods of availability, the possible impact on profession and sector and problems with enforcement. Since the transposition in most countries is only recent (or not finished), an assessment of the impact cannot be made, based upon data 'before and after'. Only data prior to the transposition date could be studied and conclusions could be extrapolated from this.

The inclusion of the self-employed

TNO continues with the main theme of the agenda, namely the inclusion of the self-employed into the scope of the Directive. The issue first discussed is the possible impact of the inclusion of the self-employed on **road safety**. There are no data on road accidents caused by long working hours or on accidents caused by self-employed. From the literature we know that fatigue is an important factor in 10-25% of road accidents. Fatigue may be caused by many indicators, one of which is working time. Other indicators are job control, task variety, rest time, quality of sleep, environmental aspects, etc. Data on health of workers and self-employed in the transport sector are presented. From this the conclusion is drawn that a decrease in working time must (in theory) lead to less fatigue and to less accidents caused by fatigue. From this narrow viewpoint of road safety, inclusion could be recommended. However, the impact will only be marginal and in the next part of the presentation some negative side effects are given.

The participants to the expert meeting put forward several remarks to the data presented. Part of the remarks focus on the quality of the data:

- A representative of the **IRU** put forward that there are no data so far that provide good insight into causes of truck accidents. A first study will be published by IRU this fall. The conclusions of the report must remain assumptions. **TNO** confirms that there are no valid data that can be used and because of this scientific literature is studied on the relation be-

tween accidents, fatigue and working time. The size of the possible impact cannot be predicted. Besides, other indicators may contradict this impact.

- A **Danish** participant asks about the data sample: are these all drivers. **TNO** explains that data from the European Working Conditions Survey (European Foundation for the Improvement of Working and Living Conditions) are used, and that no difference can be made between drivers and other workers in the sector, although drivers form the majority of workers in the transport sector. A **Dutch** participant stresses that the proportion of drivers in the sample will be different for self-employed and other workers. **TNO** confirms that this will probably be the case, and that the results overestimates the differences between the two groups.
- A participant from the **UK** would like to see more information on driving time, next to working time. **TNO** mentions that, unfortunately, the data do not provide the opportunity to give more insight in the activities spent during working time.
- A **Belgian** participant questions the way the data have been clustered into northern Europe, middle Europe, southern Europe and new Member States. **TNO** explains that the clustering of the data was necessary because of the (limited) numbers of respondents and that the clustering has taken place according to a more common clustering in analyses of EU-data. Information on the implementation of the Directive and the structure of the sector will be presented at national level. The views of stakeholders (interviews were held anonymously) and the data at EU level will be clustered by the mentioned country clusters.

Other remarks focus on the content of the results:

- A **Spanish** participant finds it remarkable that self-employed in the southern countries report more that their health and safety is at risk, while the self-employed in the northern countries show the longest work hours. **TNO** explains that this shows that working time is not the only indicator for health or safety and that apparently the content of the profession is not the same in the different countries. The self-employed of different country clusters differ in psycho-social and physical workload.
- The representative of the **ETF** mentions that fatigue has been discussed for many years and emphasises that fatigue also has an influence on the quality of (family) life. Other important aspects of health and safety are: perceived risks and threats, levels of distraction, other activities while driving. Because of this a broader approach should be sought.

TNO continues the presentation with the possible impact of the inclusion of the self employed on the **profession and the sector**. Some data on the profession are presented. An inclusion of the self-employed into the scope of the Directive might lead to lower income, lower job control and higher job demands and time pressure for the self-employed. It might also lead to increasing shortages on the labour market. From the viewpoint of the profession of self-employed in transport, inclusion is not recommended.

There are large differences between Member States in the structure of the sector and in the trends that can be found (consolidation or fragmentation). Therefore, the inclusion of self-employed will have a different impact on the different Member States. Besides this, some autonomous trends are found that influence all Member States in the long run, no matter what will be decided with the self-employed in this Directive. From the viewpoint of entrepreneurship, inclusion is not recommended.

The **Chairman** asks for comments and remarks, but - due to the limited time – no answers will be given during the meeting. The remarks will, however, be taken into account in the report.

- A **Finish** participant underlines the statement that inclusion is not to be recommended from the viewpoint of entrepreneurship. In their specific national situation the costs for the sector will rise and the sector would change too radically.
- The representative of the **ETF** asks to include self-employed for reasons of competition. Inclusion of self-employed allows the sector to bring in levels of professional expertise,

general principles of training and enhance the image and status of the sector. Both wage earners and self-employed would benefit from this.

- A **Spanish** participant mentions the problem of an unwanted gap (or wall) between wage earners and self-employed. In a country, where the majority of drivers is self-employed, one cannot exclude them. The differences between countries should be taken into account. If you should exclude them, it must be very clear what the argument is.
- A **Dutch** participant stresses that legislation without enforcement is not useful and that enforceability of the Directive would be one of the main conditions for inclusion. If this cannot be done, then the self-employed should not be included. Also a **Swedish** participant stresses the importance of enforcement and that the Directive in its current form cannot be enforced for the self-employed. This issue should be taken up at a European level. Also, it is too early to determine whether or not the self-employed should be included. **TNO** and **IRU** request the participants that have found solutions for the problem of enforcement to share their (best) practices with the others.

Night work

The final theme on the agenda is the issue of night work. The **Chairman** explains that the Directive states the necessity of an assessment of the impact of the rules on night work. That is why TNO is also asked to look at the implementation of these rules.

TNO presents the findings on the implementation of the rules on night work. There has not been a large debate on night work in the Member States. Many countries have used the possibility to derogate from the definition of night time and used their own definition. All Member States have at least a period between 01.00 and 04.00 in their definition. Most countries follow the daily limit of 10 hours if night work is performed. Since the Directive is only implemented recently (or not yet) an assessment of the impact of the rules on night work cannot be made. Some data are presented on night work in the sector. Night workers show higher risks in the field of health and safety. Harmonisation of rules on night work will not be an answer to this. In order to improve health and safety an integral approach is recommended, in which working time is one of the aspects (fatigue management systems).

There are only a few remarks from the participants on this part of the presentation. A **Spanish** participant brings into memory that the early debate on the Directive started with a limitation of night work to 8 hours. After a long debate, this turned out as 10 hours and now Member States have used their own interpretation of night time. This shows how difficult it is to harmonise these rules. A **Belgian** participant stresses some aspects of importance in assessing the impact of night work, such as: the circadian rhythm, differences in the periods of darkness in southern and northern Europe.

The **Chairman** closes the meeting and thanks TNO for the presentation and the participants for their first reactions to the preliminary results. The participants were invited to submit until 29 September 2006 any additional comments they might have.

Implementation of Directive 2002/15/EC: Presentation of preliminary results by TNO to employees' representatives, present at a meeting organised by ETF, Brussels, 19 September 2006

Representative ³⁵	Reaction
DG Tren	With the implementation of Directive 2002/15/EC the Commission is requested to draw up a report on the matter of the inclusion of the self-employed and the rules on night work. TNO, as an independent research organisation, has been requested to carry out a research in all Member States to provide the Commission with the background information for their proposal on these issues. In this research, also the status of the implementation of the Directive is taken into account.
TNO	TNO shortly presents the status of the transposition of the Directive in the Member States. Only few Member States had transposed the Directive by 23 March 2003 and at the moment there are still six Member States who have not yet adopted their national legislation. There has been a debate on the transposition in at least 19 countries. The main issues of the debate are: the perceived vagueness of definitions of working time and periods of availability, the possible impact on profession and sector and problems with enforcement. Since the transposition in most countries is only recent (or not finished), an assessment of the impact cannot be made, based upon data 'before and after'. Ministries of Transport and Ministries of Employment were equally involved. Employers' organisations were more involved in the national debate than employees' organisations. Only data prior to the transposition date could be studied and conclusions could be extrapolated from this. A final report will be finished in November. All comments made during this meeting will be taken into account, when finalising the report.
Belgium	There first impression is a sceptical one. The Directive was supposed to start a long time ago. A lot of problems are (still) present. Why have a lot of Member States failed to implement the Directive? There are still some open ends in the Directive. What about trucks less than 3.5 tonnes? There are million of vehicles like that. The goal of the Directive is not clear: what do they want to reach? Fair competition? Since the debate started in 1993 and the Directive was drawn in 2002, many countries have laid down their own working time rules in the meantime.
Denmark	Why did the Directive come into life? To protect workers, for safety or competition reasons? Why were self-employed not included from the start. The Danish organisation has spent a lot of money to inform their members about the Directive, trying to explain the content. It is still unclear if the reference period is ongoing or fixed. If you want to take the Directive seriously, enforcement is needed. We need control and sanctions, and have not reached this goal yet. We are going to control the administration: are the rules applied correctly. Just because of liberalisation we focus too lightly on deliberate breaking of the rules. Denmark hopes that all Member States will implement the Directive. On the positive site: this Directive is Gods gift to contractors:

³⁵ Although we have named the countries the attendants represent, the reactions are spontaneous and on their own account and not formal statements. These views will be taken into account for the final report in the same manner as the national interviews have been used.

Representative ³⁵	Reaction
	they now have to plan their transport.
United Kingdom	What is the goal of the Directive? Health and safety, competition? There is fudge in the UK. It was dropped on us. Periods of availability is nonsense. Drivers are still working long hours, the salaries are low, nothing has changed. Work-life balance is also important. Remove periods of availability and split working time from availability time. Employers want to use this difference. If health and safety was the purpose of the Directive, it has failed.
France	Their organisation was not consulted. The Directive is transposed against our will. The Directive is not transposed correctly in France. It will lead to a reduction of income, but not in all Member States. If there is no good enforcement, the Directive should not be in practise. There are three kinds of working time: driving time, waiting time and time on duty which is not paid. This is estimated by the employer. This third category should be avoided and drivers should get paid when they are away from home and have to wait. Trucks of less than 3.5 tonnes (such as small delivery vans) are not included. They can be forced to work long hours. The definition of self-employed is not clear. In France there are two kinds of drivers: freelance drivers ('artisans') and employees. In practise there will be fake self-employed that have to work for an employer without a contract.
TNO	It is not clear what is meant by not being consulted. In our research project we have tried to interview a balanced amount of stakeholders: government', employers' and employees' representatives. Also, we have tried to find a balance between regions. We did, however, have to limit the interviews to 1 interview per stakeholder per country. Also in France, we have interviewed a representative of an employees' organisation (in this case CFDT).
Denmark	Trucks less than 3.5 tonnes are taken up in the general working time directive 1993.
Belgium	I have never seen that trucks are being stopped on the road by labour inspectors. Trade Unions are not consulted for the transposition. The court of justice is too tolerant. Some states want more legislation, others want less legislation.
France	In the report TNO can say what works and what does not work. As advice to TNO: do not only give an overview of the current situation, also describe what has to be improved. It is a matter of safety: for drivers and safety on the road. The definition of self-employed is still unclear, we should have a sharpened definition.
ETF	Why did some countries implement the Directive and others not? Highlight the following points in your report. First: periods of availability. Everyone says it is a problem, it is unclear. It can/will lead to fraud. Second, the situation regarding opting out is not clear. And third: how does the Directive should be enforced? These are the concerns of the trade unions. What kind of sanctions will countries get if they do not implement the Directive?
TNO	In some countries the definition of self-employed is given through the tax system. For instance: they need to have more than one employer.

Representative ³⁵	Reaction
France	A full prove indicator for self-employed must lay in the access to the job. There should be a certificate for self-employed, that proves that they are indeed self-employed transporters and honourable entrepreneurs.
DG Tren	This Directive is a new opening for social protection of workers. It sets the minimum standards, but Member States may go further In the spring of 2007 the commission will have a reaction on the inclusion or exclusion of self-employed. The list of Member States not having yet transposed the Directive is provided to the audience.
Belgium	Let's include the self-employed and see how to control them. The matter of wages was never an issue. Make a comparison of the wages before and after implementation. See what the consequences are. It must be reflected further on. Unions were criticised that we did not discuss the Directive. The implementation was not feasible for the Ministry of Transport. The foundations were not good.
TNO	Loss of income due to the Directive was one of the discussion points in the interviews, especially from the viewpoint of unions. There is no information with regard to income.
Chairman	We have also got to think about road safety.
Belgium	Why don't we turn the discussion around: workers want to work less hours, provided they gain the same income. The argument of the loss of income is used by the employers. We must not take the argument of income into the discussion, do not enter new goals and focus on the true aim of the Directive. Self-employed do not respect the rules with regard to working time. How is it possible to work more than 10 hours a day? That is not safe. Why can people accept the exclusion of self-employed? It is the death of wage earning in the sector. Especially large companies use self-employed to do things they cannot arrange with their employees (within the rules).
Denmark	The working time directive is a supplement to the directive on driving and rest times. If you use the Directive as such, you will not lose wage. This has been proven in Denmark.

Annex 5 EU report: Characteristics of self-employed in road transport

In this Annex some additional tables are presented with regard to the characteristics of self-employed in road transport, based upon the data of the European Working Conditions Survey. For a justification of the data, see Annex 7. More tables are presented in Chapter 6.

Table 1 Number of self-employed and other workers by country cluster for the sector transport, storage and communication

Country cluster	Other workers	Self-employed	Total
North	306	29	335
Middle	636	54	690
South	358	71	429
NMS	685	70	755
Total	1985	224	2209

Table 2 Salaries of self-employed and other workers in the sector transport, storage and communication by four EU country clusters, in percentages

Harmonized income scale	North		Middle		South		NMS	
	Other workers	Self-employed	Other workers	Self-employed	Other workers	Self-employed	Other workers	Self-employed
Scale 1	7	15	18	19	9	4	19	9
Scale 2	27	10	28	22	23	10 ▼	23	22
Scale 3	33	40	35	31	25	27	28	26
Scale 4	34	35	19	28	43	58 ▲	31	43

▲ : p<0.05 for groups with significant high scores; ▼ : p<0.05 for groups with significant low scores.

Source: European Survey on Working and Living Conditions 2000 and 2001 (EU-27)

Table 3 Working times of self-employed and other workers in the sector transport, storage and communication by four EU country clusters, in percentages

	North			Middle			South			NMS		
	Other workers	Self-employed		Other workers	Self-employed		Other workers	Self-employed		Other workers	Self-employed	
Hours work per week:												
• < 36 hours/week	15	3		19	13		19	16		14	12	
• 36-48 hours/week	69	28	▼	67	32	▼	67	23	▼	70	24	▼
• > 48 hours/week	16	69	▲	14	55	▲	15	61	▲	16	64	▲
Working one or more nights a month	43	72	▲	31	47	▲	31	49	▲	31	47	▲
Working one or more evenings a month	62	79		51	72		51	90	▲	45	75	▲
Working on Saturdays and/or Sundays	59	86	▲	61	81	▲	63	75		59	73	▲
Working more than 10 hours a day	58	86	▲	38	72	▲	34	62	▲	46	83	▲
Working the same number of hours every day	38	21		56	28	▼	60	42	▼	61	24	▼
Working the same number of days every week	57	61		67	48	▼	69	59		68	39	▼
Working shifts	31	15		28	22		32	29		30	15	▼
Would you like to work longer/shorter:												
• more hours	26	100		25	0		48	25		51	29	
• less hours	14	0		6	0		10	50	▲	5	29	▲
• the same hours	60	0		69	10		43	25		44	43	
Work hours fit in very/fairly well with family and social commitments outside work	72	61		80	64	▼	70	61		74	54	▼

▲ : p<0.05 for groups with significant high scores; ▼ : p>0.05 for groups with significant low scores.

Source: European Survey on Working and Living Conditions 2000 and 2001 (EU-27)

Table 4 Skill development, job control and job demands of self-employed and other workers in the sector transport, storage and communication by four EU country clusters

	North		Middle			South			NMS			
	Other workers	Self-employed	Other workers	Self-employed		Other workers	Self-employed		Other workers	Self-employed		
Skilled work [scale: 5 items; 0=low - 1=high skilled work]	0.72	0.76	0.68	0.56	▼	0.63	0.57		0.63	0.66		
Job involves monotonous tasks	44%	52%	42%	48%		51%	57%		41%	48%		
Undergone training paid for/provided by employer (or yourself when self-employed) over the past 12 months	53%	29%	▼	38%	15%	▼	26%	7%	▼	35%	9%	▼
Responsible for product planning, staffing, working schedules [scale: 3 items; 0=low - 1=high responsibility]	0.19	0.62	▲	0.14	0.39	▲	0.14	0.44	▲	0.13	0.57	▲
Job control [scale: 3 items; 0=low - 1=high control]	0.60	0.66		0.14	0.39	▲	0.48	0.64	▲	0.59	0.79	▲
You can get assistance from colleagues if you ask for it	90%	72%	▼	85%	64%	▼	78%	39%	▼	93%	74%	▼
Control over working time [scale: 3 items; 0=low - 1=high control]	0.51	0.66	▲	0.50	0.86		0.42	0.79	▲	0.43	0.82	▲
Work pace dependant on other (f)actors [scale: 5 items; 0=low - 1=high dependence]	0.39	0.30		0.41	0.30	▼	0.42	0.29	▼	0.39	0.31	▼
Fairly/very often interrupt a task, in order to take an unforeseen tasks	47%	43%		39%	28%		37%	16%		23%	30%	▼
Job demands [scale: 2 items; 0=low - 1=high demands]	0.64	0.56		0.57	0.57		0.51	0.52		0.49	0.60	▲
You have enough time to get the job done	72%	90%	▲	81%	87%		78%	83%		85%	72%	▼

▲ : p<0.05 for groups with significant high scores; ▼ : p>0.05 for groups with significant low scores.

Source: European Survey on Working and Living Conditions 2000 and 2001 (EU-27)

Table 5 Ambient condition, physical load, and new risks of self-employed and other workers in the sector transport, storage and communication by four EU country clusters

	North		Middle			South			NMS			
	Other workers	Self-employed	Other workers	Self-employed		Other workers	Self-employed		Other workers	Self-employed		
Exposure to ambient conditions [scale: 7 items; 0=low - 1=high exposure]	0.28	0.29	0.26	0.21	▼	0.28	0.32		0.28	0.32		
Physical workload [scale: 3 items; 0=low - 1=high exposure]	0.47	0.47	0.44	0.42		0.48	0.59	▲	0.40	0.46		
Use of computers, PC, mainframes:												
• (almost) never	50%	79%	▲	59%	70%	60%	90%	▲	66%	77%		
• 1/4 to 3/4 of the time	27%	14%		16%	15%	17%	4%	▼	14%	17%		
• (almost) all of the time	22%	7%		27%	15%	24%	6%	▼	20%	6%	▼	
Dealing with customers, passengers, pupils, patients, etc.:												
• (almost) never	25%	14%		30%	4%	▼	38%	10%	▼	38%	14%	▼
• 1/4 to 3/4 of the time	31%	31%		25%	17%		17%	18%		20%	20%	
• (almost) all of the time	45%	55%		45%	80%	▲	45%	72%	▲	42%	65%	▲
Exposed to violence, intimidation and/or discrimination [scale: 10 items: 0=low - 1=high exposure]	0.03	0.05		0.03	0.06	▲	0.02	0.04	▲	0.02	0.03	

▲ : p<0.05 for groups with significant high scores; ▼ : p>0.05 for groups with significant low scores.

Source: European Survey on Working and Living Conditions 2000 and 2001 (EU-27)

Table 6 Health of self-employed and other workers in the sector transport, storage and communication by four EU country clusters

	North			Middle			South			NMS		
	Other workers	Self-employed		Other workers	Self-employed		Other workers	Self-employed		Other workers	Self-employed	
Thinking your health or safety is at risk because of your work	22%	46%	▲	29%	32%		46%	78%	▲	48%	60%	
Work affects health in the following ways:												
• problems with your vision	4%	3%		8%	4%		18%	10%		18%	19%	
• backache	41%	52%		29%	26%		42%	62%	▲	36%	47%	
• headaches	21%	31%		11%	17%		18%	23%		22%	19%	
• muscular pains in shoulders and neck and/or upper limbs	52%	48%		22%	15%		29%	44%	▲	27%	36%	
• muscular pains in lower limbs	19%	14%		8%	11%		16%	20%		18%	16%	
• stress	38%	41%		28%	37%		45%	45%		32%	47%	▲
• overall fatigue	17%	24%		17%	13%		40%	54%	▲	39%	54%	▲
• sleeping problems	16%	21%		10%	15%		10%	13%		11%	17%	
Absent in the past year due to accident at work	8%	11%		7%	9%		5%	6%		3%	4%	
Absent in the past year due to health problems caused by work	17%	14%		12%	8%		7%	14%	▲	8%	9%	

▲ : p<0.05 for groups with significant high scores; ▼ : p>0.05 for groups with significant low scores.

Source: European Survey on Working and Living Conditions 2000 and 2001 (EU-27)

Table 7 Salaries of self-employed in the sector transport, storage and communication by four EU country clusters, in percentages

Harmonized income scale	North	Middle	South	NMS
Scale 1	15	19	4	9
Scale 2	10	22	10	22
Scale 3	40	31	27	26
Scale 4	35	28 ▼	58 ▲	43

▲ : p<0.05 for groups with significant high scores; ▼ : p>0.05 for groups with significant low scores.

Source: European Survey on Working and Living Conditions 2000 and 2001 (EU-27)

Table 8 Working-times of self-employed in the sector transport, storage and communication by four EU country clusters, in percentages

	North	Middle	South	NMS
Hours work per week				
• 36 hours/week	3	13	16	12
• 36-48 hours/week	28	32	23	24
• >48 hours/week	69	55	61	64
Working one or more nights a month	72 ▲	47	49	47
Working one or more evenings a month	79	72	90 ▲	75
Working on Saturdays and/or Sundays	86	81	75	73
Working more than 10 hours a day	86	72	62 ▼	83 ▲
Working the same number of hours every day	21	28	42 ▲	24 ▼
Working the same number of days every week	61	48	59 ▲	39
Working shifts	15	22	29 ▲	15
Would you like to work longer/shorter				
• more hours	100	0	25	29
• less hours	0	0	50	29
• the same hours	0	100	25	43
Work fits in very/fairly well with family and social commitments outside work	61	64	61	54

▲ : p<0.05 for groups with significant high scores; ▼ : p>0.05 for groups with significant low scores.

Source: European Survey on Working and Living Conditions 2000 and 2001 (EU-27)

Table 9 Skill development, job control and job demands of self-employed in the sector transport, storage and communication by four EU country clusters

	North	Middle	South	NMS
Skilled work [scale: 5 items; 0=low - 1=high skilled work]	0.76 ▲	0.56	0.57	0.66
Job involves monotonous tasks	52%	48%	57%	48%
Undergone training paid for/provided by employer (or yourself when self-employed) over the past 12 months	29% ▲	15%	7%	9%
Responsible for product planning, staffing, working schedules [scale: 3 items; 0=low - 1=high responsibility]	0.62	0.39 ▼	0.44	0.57
Job control [scale: 3 items; 0=low - 1=high control]	0.66	0.39	0.64 ▼	0.79
You can get assistance from colleagues if you ask for it	72%	64%	39% ▼	74% ▲
Control over working time [scale: 3 items; 0=low - 1=high control]	0.66 ▼	0.86	0.79	0.83
Work pace dependant on other (f)actors [scale: 5 items; 0=low - 1=high dependency]	0.30	0.30	0.29	0.31
Fairly/very often interrupt tasks, in order to take an unforeseen tasks	43% ▲	28%	26% ▼	30%
Job demands [scale: 2 items; 0=low - 1=high demands]	0.56	0.57	0.52	0.60
You have enough time to get the job done	90%	87%	83%	72% ▼

▲ : p<0.05 for groups with significant high scores; ▼ : p>0.05 for groups with significant low scores.

Source: European Survey on Working and Living Conditions 2000 and 2001 (EU-27)

Table 10 Ambient condition, physical load, and new risks of self-employed in the sector transport, storage and communication by four EU country clusters

	North	Middle	South	NMS
Exposure to ambient conditions [scale: 7 items; 0=low - 1=high exposure]	0.29	0.21 ▼	0.32	0.32 ▲
Physical workload [scale: 3 items; 0=low - 1=high exposure]	0.47	0.42 ▼	0.59 ▲	0.46
Use of computers, PC, mainframes:				
• (almost) never	79%	70% ▼	90% ▲	77%
• 1/4 to 3/4 of the time	14%	15%	4% ▼	17%
• (almost) all of the time	7%	15% ▲	6%	6%
Dealing with customers, passengers, pupils, patients, etc.:				
• (almost) never	14%	4%	10%	14%
• 1/4 to 3/4 of the time	31%	17%	18%	20%
• (almost) all of the time	55%	80%	72%	65%
Exposed to violence, intimidation and/or discrimination [scale: 10 items; 0=low - 1=high exposure]	0.05	0.06	0.04	0.03

▲ : p<0.05 for groups with significant high scores; ▼ : p>0.05 for groups with significant low scores.

Source: European Survey on Working and Living Conditions 2000 and 2001 (EU-27)

Table 11 Health of self-employed in the sector transport, storage and communication by four EU country clusters

	North	Middle	South	NMS
Thinking your health or safety is at risk because of your work	46%	32% ▼	78% ▲	60%
Work affects health in the following ways:				
• problems with you vision	3%	4%	10%	19% ▲
• backache	52%	26% ▼	62% ▲	47%
• headaches	31%	17%	23%	19%
• muscular pains in shoulders and neck and/or upper limbs	48%	15% ▼	44%	36%
• muscular pains in lower limbs	14%	11%	20%	16%
• stress	41%	37%	45%	47%
• overall fatigue	24%	13% ▼	54% ▲	54% ▲
• sleeping problems	21%	15%	13%	17%
Absent in the past year due to accident at work	11%	9%	6%	4%
Absent in the past year due to health problems caused by work	14%	8%	14%	9%

▲ : p<0.05 for groups with significant high scores; ▼ : p>0.05 for groups with significant low scores.

Source: European Survey on Working and Living Conditions 2000 and 2001 (EU-27)

Annex 6 Method: National case studies

In this Annex, the research method of the national case studies is presented.

The fieldwork

The fieldwork is conducted in May and June by TNS NIPO. TNS has departments worldwide, and is covered in most of the EU countries. The interviews are therefore conducted by experienced interviewers in the local language. Furthermore, through the local offices it was possible to locate the stakeholders that are accountable for the implementation and enforcement of the Directive. Also the largest unions and employer's organizations in each country were located and asked for their cooperation.

Before the actual interviews took place, all stakeholders at the Ministries were invited to fill in a questionnaire with basic information on the status of the Directive in the specific country (see Annex 2). This way it was possible to obtain statutory information about some important definitions that are being used and, more basic, whether the Directive is or will be implemented (and when).

Three countries were selected as pilot countries in consultation with EU: the United Kingdom, Hungary and the Netherlands. In these countries the first interviews were conducted by the project management from TNO and TNS NIPO in April. These countries were picked in order to check if the intended approach was usable for the other countries (from different points of interest). With the information obtained from the pilot, the questionnaires and process could be optimized.

The interviews were held mostly face-to-face. In some cases it was not possible (or necessary) to realize this, because of the busy schedule of the respondent, the large distance or the relatively small role the Directive played in the specific countries. Therefore, several interviews were conducted by phone or e-mail.

The fieldwork was managed by TNS NIPO in Amsterdam. All interviewers were provided with information, instruction and questionnaires from the project management there. This way, everyone was informed in a consistent and efficient way. The reports from each country were sent to TNS NIPO in a standard format. This helped TNO to structure all the answers for their overall report.

Table 1 Overview of interviews with national stakeholders

Country	Cluster	Ministry of Transport	Ministry of Labour, Inspection	Employers' organisation	Employee's organisation	Self-employed
Austria	middle	–	X	X	–	
Belgium	middle	X	X	X	X	
Germany	middle	X	–	X	X	
Ireland	middle	X	–	–	–	
Luxembourg	middle	X	X	X	X	
Netherlands (pilot)	middle	X	–	X	X	X
United Kingdom (pilot)	middle	X	–	X	–	
Cyprus	nms	–	X	–	–	
Czech Republic	nms	–	X	X	X	
Estonia	nms	X	–	XX	X	
Hungary (pilot)	nms	X	X	X	X	
Latvia	nms	X	X	XX	–	
Lithuania	nms	X	X	–	–	
Malta	nms	–	–	–	–	
Poland	nms	X	–	X	X	
Slovakia	nms	X	–	X	X	
Slovenia	nms	X	–	–	–	
Denmark	north	–	X	X	X	X
Finland	north	X	X	X	X	
Sweden	north	X	X	X	X	
France	south	X	–	X	X	
Greece	south	X	X	X	X	
Italy	south	–	–	X	X	
Portugal	south	X	–	X	X	
Spain	south	–	X	X	X	

X interviewed organisation

XX interviewed organisation (more than one)

– no consent for interview organisation

Annex 7 Method: Questionnaires

E-mail questionnaire legislation

The European Parliament and Council have agreed upon a Working Time Directive for the Road Transport Sector (Directive 2002/15/EC), which has come into force on 23 March 2005: Directive 2002/15/EC.

(for the Directive see: http://europa.eu.int/smartapi/cgi/sga_doc?smartapi!celexapi!prod!CELEXnumdoc&lg=EN&numdoc=32002L0015&model=guicheti)

The European Commission, in particular the Directorate-General Energy and Transport (DG TREN), has been asked by the Parliament to set out a research project into the implementation of this Directive. Part of this assignment concerns the specific situation of the self-employed drivers. This research has been granted to TNO in the Netherlands and TNS NIPO.

The project focuses on the state of implementation of the Working Time Directive in all Member States and on the views of different stakeholders (government, employers' and employees' representatives).

This questionnaire contains questions about the national legislation in your country. Is the Working Time Directive for the Road Transport Sector (Directive 2002/15/EC) copied, or are there derogations at national level. We want to ask you to fill in or complete the questionnaire and **send it by e-mail to TNS NIPO (add e-mail address)**.

Please fill in the middle column with regard to the implementation of the Directive into the national legislation.

If you have questions about the research project or the questionnaire, you can contact TNO: +31-23-5549931 Henny Knijnenburg (secretary).

Legislation		
	National legislation	Directive 2002/15/EC
1. Is the Directive already implemented into the national legislation?	<input type="checkbox"/> Yes (please continue with question 3) <input type="checkbox"/> No, the directive will be implemented at a later point of time (please continue with question 3) <input type="checkbox"/> No, the directive will not be implemented (please continue with question 2)	Article 14. Member states shall adopt the laws, regulations and administrative provisions necessary to comply with this Directive by 23 March 2005.
2. What is the main reason for the fact that the directive will not be implemented:	<input type="checkbox"/> main reason : You do not have to fill in this questionnaire any further. Please follow instructions on page one for sending this document.	
3. At what date has the directive been implemented or is it intended to be implemented?	<input type="checkbox"/> Dd/mm/yy: Please fill in the rest of the questionnaire. The following questions concern the implemented national legislation <i>or the intended legislation</i> . If the directive will be implemented and the (concept) text of the directive is known, please fill in the questions below with that text.	
4. What is your definition of a mobile worker	<input type="checkbox"/> Exactly the definition from the directive (as shown in the column next to this) <input type="checkbox"/> If no, describe definition as mentioned in the national legislation:	Article 3. Mobile worker shall mean any worker forming part of the travelling staff, including trainees and apprentices, who is in the service of an undertaking which operates transport services for passengers or goods by road for hire or reward or on its own account.

Legislation		
	National legislation	Directive 2002/15/EC
<p>5. What is your definition of a self-employed driver?</p>	<p><input type="checkbox"/> Exactly the definition from the directive (as shown in the column next to this)</p> <p><input type="checkbox"/> If no, describe definition as mentioned in the national legislation:</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>	<p>Article 3.</p> <p>Self employed driver shall mean anyone whose main occupation is to transport passengers or goods by road for hire or reward within the meaning of Community legislation under cover of a Community licence or any other professional authorisation to carry out the aforementioned transport, who is entitled to work for himself and who is not tied to an employer by an employment contract or by any other type of working hierarchical relationship, who is free to organise the relevant working activities, whose income depends directly on the profits made and who has the freedom to, individually or through a cooperation between self-employed drivers, have commercial relations with several customers.</p>
<p>6. Did you make use of the possibility for derogations by means of collective agreements and/or social dialogue?</p>	<p><input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes, namely</p>	<p>Article 8.</p> <p>Derogations from Articles 4 and 7 may be adopted by means of collective agreements, agreements between the social partners, of by laws, regulations or administrative provisions provided there is consultation of the representatives of the employers and workers concerned.</p>
<p>7. What is the definition of active working time in the national legislation?</p>	<p><input type="checkbox"/> Exactly the definition from the directive (as shown in the column next to this): yes / no</p> <p><input type="checkbox"/> If no, describe definition as mentioned in the national legislation:</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p><input type="checkbox"/> Is this definition taken up in the national collective agreement: yes / no</p> <p><input type="checkbox"/> If yes, describe the exact text as mentioned in the collective agreement:</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>	<p>Article 3.</p> <p>‘Working time’ shall mean:</p> <p>In the case of mobile workers:</p> <ul style="list-style-type: none"> • the time from the beginning to the end of work, during which the mobile worker is at his workstation, at the disposal of the employer and exercising his functions or activities, that is to say: <ul style="list-style-type: none"> • the time devoted to all road transport activities. driving • loading and unloading • assisting passengers boarding and disembarking from the vehicle • cleaning and technical maintenance • all other work intended to ensure the safety of the vehicle, its cargo and passengers or to fulfil the legal or regulatory obligations directly linked to the specific transport operation under way, including monitoring of loading and unloading, administrative formalities with police, customs, immigration offi-

Legislation		
	National legislation	Directive 2002/15/EC
		<p>cers etc.</p> <ul style="list-style-type: none"> the times during which he cannot dispose freely of his time and is required to be at his workstation, ready to take up normal work, with certain tasks associated with being on duty, in particular during periods awaiting loading or unloading where their foreseeable duration is not known in advance, that is to say either before departure or just before the actual start of the period in question, or under the general conditions negotiated between the social partners and/or under the terms of the legislation of the Member States <p>In the case of self-employed drivers: the same definition shall apply to the time from the beginning to the end of work, during which the self employed driver is at his workstation, at the disposal of the client and exercising his functions or activities other than general administrative work that is not directly linked to the specific transport operation under way.</p>
8. What is the definition of periods of availability?	<p><input type="checkbox"/> Exactly the definition from the directive (as shown in the column next to this): yes / no</p> <p><input type="checkbox"/> If no, describe definition as mentioned in the national legislation:</p> <p><input type="checkbox"/> Is this definition taken up in the national collective agreement: yes / no</p> <p><input type="checkbox"/> If yes, describe the exact text as mentioned in the collective agreement:</p> <p><input type="checkbox"/> What is the payment for periods of availability as mentioned in the collective agreement (% of salary)?</p>	<p>Article 3. 'Periods of availability' shall mean:</p> <ul style="list-style-type: none"> periods other than those relating to break times and rest times during which the mobile worker is not required to remain at his workstation, but must be available to answer any calls to start or resume driving or to carry out other work. In particular such periods of availability shall include periods during which the mobile worker is accompanying a vehicle being transported by ferryboat or by train as well as periods of waiting at frontiers and those due to traffic prohibitions. These periods and their foreseeable duration shall be known in advance by the mobile worker, that is to say either before departure or just before the actual start of the period in question, or under the general conditions negotiated between the social partners and/or under the terms of the legislation of the Member States, for mobile workers driving in a team, the time spent sitting next to the driver or on the couchette while the vehicle is in motion

Legislation		
	National legislation	Directive 2002/15/EC
9. What is the definition of night work?	<input type="checkbox"/> Exactly the definition from the directive (as shown in the column next to this): yes / no <input type="checkbox"/> If no, describe definition as mentioned in the national legislation: <input type="checkbox"/> Is this definition taken up in the national collective agreement: yes / no <input type="checkbox"/> If yes, describe the exact text as mentioned in the collective agreement: <input type="checkbox"/> What is the payment for night work as mentioned in the collective agreement (% of salary)?	Article 3. 'Night time' shall mean: a period of at least four hours, as defined by national law, between 00.00 hours and 07.00 hours; 'Night work' shall mean any work performed during night time.
10. What is the maximum average weekly working time?	<input type="checkbox"/> Exactly the same as mentioned in the directive (as shown in the column next to this): yes / no <input type="checkbox"/> If no, describe the exact text as mentioned in the national legislation: <input type="checkbox"/> Is this limit taken up in the national collective agreement: yes / no <input type="checkbox"/> If yes, describe the exact text as mentioned in the collective agreement:	Article 4. <ul style="list-style-type: none"> The average weekly working time may not exceed 48 hours. The drivers concerned do not exceed an average working time of 48 hours a week over four months;

Legislation		
	National legislation	Directive 2002/15/EC
11. What is the maximum weekly limit in any one week?	<input type="checkbox"/> Exactly the same as mentioned in the directive (as shown in the column next to this): yes / no <input type="checkbox"/> If no, describe the exact text as mentioned in the national legislation: <input type="checkbox"/> Is this limit taken up in the national collective agreement: yes / no <input type="checkbox"/> If yes, describe the exact text as mentioned in the collective agreement:	Article 4. The maximum weekly working time may be extended to 60 hours only if, over 4 months, an average of 48 hours a week is not exceeded.
12. What is the reference period for the maximum average weekly working time?	<input type="checkbox"/> Exactly the same as mentioned in the directive (as shown in the column next to this): yes / no <input type="checkbox"/> If no, describe the exact text as mentioned in the national legislation: <input type="checkbox"/> Is this reference period taken up in the national collective agreement: yes / no <input type="checkbox"/> If yes, describe the exact text as mentioned in the collective agreement:	Article 4. 4 months
13. What is the limit of working hours in the night?	<input type="checkbox"/> Exactly the same limit as described in the directive (as shown in the column next to this): yes / no <input type="checkbox"/> If no, describe definition as mentioned in the national legislation: <input type="checkbox"/> Is this limit taken up in the national collective agreement: yes / no	Article 7. If night work is performed, the daily working time does not exceed ten hours in each 24 period. Compensation for night work is given in accordance with national legislative measures, collective agreements, agreements between the two sides of industry and/or national practice, on condition that such compensation is not liable to endanger road safety.

Legislation		
	National legislation	Directive 2002/15/EC
	<input type="checkbox"/> If yes, describe the exact text as mentioned in the collective agreement:	
14. Which breaks are agreed?	<input type="checkbox"/> Exactly the same breaks as described in the directive (as shown in the column next to this): yes / no <input type="checkbox"/> If no, describe definition as mentioned in the national legislation: <input type="checkbox"/> Are these breaks taken up in the national collective agreement: yes / no <input type="checkbox"/> If yes, describe the exact text as mentioned in the collective agreement:	Article 5. Persons performing mobile road transport activities, without prejudice to Article 2(1), in no circumstances work for more than six consecutive hours without a break. Working time shall be interrupted by a break of at least 30 minutes, if working hours total between six and nine hours, and of at least 45 minutes, if working hours total more than nine hours. Breaks may be subdivided into periods of at least 15 minutes each.
15. Are there any additional limitations with regard to working hours mentioned in national legislation (e.g. per day or special groups) ?	<input type="checkbox"/> No <input type="checkbox"/> If yes, describe the exact text as mentioned in the national legislation: <input type="checkbox"/> Is this limit taken up in the national collective agreement: yes / no <input type="checkbox"/> If yes, describe the exact text as mentioned in the collective agreement:	-
16. Have you laid down a system of penalties?	<input type="checkbox"/> Yes/No <input type="checkbox"/> If yes, namely	Article 11: Member States shall lay down a system of penalties for breaches of the national provisions adopted pursuant to this Directive and shall take all the measures necessary to ensure that these penalties are applied.

Additional remarks:

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Interview questionnaire *Government representatives* (to be translated in national language)

As you know the European Parliament and Council have agreed upon a Working Time Directive for the Road Transport Sector (Directive 2002/15/EC), which has come into force on 23 March 2005: Directive 2002/15/EC.

(for the Directive see: http://europa.eu.int/smartapi/cgi/sga_doc?smartapi!celexapi!prod!CELEXnumdoc&lg=EN&numdoc=32002L0015&model=guicheti)

The European Commission, in particular the Directorate-General Energy and Transport (DG TREN), has been asked by the Parliament to set out a research project into the implementation of this Directive. Part of this assignment concerns the specific situation of the self-employed drivers. Another part concerns the rules on night work. This research has been granted to TNO in the Netherlands and TNS NIPO. The project focuses on the state of implementation of the Working Time Directive in all Member States and on the views of different stakeholders (government, employers' and employees' representatives).

This interview will be anonymous. The information will be presented only on group level, for example "all trade unions" or "countries in the south of Europe". Only facts about the legislation will be presented at country level. Your name will not be mentioned in any case.

In this meeting we want to discuss the following subjects:

1. Part 1. Policy and practice of implementation (p. 3)
 - a. Implementation of the Directive into legislation
 - b. Enforcement policy and practice
2. Part 2. Views of stakeholders (p. 7)
 - a. Your view on the implementation process
 - b. Your view on the impact of the Directive on sector and profession
 - c. Your view on self-employed drivers.

Some definitions according to Directive 2002/15/EC

Article 2. Scope:

- This Directive shall apply to mobile workers employed by undertakings established in a Member State, participating in road transport activities covered by Regulation 3820/85 (driving time) or, failing that, by the AETR Agreement (European agreement concerning the work of crews of vehicles engaged in international road transport).
- (...) This Directive shall apply to self-employed from 23 March 2009.

Article 3. Definitions

- *'Mobile worker'* shall mean any worker forming part of the travelling staff, including trainees and apprentices, who is in the service of an undertaking which operates transport services for passengers or goods by road for hire or reward or on its own account.
- *'Self employed driver'* shall mean anyone whose main occupation is to transport passengers or goods by road for hire or reward within the meaning of Community legislation under cover of a Community licence or any other professional authorisations to carry out the aforementioned transport, who is entitled to work for himself and who is not tied to an employer by an employment contract or by any other type of working hierarchical relationship, who is free to organise the relevant working activities, whose income depends directly on the profits made and who has the freedom to, individually or through a cooperation between self-employed drivers, have commercial relations with several customers.

Organisation :
 Name of stakeholder :
 Position :
 Date of interview :

Part 1a. Policy and practice: Implementation and legislation

Policy and practice: Implementation and legislation		
17. Did you fill in the e-mail questionnaire?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Partially	Please, take in the questionnaire and complete if necessary.
18. Does this give us a complete overview of the rules in place with regard to maximum working hours and night work for mobile workers?	<input type="checkbox"/> Yes <input type="checkbox"/> No	Additional rules that might be relevant:
19. How does this Directive relate to other legislation in your country, with regard to maximum working hours and night work? <i>E.g. driving and rest times directive, global working time directive.</i>	<ul style="list-style-type: none"> • Complementary to other legislation: • Contradictory to other legislation: 	Please, specify:
20. How does this Directive relate to other legislation in your country, with regard to definitions of working time and periods of availability?	<ul style="list-style-type: none"> • Complementary to other legislation: • Contradictory to other legislation: 	Please, specify:
21. The definition of self-employed drivers is mentioned in the introduction. Is this definition also used in your national legislation?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
22. If no, why not and what definition is used.	Reason: Definition:	

Policy and practice: Implementation and legislation		
23. What distinction do you make between workers and self-employed?	<input type="checkbox"/> No rules for maximum work hours or night work for self-employed <input type="checkbox"/> Other,	
24. How do you prepare yourself for the inclusion of self-employed in 2009?	<input type="checkbox"/> No special preparations <input type="checkbox"/> Special preparations	Please, specify the special preparations:

Part 1b. Policy and practice: Enforcement

Policy and practice: Enforcement		
	Directive 2002/15/EC	
25. Which bodies are involved in the enforcement of the Directive?	<input type="checkbox"/> Labour Inspection <input type="checkbox"/> Inspection of Transport <input type="checkbox"/> Other,	
26. What are the responsibilities of these enforcement bodies? <i>E.g. supervision, penalties</i>	Enforcement body: • • •	Responsibility: • • •
27. What is the level of oversight of these enforcement bodies?	Level of oversight is <i>poor/medium/good</i> with regard to: • total industry: • branches of the industry: • large or small companies: • employed or self-employed drivers:	Please, specify:
28. How does enforcement take place?	• Ad hoc • Campaigns • In reaction to reports or accidents • Embedded in duties of companies • Other,	Please, specify:
29. Do you feel any contradictions between different legislation with regard to enforcement?	<input type="checkbox"/> Yes <input type="checkbox"/> No	Please, specify the contradiction:
30. If Yes, how do you solve these contradictions?		Please, specify the solution:
31. What penalties are laid down?	• Kind of penalties: • Amounts: from to	
32. Who is responsible for settlement/payment of the penalties? <i>E.g. company, driver.</i>	• • •	

Policy and practice: Enforcement		
	Directive 2002/15/EC	
33. How is training of inspectors arranged and/or organized?	
34. What do you consider the main problems/obstacles regarding enforcement in your country?	Main problems with enforcement: • • •	
35. What does your organisation do to cope with these obstacles?	• No specific actions • Activities:	
36. What would be your recommendations with regard to the implementation and enforcement of the Directive?	Recommendations towards EU: • • Recommendations towards national government: • •	
37. What do you consider the main good practices with regard to implementation and enforcement in your country?	Good practice in your country: • • •	

Part 2a. Views of stakeholders: Implementation process

Views of stakeholders: Implementation process		
1. Has there been a debate on the implementation of the Directive in your country?	<input type="checkbox"/> No <input type="checkbox"/> Yes	
2. How was <i>your own organisation</i> involved during the implementation process?	<ul style="list-style-type: none"> • Not involved • Involved in defining the rules • Involved in defining enforcement • Other, 	Please, specify your role:
3. What other parties were involved?	Parties involved: <ul style="list-style-type: none"> • • • 	
4. Please mention the main issues <i>for your organisation</i> in this national debate regarding the implementation of the Directive. <i>E.g. number of maximum working hours, working in night times, self-employed drivers, other...</i> This is a central question, it must be well explored.	Main issues for debate: <ul style="list-style-type: none"> • • • • • 	
5. What do you consider the main (foreseen) problems/obstacles regarding the <i>translation from the directive into national legislation, ...from the point of view of your organisation/members?</i>	Main problems with legislation: <ul style="list-style-type: none"> • • • • • 	

Part 2b. Views of stakeholders: Impact of the Directive

We now would like to ask you some questions with regard to the possible impact of the Directive on the transport sector and profession. Please consider the situation in about 5 years from now, when the Directive is implemented in all EU countries.

Views of stakeholders: Impact of limitations in working time		
<p>6. What do you consider the main factor of (foreseen) impact (positive or negative effects) of the 48 hour limit?</p>	<p><input type="checkbox"/> National structure of the sector (e.g. ratio small/middle/large companies, more/less self employed drivers, increase/decrease of the sector)</p> <p><input type="checkbox"/> Cost-effectiveness</p> <p><input type="checkbox"/> Health and safety</p> <p><input type="checkbox"/> Salaries</p> <p><input type="checkbox"/> Driver's working conditions</p> <p><input type="checkbox"/> Road accidents</p> <p><input type="checkbox"/> Other</p>	<p>Factor of impact:</p> <p>(Foreseen) impact:</p> <p>Factor of impact:</p> <p>(Foreseen) impact:</p> <p>Factor of impact:</p> <p>(Foreseen) impact:</p>
<p>7. What do you consider the main (foreseen) impact (positive or negative effects) of the rules on night work on:</p>	<p><input type="checkbox"/> National structure of the sector (e.g. ratio small/middle/large companies, more/less self employed drivers, increase/decrease of the sector)</p> <p><input type="checkbox"/> Cost-effectiveness</p> <p><input type="checkbox"/> Health and safety</p> <p><input type="checkbox"/> Salaries</p> <p><input type="checkbox"/> Driver's working conditions</p> <p><input type="checkbox"/> Road accidents</p> <p><input type="checkbox"/> Other</p>	<p>Factor of impact:</p> <p>(Foreseen) impact:</p> <p>Factor of impact:</p> <p>(Foreseen) impact:</p> <p>Factor of impact:</p> <p>(Foreseen) impact:</p>
<p>8. Do you have any evidence to prove the above mentioned impacts?</p>	<p>The mentioned impact is based upon:</p> <p><input type="checkbox"/> My own (expert) opinion</p> <p><input type="checkbox"/> (National) statistics</p> <p><input type="checkbox"/> (National) research reports</p> <p><input type="checkbox"/> Other,</p>	<p>Please specify any document/figures that could prove your viewpoint.</p> <p>Is it possible to sent a copy of those documents/figures?</p>
<p>15. Is research done or planned on this issue in your country?</p>	<p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>	<p>If Yes, what are the results?</p> <p>.....</p> <p>.....</p> <p>Is it possible to send information and/or the results of this research?</p>

Part 2c. Views of stakeholders: Self-employed drivers

Views of stakeholders: (Temporary) exclusion of self-employed drivers		
<p>16. In 2009, when self-employed drivers are included, what do you consider the main factors with consequences of this inclusion?</p>	<input type="checkbox"/> National structure of the sector (e.g. ratio small/middle/large companies, more/less self employed drivers, increase/decrease of the sector) <input type="checkbox"/> Cost-effectiveness <input type="checkbox"/> Health and safety <input type="checkbox"/> Salaries/profits <input type="checkbox"/> Driver's working conditions <input type="checkbox"/> Road accidents <input type="checkbox"/> Other	<p>Factor of impact: (Foreseen) impact:</p> <p>Factor of impact: (Foreseen) impact:</p> <p>Factor of impact: (Foreseen) impact:</p>
<p>17. What do you consider the main factors with consequences should the self-employed remain excluded?</p>	<input type="checkbox"/> National structure of the sector (e.g. ratio small/middle/large companies, more/less self employed drivers, increase/decrease of the sector) <input type="checkbox"/> Cost-effectiveness <input type="checkbox"/> Health and safety <input type="checkbox"/> Salaries/profits <input type="checkbox"/> Driver's working conditions <input type="checkbox"/> Road accidents <input type="checkbox"/> Other	<p>Factor of impact: (Foreseen) impact:</p> <p>Factor of impact: (Foreseen) impact:</p> <p>Factor of impact: (Foreseen) impact:</p>
<p>18. Do you have any evidence to prove the above mentioned impacts?</p>	<p>The mentioned impact is based upon:</p> <input type="checkbox"/> My own (expert) opinion <input type="checkbox"/> (National) statistics <input type="checkbox"/> (National) research reports <input type="checkbox"/> Other,	<p>Please specify any document/figures that could prove your viewpoint.</p> <p>Is it possible to sent a copy of those documents/figures?</p>
<p>19. How can, at EU level, be helped to overcome negative consequences or obstacles with the inclusion of the self-employed in the Directive?</p>	<p>Recommendations:</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>	<p>Parties responsible:</p> <ul style="list-style-type: none"> • • • • •
<p>14. What minimal conditions should be met if the self-employed remain excluded?</p>	<p>Minimal conditions:</p> <ul style="list-style-type: none"> • • 	

Views of stakeholders: Additional comments	
15. Do you have any additional comments?	
16. Please, check with the government representative the names of stakeholders from employers' and employees' organisations: are they the right persons to talk to?	
17. In September (week 38) a meeting will be organised by the Directorate-General Energy and Transport (DG TREN) regarding this issue. You will receive an invitation.	<p>If the interviewee wants to remain anonymous, please mark this below. In this case the invitation will be sent to the management of the organisation.</p> <p>Anonymous:</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>

Interview questionnaire *Stakeholders: employers' and employees' organisations* (to be translated in national language)

As you know the European Parliament and Council have agreed upon a Working Time Directive for the Road Transport Sector (Directive 2002/15/EC), which has come into force on 23 March 2005: Directive 2002/15/EC.

(for the Directive see: http://europa.eu.int/smartapi/cgi/sga_doc?smartapi!celexapi!prod!CELEXnumdoc&lg=EN&numdoc=32002L0015&model=guicheti)

The European Commission, in particular the Directorate-General Energy and Transport (DG TREN), has been asked by the Parliament to set out a research project into the implementation of this Directive. Part of this assignment concerns the specific situation of the self-employed drivers. Another part concerns the rules on night work. This research has been granted to TNO in the Netherlands and TNS NIPO. The project focuses on the state of implementation of the Working Time Directive in all Member States and on the views of different stakeholders (government, employers' and employees' representatives).

This interview will be anonymous. The information will be presented only on group level, for example "all trade unions" or "countries in the south of Europe". Only facts about the legislation will be presented at country level. Your name will not be mentioned in any case.

In this meeting we want to discuss the following subjects:

2. Part 2. Views of stakeholders (p. 3)
 - a. Your view on the implementation process
 - b. Your view on the impact of the Directive on sector and profession
 - c. Your view on self-employed drivers.

Some definitions according to Directive 2002/15/EC

Article 2. Scope:

- This Directive shall apply to mobile workers employed by undertakings established in a Member State, participating in road transport activities covered by Regulation 3820/85 (driving time) or, failing that, by the AETR Agreement (European agreement concerning the work of crews of vehicles engaged in international road transport).
- (...) This Directive shall apply to self-employed from 23 March 2009.

Article 3. Definitions

- *'Mobile worker'* shall mean any worker forming part of the travelling staff, including trainees and apprentices, who is in the service of an undertaking which operates transport services for passengers or goods by road for hire or reward or on its own account.
- *'Self employed driver'* shall mean anyone whose main occupation is to transport passengers or goods by road for hire or reward within the meaning of Community legislation under cover of a Community licence or any other professional authorisations to carry out the aforementioned transport, who is entitled to work for himself and who is not tied to an employer by an employment contract or by any other type of working hierarchical relationship, who is free to organise the relevant working activities, whose income depends directly on the profits made and who has the freedom to, individually or through a cooperation between self-employed drivers, have commercial relations with several customers.

Organisation :
 Name of stakeholder :
 Position :
 Date of interview :

Part 2a. Views of stakeholders: Implementation and enforcement

Views of stakeholders: Implementation process		
1. Has there been a debate on the implementation of the Directive in your country?	<input type="checkbox"/> No <input type="checkbox"/> Yes	
2. How was <i>your own organisation</i> involved during the implementation process?	<input type="checkbox"/> Not involved <input type="checkbox"/> Involved in defining the rules <input type="checkbox"/> Involved in defining enforcement <input type="checkbox"/> Other,	Please, specify your role:
3. What other parties were involved?	Parties involved: • • •	
4. The definition of self-employed drivers is mentioned in the introduction. Is this definition also used in the national legislation?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
5. If No, why not and what definition is used?	Reason Definition	
6. Please mention the main issues <i>for your organisation</i> in this national debate regarding the implementation of the Directive. E.g. number of maximum working hours, working in night times, self employed drivers, other... This is a central question, it must be well explored.	Main issues for debate: • • • • • •	

Views of stakeholders: Legislation and enforcement		
<p>7. What do you consider the main (foreseen) problems/obstacles regarding the <i>translation from the directive into national legislation, ...from the point of view of your organisation/members?</i></p>	<p>Main problems with legislation:</p> <ul style="list-style-type: none"> • • • 	
<p>8. What do you consider the main problems/obstacles regarding enforcement in your country?</p>	<p>Main problems with enforcement:</p> <ul style="list-style-type: none"> • • • 	
<p>9. What does your organisation do to cope with these obstacles?</p>	<p><input type="checkbox"/> No specific actions <input type="checkbox"/> Activities:</p>	
<p>10. What would be your recommendations with regard to the implementation and enforcement of the Directive?</p>	<p>Recommendations towards EU:</p> <ul style="list-style-type: none"> • • <p>Recommendations towards national government:</p> <ul style="list-style-type: none"> • • 	
<p>11. What do you consider the main good practices with regard to implementation and enforcement in your country?</p>	<p>Good practices in your country:</p> <ul style="list-style-type: none"> • • • 	

Part 2b. Views of stakeholders: Impact of the Directive

We now would like to ask you some questions with regard to the possible impact of the Directive on the transport sector and profession. Please consider the situation in about 5 years from now, when the Directive is implemented in all EU countries.

Views of stakeholders: Impact of limitations in working time		
<p>12. What do you consider the main factor of (foreseen) impact (positive or negative effects) of the 48 hour limit?</p>	<input type="checkbox"/> National structure of the sector (e.g. ratio small/middle/large companies, more/less self employed drivers, increase/decrease of the sector) <input type="checkbox"/> Cost-effectiveness <input type="checkbox"/> Health and safety <input type="checkbox"/> Salaries <input type="checkbox"/> Driver's working conditions <input type="checkbox"/> Road accidents <input type="checkbox"/> Other	<p>Factor of impact: (Foreseen) impact:</p> <p>Factor of impact: (Foreseen) impact:</p> <p>Factor of impact: (Foreseen) impact:</p>
<p>13. What do you consider the main (foreseen) impact (positive or negative effects) of the rules on night work on:</p>	<input type="checkbox"/> National structure of the sector (e.g. ratio small/middle/large companies, more/less self employed drivers, increase/decrease of the sector) <input type="checkbox"/> Cost-effectiveness <input type="checkbox"/> Health and safety <input type="checkbox"/> Salaries <input type="checkbox"/> Driver's working conditions <input type="checkbox"/> Road accidents <input type="checkbox"/> Other	<p>Factor of impact: (Foreseen) impact:</p> <p>Factor of impact: (Foreseen) impact:</p> <p>Factor of impact: (Foreseen) impact:</p>
<p>14. Do you have any evidence to prove the above mentioned impacts?</p>	<p>The mentioned impact is based upon:</p> <input type="checkbox"/> My own (expert) opinion <input type="checkbox"/> (National) statistics <input type="checkbox"/> (National) research reports <input type="checkbox"/> Other,	<p>Please specify any document/figures that could prove your viewpoint.</p> <p>Is it possible to send a copy of those documents/figures?</p>
<p>15. Is research done or planned on this issue in your country?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No	<p>If Yes, what are the results?</p> <p>.....</p> <p>.....</p> <p>Is it possible to send information and/or the results of this research?</p>

Part 2c. Views of stakeholders: Self-employed drivers

Views of stakeholders: (Temporary) exclusion of self-employed drivers		
<p>16. In 2009, when self-employed drivers are included, what do you consider the main factors with consequences of this inclusion?</p>	<input type="checkbox"/> National structure of the sector (e.g. ratio small/middle/large companies, more/less self employed drivers, increase/decrease of the sector) <input type="checkbox"/> Cost-effectiveness <input type="checkbox"/> Health and safety <input type="checkbox"/> Salaries/profits <input type="checkbox"/> Driver's working conditions <input type="checkbox"/> Road accidents <input type="checkbox"/> Other	<p>Factor of impact: (Foreseen) impact:</p> <p>Factor of impact: (Foreseen) impact:</p> <p>Factor of impact: (Foreseen) impact:</p>
<p>17. What do you consider the main factors with consequences should the self-employed remain excluded?</p>	<input type="checkbox"/> National structure of the sector (e.g. ratio small/middle/large companies, more/less self employed drivers, increase/decrease of the sector) <input type="checkbox"/> Cost-effectiveness <input type="checkbox"/> Health and safety <input type="checkbox"/> Salaries/profits <input type="checkbox"/> Driver's working conditions <input type="checkbox"/> Road accidents <input type="checkbox"/> Other	<p>Factor of impact: (Foreseen) impact:</p> <p>Factor of impact: (Foreseen) impact:</p> <p>Factor of impact: (Foreseen) impact:</p>
<p>18. Do you have any evidence to prove the above mentioned impacts?</p>	<p>The mentioned impact is based upon:</p> <input type="checkbox"/> My own (expert) opinion <input type="checkbox"/> (National) statistics <input type="checkbox"/> (National) research reports <input type="checkbox"/> Other,	<p>Please specify any document/figures that could prove your viewpoint.</p> <p>Is it possible to sent a copy of those documents/figures?</p>
<p>19. How can, at EU level, be helped to overcome negative consequences or obstacles with the inclusion of the self-employed in the Directive?</p>	<p>Recommendations:</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>	<p>Parties responsible:</p> <ul style="list-style-type: none"> • • • • •
<p>20. What minimal conditions should be met if the self-employed remain excluded?</p>	<p>Minimal conditions:</p> <ul style="list-style-type: none"> • • 	

Views of stakeholders: Additional comments	
21. Do you have any additional comments?	
22. In September (week 38) a meeting will be organised by the Directorate-General Energy and Transport (DG TREN) regarding this issue. You will receive an invitation.	If the interviewee wants to remain anonymous, please mark this below. In this case the invitation will be sent to the management of the organisation. Anonymous: <input type="checkbox"/> Yes <input type="checkbox"/> No

Annex 8 Method: Quality assessment of the data and plan for analysis

In this Annex the available data sources will be assessed and the approach for the data-analysis will be described. The results of this analysis are given in Chapter 6.

1. Plan for data-analysis national structure of the road transport industry (WP 2.1)

General research method

The following top-down approach for each country has been undertaken in order to acquire information on the structure of the road freight transport industry:

1. First, data sources on an international level have been analysed. The most valuable source proved to be Eurostat. In addition we analysed data sources from ECMT and IRU;
2. Next, databases from national statistics offices and government sites on the internet have been analysed;
3. Third, data from sector organizations in the transport industry in the different countries have been analysed - if available on the internet;
4. Fourth, some secondary literature has been used to be able to get some insight in the trends in different countries, together with an internet search.

The data-analysis focussed on code NACE 60.24 (freight transport by road). In some cases NACE 60 (land transport) or 601 (road transport) were used, this is noted in the text. The details for the different years used are reported in the country reports.

Data availability: details

In this paragraph a complete inventory of data sets is undertaken in order to obtain insight into the national structure of the road transport industry and to assess the applicability of the data sources for the project. The basis for our analysis consists of a coherent set of databases, both on the EU level and on the level of the different nations, and both from public and private sources. The following enumeration will outline the available data in Europe:

- *Eurostat*

The database contains general data about the transport sector. The data are often limited to the EU-15 countries, especially the data before 2002. The database can give more information about:

- goods transport enterprises, by number of employees;
- employment in goods transport enterprises;
- overview of the economic structure of the transport market in the EU-countries.

The data in the database are delivered by the statistic organisation of the EU-countries. Eurostat, the main data provider of the European Union, may be accessed directly on the Europe internet site under: <http://epp.eurostat.ec.eu.int/pls/portal>.

The data collected in Eurostat are not complete. Eurostat is a good start to learn about the general availability of data, but the specific organisations in the different EU-countries will have to provide a large amount of the specialised data on the structure of the road transport industry;

- Statistical pocketbook 2004: Energy & Transport in figures 2004*

This publication provides an overview of energy and transport statistics for the EU and its Member States in a concise and user-friendly way. Wherever available, data from the ten countries which joined the EU on 1 May 2004 have been added to the tables of this edition. The presentation of the tables has been adjusted accordingly.

Most of the tables include data up to 2002. In some cases, 2003 data are given.

This pocketbook is based on a range of sources, including Eurostat, international organisations, national statistics, studies and, where no data were available, own estimates.

The tables of this book, some additional information and links to the data sources may also be found on the Europe internet site under:
http://europa.eu.int/comm/dgs/energy_transport/figures/pocketbook/index_en.htm.
- ECMT*

As a consequence of a request of the Council of Ministers, the ECMT has decided to collect statistical information on short-term trends in inland transport sectors. This information is published in short-term surveys on their website.

Among main published indicators, information will be found on carried tonne-km and passenger-km. For the road sector, data on number of vehicles, vehicle-km and motor fuel deliveries are also available. There are also more general data such as imports and exports at current prices as well as industrial production, for the different ECMT Member countries.

Besides these data, the ECMT publishes a list of links, which link to the sites of the statistical organisations of the different EU-countries.
- IRU*

The International Road Transport Union publishes road transport indices (Road Freight Transport (Million tonnes), GDP (\$ Billion), and Truck Registration for Austria, Belgium, Switzerland, Germany, Denmark, Spain, France, Greece, Italy, Ireland, Luxemburg, Norway, Netherlands, Portugal, Sweden, Finland, United Kingdom on their website. These and other publications can be downloaded from their website.

Besides these European data sources, there are also various national data sources. In Appendix 9 a short enumeration of the available data sources and the availability and information of these sources is presented.

Example

To get better insight in the quality of the available data, we decided to test the data availability. As an example we tried to collect information about the number of transport enterprises in the Netherlands and the distribution of these enterprises by size. We also did the same test for Hungary.

The Netherlands

1. Eurostat

The first step is to look at the Eurostat database:

	time	1996a00	1997a00	1998a00	1999a00	2000a00
sizeclas						
total	Total	8808	9302	9753	9773	10290
1_5	Between 1 and 5	:	:	:	:	:
6_9	Between 6 and 9	:	:	:	:	:
10_19	Between 10 and 19	934	937	941	960	1025
20_49	Between 20 and 49	640	649	663	685	750
ge_50	50 or more	322	320	330	335	380

Figure 1 Eurostat data example

2. Statistics Netherlands (CBS)

As you can see these data are not complete, so the next step is to try the national governmental data resources. In this case this resource is Statistics Netherlands (CBS). The results from the CBS database are:

Kerncijfers transport per SBI		
	Onderwerpen	Bedrijven
SBI'93	Perioden	<i>absoluut</i>
6024 Goederenwegvervoerbedrijven	2000	10290
	2001	10140
	2002	9385
	2003	9160
© Centraal Bureau voor de Statistiek, Voorburg/Heerlen 2006-01-24		

Verdeling van de werkzame personen, 1999		
	Onderwerpen	Werkzame personen
SBI	Grootteklasse	<i>x 100</i>
6024 Goederenwegvervoerbedrijven, totaal	Alle bedrijven	1264
	0 tot 10 werknemers	292
	10 en meer werknemers	.
	10 tot 100 werknemers	635
	100 en meer werknemers	338
© Centraal Bureau voor de Statistiek, Voorburg/Heerlen 2006-01-24		

Figure 2 CBS data examples

The first table shows the number of transport enterprises in the Netherlands and the second table outlines the number of people working in transport enterprises, divided into different size categories. When combining these two tables, the composition of the Dutch transport sector becomes clear.

3. NIWO

NIWO, the Dutch organisations for providing transport licences, collects more detailed and reliable data. NIWO can provide us with the following data:

Tabel 5. Omvang vergunninghouders					
per 1 januari 2005					
Aantal binnenlandse vergunningbewijzen in bezit	Alleen een binnenlandse vergunning		Tevens een Eurovergunning		
	Aantal vergunninghouders	Aantal binnenlandse vergunningbewijzen	Aantal vergunninghouders	Aantal binnenlandse vergunningbewijzen	Aantal Eurovergunningbewijzen
≤ 5	1.810	3.361	6.369	12.726	11.011
6-10	230	1.719	1.393	10.786	8.253
11-20	97	1.368	1.047	15.263	11.486
21-50	41	1.184	755	23.423	18.323
51-100	7	419	223	15.167	11.791
>100	3	363	85	18.677	10.540
Totaal	2.188	8.414	9.872	96.042	71.404

Figure 3 NIWO data example

This table shows detailed information about the number of transport licences in the Netherlands. Besides this table for 2005, NIWO provides more information about the previous years, so it is possible to predict trends in the transport sector.

Hungary

1. Eurostat

The first step is to look at the Eurostat database:

<>	time	1996a00	1997a00	1998a00	1999a00	2000a00	2001a00	2002a00	2003a00
sizeclas									
total/ Total		2307	2806	3975	4237	4591	4782	5183	5566
1_5 Between 1 and 5		1698	2227	2877	3121	3347	3451	3725	4003
6_9 Between 6 and 9		:	:	561	582	661	712	772	855
10_19 Between 10 and 19		286	280	280	278	327	362	395	427
20_49 Between 20 and 49		217	199	185	186	177	170	214	198
ge_50 50 or more		106	100	72	70	79	87	77	83

Figure 4 Eurostat data example

As you can see these data are almost complete, so further research steps are not necessary.

Conclusion on data availability

The general conclusion about the availability of data to describe the transport sector in the different EU-countries is that the data have a limited availability. To get the detailed information necessary to predict the results of the EU directive for mobile workers it is necessary to also collect data on the national and even sometimes at transport sector level.

Plan of data-analysis

The plan of action for the collection of data to describe the current situation of the transport industry is divided into a number of different steps. Our approach is top-down, the start of the analysis will be on the European level and the end will be on the level of different sector organisations in the transport sector. The collection of data starts with the first data sources in the list. When necessary the following sources were used to complement the data. We continued this, until all the data for our analysis were as complete as we could get it. The list of data sources in order is:

1. Eurostat;
2. Statistical pocketbook of the EU;
3. IRU;
4. National statistical organizations;
5. National sector organizations;
6. Other scientific literature and other documents related to the structure of the road freight industry in the different countries.

2. Plan for data-analysis working environment of road transport profession (WP 2.2)

This paragraph describes the availability of databases to describe the work environment of the road transport profession (WP 2.2), the content of the databases, the possibilities and limitations of the databases, a plan for data-analysis and the methods used.

Data availability

In this paragraph available databases on the working environment will be described. We will mainly focus on data available at the EU level. There are some interesting databases, with the

restriction that they do not cover the period after implementation of the EU Directive on working times (yet). Next to analysing these databases we additionally used our networks and literature with relevant information on the working environment.

At the European level, three different databases will be available with data from the European Working Conditions Survey (EWCS):

1. European Survey data of 15 EU countries for 1996;
2. European Survey data of 15 EU countries for 2000;
3. European Survey data of 12 EU acceding and candidate countries for 2001/2.

Database 1 and 2 can be matched to look at trends between 1996 and 2000 in the 15 EU countries. The 15 EU countries are:

- | | |
|------------|--------------------|
| 1. Belgium | 9. Luxembourg |
| 2. Denmark | 10. Netherlands |
| 3. Germany | 11. Portugal |
| 4. Greece | 12. United Kingdom |
| 5. Italy | 13. Finland |
| 6. Spain | 14. Sweden |
| 7. France | 15. Austria |
| 8. Ireland | |

Database 2 and 3 are matched and will give a picture of the most recent situation available in all EU member states for which data are available. The 27 EU countries are:

- | | |
|--------------------|--------------------|
| 1. Belgium | 15. Austria |
| 2. Denmark | 16. Bulgaria |
| 3. Germany | 17. Cyprus |
| 4. Greece | 18. Estonia |
| 5. Italy | 19. Lithuania |
| 6. Spain | 20. Latvia |
| 7. France | 21. Hungary |
| 8. Ireland | 22. Malta |
| 9. Luxembourg | 23. Poland |
| 10. Netherlands | 24. Romania |
| 11. Portugal | 25. Slovenia |
| 12. United Kingdom | 26. Slovakia |
| 13. Finland | 27. Czech Republic |
| 14. Sweden | |

With the databases described above we can give a description of the situation before the implementation of the Directive. In order to do this in a reliable way, we will have to aggregate countries. Sample sizes per country per year are relatively small ($n=1,500$), and too few self-employed will be available in the transport sector (see below).

Content of the databases

The databases contain information regarding the following subjects (Table 1).

Table 1 Content of the databases

Subjects	Examples of variables
Demographics	<ul style="list-style-type: none"> • marital status • sex • age • activities outside work

Subjects	Examples of variables
Structure	<ul style="list-style-type: none"> • job title • years with company and organisation • job status • sector • number of people working in local unit/company • number of people working under your supervision
Time	<ul style="list-style-type: none"> • hours usually worked per week • times a month work at night for at least 2 hours between 10 and 5 • times a month work in the evening for at least 2 hours between 6 and 10 • times worked on Saturdays/Sundays a month • number of days a month working more than 10 hours a day • fixed starting and finishing times • part-time work • shift work • fit between work and family or social commitments
Physical environment	<ul style="list-style-type: none"> • be exposed to vibrations, noise, high/low temperatures, radiation, etc. • job involves painful/tiring positions, carrying/moving heavy loads, working with computers, etc.
Organisational environment	<ul style="list-style-type: none"> • working at very high speed • deadlines • interruptions during task • pace of work depends on other parties and its causes and effects • able to choose work order, methods, speed/rate of work • ability to get assistance from colleagues • can take a break when you wish • can influence your working time • enough time to get job done • learning new things • complex tasks • monotonous tasks • match between skills and job demands
Social environment	<ul style="list-style-type: none"> • able to discuss your working conditions or the organisation • able to exchange views • violence • intimidation • discrimination
Outcomes	<ul style="list-style-type: none"> • health or safety at risk due to work and effects (e.g. hearing problems, visual problems, backache, headache, sleeping problems, injury, stress, overall fatigue) • days absent last 12 months due to an accident at work • days absent due to health problems caused by work • days absent due to other health problems

Possibilities and limitations

There are no data available for the period after the implementation of the Directive. This means that we can not make a comparison between the situation before and after the implementation of the Directive.

To establish the sector people work in, people were asked about the main activity of the company or organization where they work, with different sectors as answering categories. The sectors are categorized according to the NACE codes on one digit level (I transport storage and communications; in 1996 and 2001/2002) and two digit level (I60 land transport; in 2000).³⁶ For our analyses we can only use the NACE codes on one digit level, which means that the analyses are done for the sector 'transport and telecommunication' (see Table 2).

Table 2 The sectors

EU27		Frequency	Percent	Valid percent
Valid	1. Agriculture, etc.	1926	5.9	5.9
	2. Mining, quarrying, manufacturing	6172	18.8	18.9
	3. Electricity, gas, water supply	402	1.2	1.2
	4. Construction	2124	6.5	6.5
	5. Trade	5249	46.0	16.1
	6. Hotels and restaurants	1406	4.3	4.3
	7. Transport and telecommunication	2209	6.7	6.8
	8. Financial intermediation	995	3.0	3.0
	9. Real estate and business activities	1928	5.9	5.9
	10. Public administration	2178	6.6	6.7
	11. Education, health and other services	8045	24.5	24.7
	Total	32634	99.4	100.0
Missing	System	192	0.6	
Total		32826	100.0	

Because of the relative low number of self-employed per country in the sector transport, storage and communication, and in particular the small number of self-employed in the sector, we can not provide data for each country separately on the basis of these surveys (see Table 3). We can only present data for the total EU and for clusters of countries.

³⁶ http://europa.eu.int/comm/competition/mergers/cases/index/nace_all.html.

Table 3 Job position by country for people working in the sector transport and telecommunications

Country	Employed or self-employed?			Other	Total
	Self-employed without employees	Self-employed with employees	Employed		
1. Belgium	1	0	111	0	112
2. Denmark	6	4	94	0	104
3. Germany	4	5	96	1	106
4. Greece	23	1	62	0	86
5. Italy	9	4	88	1	102
6. Spain	25	1	66	0	92
7. France	3	2	85	0	90
8. Ireland	15	7	89	0	111
9. Luxembourg	0	1	44	0	45
10. Netherlands	0	0	105	3	108
11. Portugal	3	0	56	0	59
12. United Kingdom	10	1	96	0	107
13. Finland	7	6	96	0	109
14. Sweden	4	2	116	0	122
15. Austria	9	1	90	1	101
16. Bulgaria	9	3	64	0	76
17. Cyprus	4	1	18	1	24
18. Estonia	4	3	67	0	74
19. Lithuania	0	2	77	0	79
20. Latvia	1	5	80	0	86
21. Hungary	5	3	72	1	81
22. Malta	2	1	47	0	50
23. Poland	11	2	48	1	62
24. Romania	2	2	56	0	60
25. Slovenia	3	4	40	7	54
26. Slovakia	1	0	47	1	49
27. Czech Republic	1	1	58	0	60
Total	162	62	1968	17	2209

The same is true regarding night work (see Table 4); data can only be presented for the EU-total and for clusters of countries, because of the small number of self-employed per country in the sector transport, storage and communication.

Table 4 People who work at night (the number of times a month people work at night, for at least two hours between 22.00 and 05.00 hours), by country for employed in the sector transport and telecommunications

Country	Times a month work at night, for at least 2 hours between 22.00 and 05.00 hours					Total
	no night	1-5	6-10	11-20	>20	
1. Belgium	84	12	8	6	2	112
2. Denmark	59	20	12	7	5	103
3. Germany	69	18	16	2	1	106
4. Greece	51	9	10	10	5	85
5. Italy	76	16	5	3	1	101
6. Spain	57	12	13	5	5	92
7. France	55	6	12	12	5	90
8. Ireland	78	13	12	6	2	111
9. Luxembourg	31	3	6	4	1	45
10. Netherlands	74	16	14	3	0	107
11. Portugal	43	4	5	4	3	59
12. United Kingdom	63	14	12	12	6	107
13. Finland	50	24	24	9	1	108
14. Sweden	72	24	11	11	4	122
15. Austria	66	11	18	1	0	96
16. Bulgaria	60	8	2	1	3	74
17. Cyprus	17	3	2	1	0	23
18. Estonia	44	13	7	7	1	72
19. Lithuania	50	14	7	1	1	73
20. Latvia	55	13	12	4	0	84
21. Hungary	55	3	15	5	2	80
22. Malta	35	1	9	4	0	49
23. Poland	33	8	9	3	1	54
24. Romania	35	11	10	1	1	58
25. Slovenia	39	9	3	2	0	53
26. Slovakia	28	8	12	1	0	49
27. Czech Republic	40	7	10	0	0	57
Total	1419	300	276	125	50	2170

Methods

Research population

For the characterization of the sector and the profiles for self-employed, night workers, workers with long working weeks, and country clusters we have used data collected by the European Foundation in 2000 on the 15 'old' EU member states, and in 2001 on the 12 EU acceding and candidate countries (except for Turkey). The questionnaire that was used was the same on both occasions. We will call this combined dataset the EU-27 dataset. The EU-27 dataset contains information from 32,826 respondents, with about 1,500 respondents per old EU member state (except for Luxemburg with about 750 respondents), and about 1,000 respondents per acceding and candidate country (except for Malta and Cyprus with about 500 respondents each).

For a comparison between 1996 and 2000 we have used the European Working Conditions Survey data of 15 EU countries for 1996 and 2000. The 1996 dataset contains information of 15,986 respondents (about 1,000 respondents per country, except for Luxemburg with about 500 respondents) and the 2000 dataset of 21,703 respondents (about 1,500 respondents per country, except for Luxemburg with about 750 respondents).

In the European Survey data the sector of the workers is categorized according to the NACE codes on one digit level (I transport storage and communications). Therefore, the available data regarding the working environment not only refer to the road transport profession, but to the sector ‘transport and telecommunication’, which includes:

1. land transport and transport via pipelines (I60);
2. water transport (I61);
3. air transport (I62);
4. supporting and auxiliary transport activities and activities of travel agencies (I63);
5. post and telecommunications (I64).

When available we provide additional information about the sub-sectors freight transport by road and transport of persons based on previous studies.

Variables used from the European Survey

For our analysis we have used the following topics from the European Working Conditions Survey:

- *salaries:*
 - income (country quartiles, ranging from low to high income);
- *working times:*
 - working hours;
 - night work;
 - evening work;
 - weekend work;
 - working more than 10 hours a day;
 - working same number hours/day;
 - working same number days/week;
 - shift work;
 - fit between work and family or social commitments;
- *skill development, job control and job demands:*
 - skilled work;
 - monotonous tasks;
 - training paid for/provided by employer;
 - responsibility;
 - job control;
 - assistance from colleagues;
 - control over working time;
 - work pace dependence;
 - task interruption;
 - job demands;
 - enough time to get the job done;
- *ambient conditions, physical load, and new risks:*
 - ambient conditions;
 - physical workload;
 - use of computers, PC, mainframes;
 - teleworking from home with a PC;
 - working at home;
 - dealing with customers, passengers, pupils, patients, etc.;
 - violence, intimidation and/or discrimination;
- *health:*
 - health or safety is at risk because of work;
 - work affects health in the following ways: problems with your vision, backache, headaches, muscular pains in shoulders and neck and/or upper limbs, muscular pains in lower limbs, stress, overall fatigue, sleeping problems;

- absence due to accident at work;
- absence due to health problems caused by work.

When possible, scales were constructed on the basis of different items, referring to the same topic or concept (see Table 5).

Table 5 Scale construction

scale	number of items	items	Cronbach alpha
Skilled work	5	meet quality standards, assessing the quality of own work, solving unforeseen problems, complex tasks, learning new things	.64
Responsibility	3	responsibility for production planning, staffing, and working times and shifts	.77
Job control	3	free to choose order, method and speed of work	.78
Control over working times	3	able to take a break when you wish, free to decide when to take holidays, influence on working hours	.61
Work pace dependence	4	dependant on work of colleagues, production norms, machines, direct controls boss	.54
Job demands	2	work at high speed, work to tight deadlines	.67
Ambient conditions	7	vibrations, loud noise, high/low temperatures, vapours, dangerous products, radiation	.80
Physical workload	3	painful/tiring positions, carry heavy loads, repetitive hand or arm movements	.69
Discrimination	10	physical violence from people at workplace/other people/intimidation/sexual/age discrimination/discrimination linked to nationality/ethnic background/disability/sexual orientation	.63

Analyses

We made a comparison between the following groups on the variables described in the previous section:

1. Employed in the sector transport, storage and communication versus employed in other sectors;
2. Self-employed versus workers employed in the sector transport, storage and communication;
3. Night workers versus employed who do not work nights in the sector transport, storage and communication;
4. Employed working more than 48 hours per week versus employed who work 48 or less hours per week in the sector transport, storage and communication;
5. Four EU country clusters in the sector transport, storage and communication.

For the trends we made a comparison between 1996 and 2000 for the sector transport, storage and communication.

Statistical differences between groups were tested using t-tests. In order to present profiles for self-employed, night workers, workers with long working weeks, and for the trends between

1996 and 2000 we computed d-values (standardized differences between groups which tell us something about the size of the difference tested). A d-value of 0.20 is considered as a small difference, a d-value of 0.50 as a medium difference, and a d-value of 0.80 as a large difference (Cohen, 1977). For each profile the distinguished group is profiled against the overall group excluding the specific group itself. For example, the self-employed in the sector transport, storage and communication are profiled against all workers in the sector excluding the self-employed.

3. Plan for data-analysis on road accidents (WP 2.3)

Data availability

Dutch traffic accidents data

The Dutch National Traffic Accident Statistics (Verkeers-Ongevallen-Registratie) is owned by the Adviesdienst Verkeer en Vervoer of the Dutch Ministry of Transport, Public Works and Water Management. The data in this traffic accident database are collected by the police and the database is up-to-date until 2003.

No conclusions can be drawn with respect to the impact of the Directive, because the implementation of the Directive in The Netherlands will take place after 2003.

For the data available it will be very difficult or even impossible to determine statistically significant causes of accidents, since the number of truck accidents with injured or killed occupants is very low.

Moreover, the self-employed professional drivers are not coded in the database. This means that the effects of inclusion of these drivers can only be extracted indirectly. This will not be possible before 2008 (when data from 2006 are available).

The benefit assessment on the total number of accidents will be influenced only slightly by the inclusion of this population from the fact that the self-employed drivers are a minor portion.

The safety benefit of including self-employed drivers could be estimated indirectly by the multiplication of the number of accidents involving trucks, the percentage of these drivers and the calculated benefit. However, this will not be possible before 2008 (when data from 2006 are available).

Figure 5 gives information about the number of truck accidents in 2003 in The Netherlands. The data in Figure 5 show that the number of truck accidents as a whole represents about 4% of the total number of accidents found in 2003, but 15% of the fatal accidents.

In case the database has the potential to produce effects between the numbers of truck accidents occurred in the year before and after the implementation date, this does not mean that the Directive is fully responsible for this effect. Other factors like introduction of blind spot mirrors, different exposures (less/more traffic), better passenger cars with respect to safety performance (higher EuroNCAP rating), etc. have their impact as well. Due to the available information in the Dutch National Traffic Accident Statistics database these impacts cannot always be determined.

Data on working hours are not available in the database, but information on sleepiness and loss of attention is included. From earlier projects it appears that sleepiness is involved in about 1% (maximum 1.5%) of all truck accidents with injuries and fatalities. For instance, in the year 2003 17 truck accidents with this circumstance are reported in The Netherlands. The frequency of sleepiness accidents also has to be compared with the frequencies of other accidents in order to correct for other influences. A decrease in accident rates over all accident types clearly cannot be directly attributed to driving times.

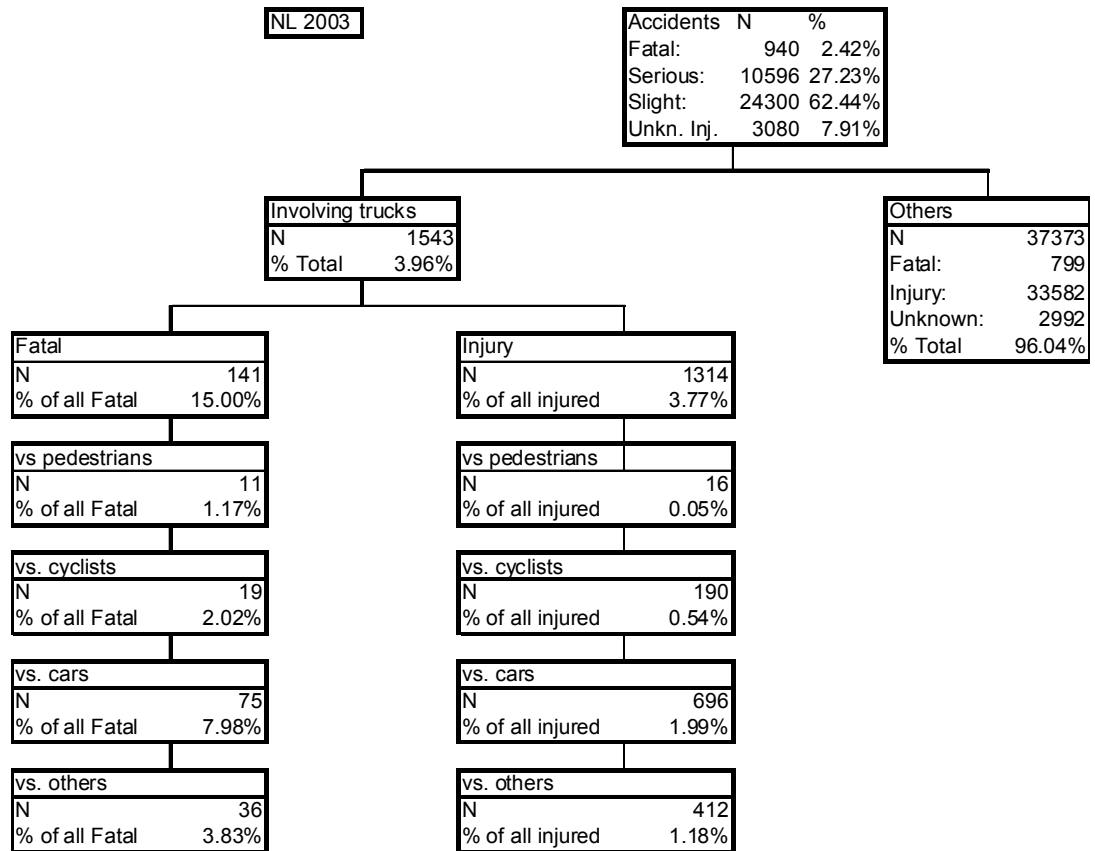


Figure 5 Global interview of the national statistics of the Netherlands of 2003

Other EU national data

TNO used its network to get data from the national traffic accident databases from the following organisations and countries:

1. BAST Germany;
2. CIDAUT Spain;
3. LAB France;
4. CEESAR France;
5. TRL United Kingdom;
6. VSRC United Kingdom;
7. HIT Greece.

This information is used to make a description of the accidents in which professional drivers are involved. The use of these data may not be free of charge. However, we questioned the usefulness of these data.

Based on earlier projects in which TNO has participated in close cooperation with these organisations, we know that the same drawbacks with respect to the Dutch traffic accident database are also valid for the foreign traffic accident databases:

1. the year of implementation of the Directive is not covered by the database;
2. number of truck accidents is limited;
3. self-employed drivers are not coded;
4. influence of other factors is not known.

Figure 6 up to Figure 8 give information about the number of trucks accidents of respectively Germany (D), Spain (SP) and France (F). Looking at these figures we can see that the numbers of truck accidents in other countries are considerably higher than in The Netherlands.

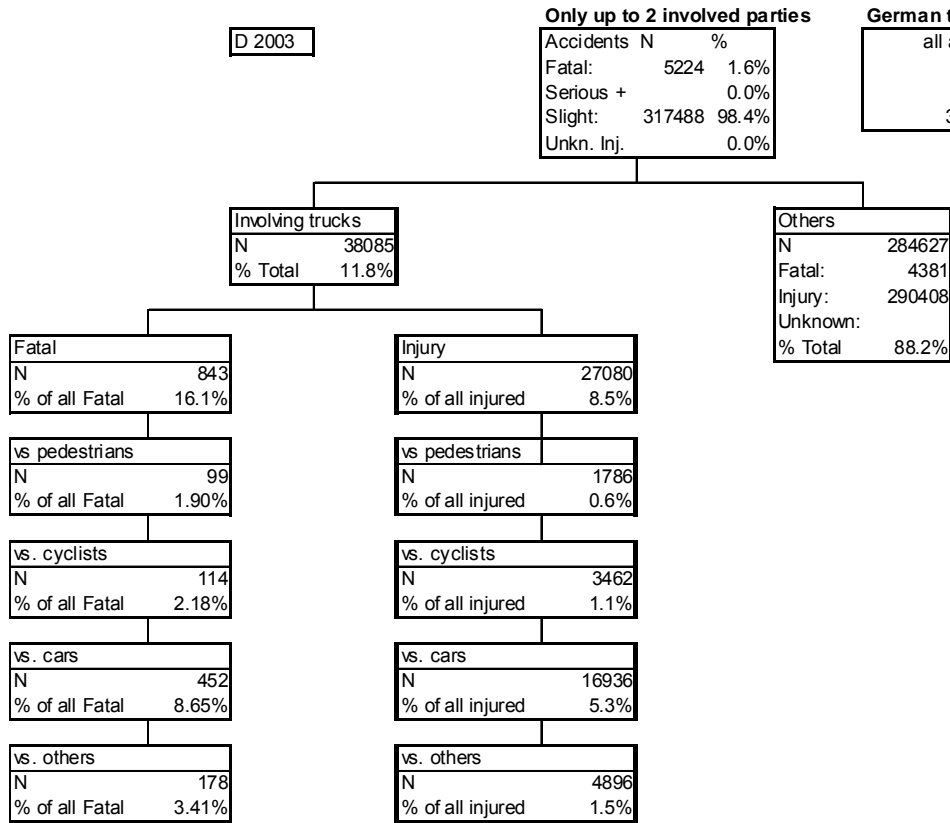


Figure 6 Global overview of the national statistics of Germany of 2003

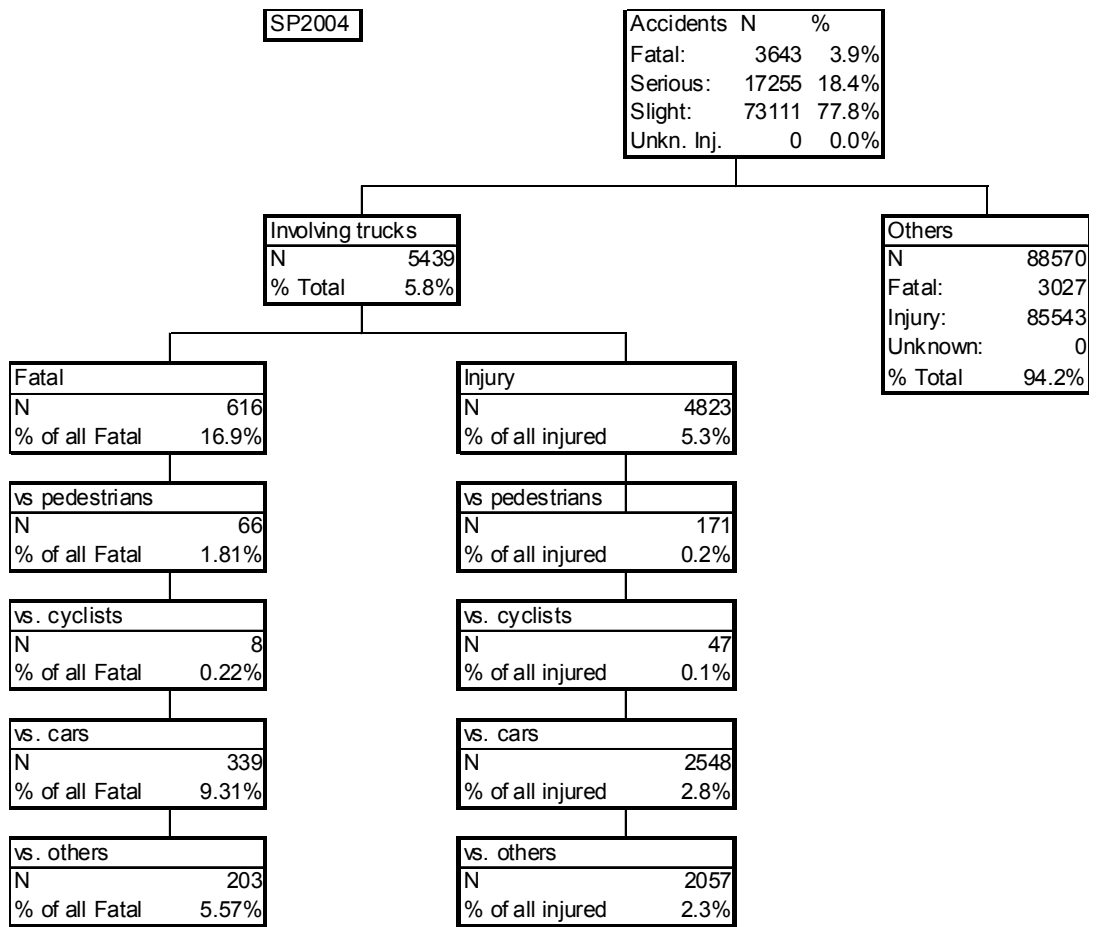


Figure 7 Global overview of the national statistics of Spain of 2004

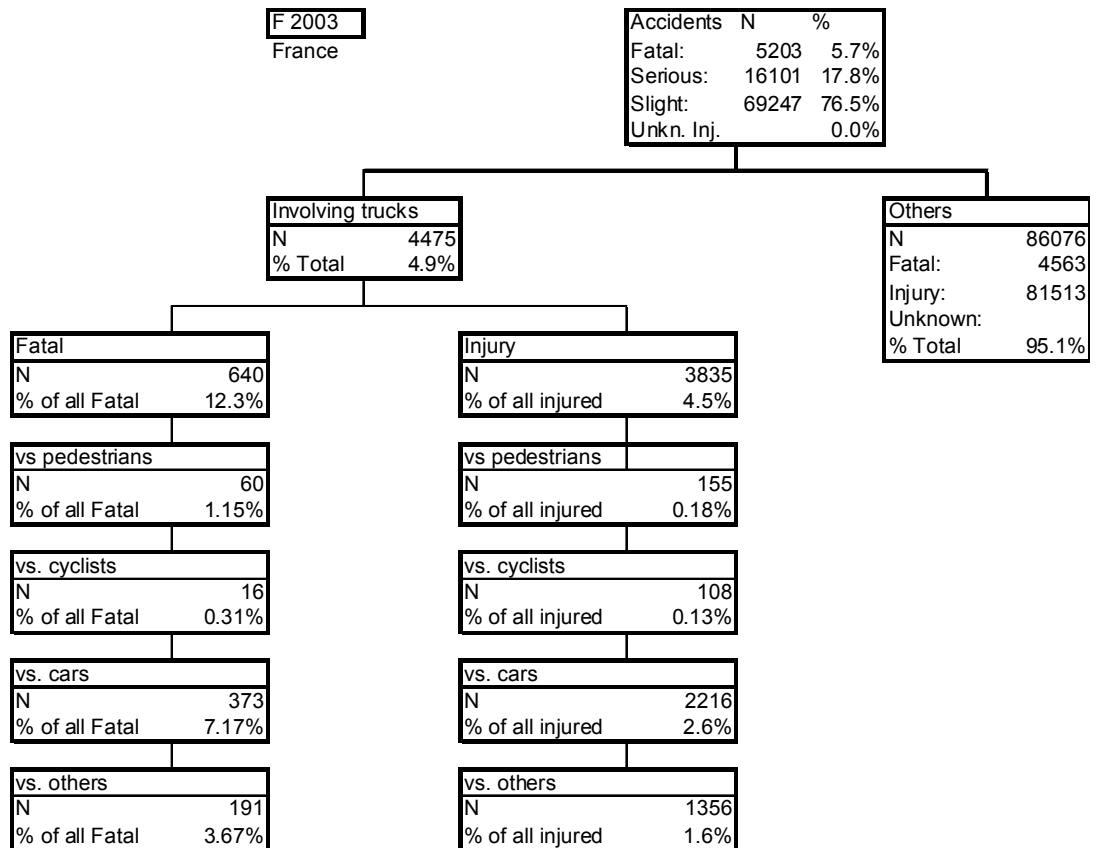


Figure 8 Global overview of the national statistics of France of 2003

Plan of data-analysis

To analyze the impact of the Directive on road accidents, information about the driver such as professional driver, self-employed, working time or driving and rest times should be available in the databases. The result of the investigation of the several national accident databases and the EU database CARE (Community Road Accident Database) is that self-employed, working time and driving and rest times are not available and therefore the impact of the Directive can not be determined directly (http://europa.eu.int/comm/transport/care/index_en.htm). It is, however, possible to get accident reports per year and per country by vehicle type like bus, taxi, lorries or heavy goods vehicles.

An alternative method is to apply an indirect approach: to search for accident factors related to long working times or long driving time such as sleepiness, lack of attention, and tiredness. In the national traffic accident databases the causation of the accidents is recorded and includes minimal sleepiness. With the number of accidents with professional drivers in which sleepiness is involved in the year before and after the implementation of the Directive, the impact of the Directive might be determined. The numbers of accidents with these conditions are not high for the individual countries and no statistically significant results will be achieved. By clustering the data of the EU-countries, high numbers of accidents are obtained and this might provide evidence on the influence of the Directive with the number of accidents with injuries and fatalities. Because of the above mentioned drawbacks in the data, we did not proceed with this analysis. It

might be of interest at a later stage, when data are also available of the situation after implementation (not before 2007/2008).

At this moment the national traffic accident databases only contain information about accidents before the implementation of the Directive. Due to lack of information in the databases about accidents after the implementation (2004 is the last year in the national traffic accident databases), the impact of the Directive can not be determined in this project.

The only information that can be retrieved from the accident databases at this moment is the trend of the number of road accidents in which professional drivers and causation factors like sleepiness are involved over the years 2004 and before.

The indirect method uses information that is available in the present national traffic accident databases; therefore it is possible to determine the impact of the Directive on road accidents for all professional drivers in the near future; 2007 or 2008. In case the portion of the self-employed professional driver can be determined, the safety benefit of including self-employed professional drivers can then be estimated by the multiplication of the number of accidents, the percentage of self-employed and the calculated benefit for all professional drivers. This estimation method assumes that the accident risk for self-employed professional drivers and other professional drivers are identical. We expect that this might not be the case. We expect the accident rate of self-employed to be less than that of employed drivers. However, difference in accident risk has to be determined as well.

At this moment the only way to make assumptions about the relationship between working hours and fatigue is to use available scientific literature regarding this subject. There are several overviews of literature regarding this subject (see Annex 10). The availability of studies is relatively large for the freight transport, and will be less for the transport of passengers.

Annex 9 Overview: Available data

Name data file (part 1)	Country/countries/EU	Year(s)	Periodicity (e.g. annually)	Owner/distributor	Free access (yes/no?)	In case of free access: Where (e.g. weblink)? In case of no free access: conditions and price	Units in data file (e.g. respondents, occupational accidents)	Number of cases (units)
European Working Conditions Survey	EU 15	2000-1996-1992 (probably during the course of 2006 the 2005 data will be made accessible)		European Foundation	Yes	TNO	Respondents	2000 N=21703 1996 N=15986 1992 N=12819
Working conditions of truck drivers	Netherlands	2003	–	TNO	No	TNO	Respondents	N=516
CARE	EU (15 countries)	1991-2004	Annually	CEC-TREN	?	We received a name of a contact person who can provide us with more information	Accidents	>20 million
National traffic accidents	France	up to 2004	Annually	SETRA (Ministry of Equipment)	No		Accidents	All national accidents with killed and injured people
National traffic accidents	UK	up to 2004	Annually	User: VSRC	No		Accidents	All national accidents with killed and injured people
National traffic accidents	Spain	up to 2004	Annually	User: CIDAUT	No		Accidents	All national accidents with killed and injured people
National traffic accidents	Italy	up to 2004	Annually	ISTAT - National Institute of Statistics	No		Accidents	All national accidents with killed and injured people
National traffic accidents	Germany	up to 2004	Annually	STBA - Federal Statistical Office	No		Accidents	All national accidents with killed and injured people
VOR	Netherlands	up to 2003	Annually	User: TNO	Yes		Accidents	All national accidents with killed and injured people

Name data file (part 1)	Country/countries/EU	Year(s)	Periodicity (e.g. annually)	Owner/distributor	Free access (yes/no?)	In case of free access: Where (e.g. weblink)? In case of no free access: conditions and price	Units in data file (e.g. respondents, occupational accidents)	Number of cases (units)
National traffic accidents	Finland	up to 2004	Annually	Statistics Finland	No	?	Accidents	All national accidents with killed and injured people
Eurostat	EU 15 / 25		Annually	European Commission	Yes, limited	http://epp.eurostat.cec.eu.int/pls/portal		
Statistical pocket-book 2004: Energy and Transport in figures	EU 25		Annually	European Commission	Yes	http://europa.eu.int/comm/dgs/energy_transport/figures/pocket-book/index_en.htm		
ECMT: Short-Term Trends Survey	EU 25		Quarterly	ECMT	Yes	http://www.cemt.org/stat/conjonct/index.htm		
IRU	EU 25		Annually	IRU	No	–		
CBS	Netherlands		Annually	Netherlands	Yes	http://statline.cbs.nl/StatWeb/start.asp?LA=nl&DM=SLNL&lp=Search/Search		
CSO	Hungary		Annually	Hungary	Yes	http://portal.ksh.hu/portal/page?_pageid=38,447568&_dad=portal&_schema=PORTAL		
NIWO	Netherlands		Annually	NIWO	Yes	http://www.niwo.nl/		

Continuation

Name data file (part 2)	Information on self-employed (yes/no)	Relevant variables on (1) social impact, (2) safety and (3) structure of the sector	Information on work during night time (yes/no)	Relevant variables on (1) social impact, (2) safety and (3) structure of the sector
European Working Conditions Survey	Yes	1, 2 and 3: The database contains information regarding: <ul style="list-style-type: none"> • structural variables; • physical environment; • time; • organizational environment; • social environment; • outcomes; • demographics. 	Yes	1, 2 and 3: The database contains information regarding: <ul style="list-style-type: none"> • structural variables; • physical environment; • time; • organizational environment; • social environment; • outcomes; • demographics.
Working conditions of truck drivers	Yes	1, 2 and 3: The database contains information regarding: <ul style="list-style-type: none"> • demographics; • branch of industry; • type of vehicle; • type of employment; • driving and rest patterns; • working times; • life style; • working conditions; • health; • sleep patterns; • fatigue; • traffic accidents. 	Yes	1, 2 and 3: The database contains information regarding: <ul style="list-style-type: none"> • demographics; • branch of industry; • type of vehicle; • type of employment; • driving and rest patterns; • working times; • life style; • working conditions; • health; • sleep patterns; • fatigue; • traffic accidents.
CARE	No	2: The data contains the following information: <ul style="list-style-type: none"> • the number of accidents; • the number of vehicles types; • the number of killed and injured people; • a very limited number of accident conditions. 	No	
National traffic accidents	No	2: The data includes information about: <ul style="list-style-type: none"> • the vehicles (vehicle data, damage data, etc.); • the environment and the weather; • the involved persons (personal data, injury, driver license, alcohol, drugs, etc.); • the accident scene; • and the circumstances of the accident. 	No	

Name data file (part 2)	Information on self-employed (yes/no)	Relevant variables on (1) social impact, (2) safety and (3) structure of the sector	Information on work during night time (yes/no)	Relevant variables on (1) social impact, (2) safety and (3) structure of the sector
National traffic accidents	No	2: The data includes information about: <ul style="list-style-type: none"> • the vehicles (vehicle data, damage data, etc.); • the environment and the weather; • the involved persons (personal data, injury, driver license, alcohol, drugs, etc.); • the accident scene; • and the circumstances of the accident. 	No	
National traffic accidents	No	2: The data includes information about: <ul style="list-style-type: none"> • the vehicles (vehicle data, damage data, etc.); • the environment and the weather; • the involved persons (personal data, injury, driver license, alcohol, drugs, etc.); • the accident scene; • and the circumstances of the accident. 	No	
National traffic accidents	No	2: The data includes information about: <ul style="list-style-type: none"> • the vehicles (vehicle data, damage data, etc.); • the environment and the weather; • the involved persons (personal data, injury, driver license, alcohol, drugs, etc.); • the accident scene; • and the circumstances of the accident. 	No	
National traffic accidents	No	2: The data includes information about: <ul style="list-style-type: none"> • the vehicles (vehicle data, damage data, etc.); • the environment and the weather; • the involved persons (personal data, injury, driver license, alcohol, drugs, etc.); • the accident scene; • and the circumstances of the accident. 	No	

Name data file (part 2)	Information on self-employed (yes/no)	Relevant variables on (1) social impact, (2) safety and (3) structure of the sector	Information on work during night time (yes/no)	Relevant variables on (1) social impact, (2) safety and (3) structure of the sector
VOR	No	2: The data includes information about: <ul style="list-style-type: none"> • the vehicles (vehicle data, damage data, etc.); • the environment and the weather; • the involved persons (personal data, injury, driver license, alcohol, drugs, etc.); • the accident scene; • and the circumstances of the accident. 		
National traffic accidents	No	2: The data includes information about: <ul style="list-style-type: none"> • the vehicles (vehicle data, damage data, etc.); • the environment and the weather; • the involved persons (personal data, injury, driver license, alcohol, drugs, etc.); • the accident scene; • and the circumstances of the accident. 		
Eurostat	No	3: The database contains general data about the transport sector. The database can give more information about: <ul style="list-style-type: none"> • Goods transport enterprises, by number of employees • Employment in goods transport enterprises • Overview of the economic structure of the transport market in the EU-countries. 	No	
Statistical pocket-book 2004: Energy and Transport in figures	No	3: This publication provides an overview of energy and transport statistics for the EU and its Member States in a concise and user-friendly way. Wherever available, data from the ten countries which joined the EU on 1 May 2004 has been added to the tables of this edition. The presentation of the tables has been adjusted accordingly. Most of the tables include data up to 2002. In some cases, 2003 data is given. This pocketbook is based on a range of sources, including Eurostat, international organisations, national statistics, studies and, where no data was available, own estimates.		

Name data file (part 2)	Information on self-employed (yes/no)	Relevant variables on (1) social impact, (2) safety and (3) structure of the sector	Information on work during night time (yes/no)	Relevant variables on (1) social impact, (2) safety and (3) structure of the sector
ECMT: Short-Term Trends Survey	No	<p>3: ECMT collects statistical information on short-term trends in inland transport sectors. This information is published in short-term surveys on their website.</p> <p>Among main published indicators, information will be found on carried tonne-km and passenger-km. For the road sector, data on number of vehicles, vehicle-km and motor fuel deliveries are also available. There are also more general data such as imports and exports at current prices as well as industrial production, for the different ECMT Member countries.</p> <p>Besides this data, the ECMT publishes a list of links, which link to the sites of the statistical organisations of the different EU-countries.</p>		
IRU		<p>1: The International Road Transport Union publishes road transport indices (Road Freight Transport (Million tonnes), GDP (\$ Billion), Truck Registration) for Austria, Belgium, Switzerland, Germany, Denmark, Spain, France, Greece, Italy, Ireland, Luxemburg, Norway, Netherlands, Portugal, Sweden, Finland, United Kingdom on their website.</p> <p>Besides this source it is also possible to download publications. Probably the most valuable data is protected in a members-only website.</p>		
CBS	The number of self-employed and the number of SME can not directly be found in the database, but can be estimated using the available data	<p>3: The CBS database gives information on the number of enterprises and the total number of employees in the transport sector per company size class.</p> <ul style="list-style-type: none"> • The information on the total number of enterprises combined with the turnover for the previous years can give an insight in the direction the sector is going • Information is available on national and international activities is available. • Information is available for the competitive strength in the national market. 		

Name data file (part 2)	Information on self-employed (yes/no)	Relevant variables on (1) social impact, (2) safety and (3) structure of the sector	Information on work during night time (yes/no)	Relevant variables on (1) social impact, (2) safety and (3) structure of the sector
CSO	Yes	3: Data are available at: http://portal.ksh.hu/pls/ksh/docs/eng/xftp/gyor/sza/esza20509.pdf http://portal.ksh.hu/portal/page?_pageid=38,297369&_dad=portal&_schema=PORTAL		
NIWO	Yes	3: Data are available at: http://www.niwo.nl/uploads/niwo_jaarverslag_2004.pdf		

Annex 10 Overview: Literature and other references

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www.vrom.nl: VROM Inspectie (Tafel van 11, compliance assistance)

Sources structure of the sector

Internet sites

National Statistical Sources (http://www.unece.org/trans/main/wp6/transtatlinks.html)		
Country	Site	Organization
Austria	http://www.oestat.gv.at/	Österreichisches Statistisches Zentralamt
Belgium	http://www.iwt-itr.be/	IWT
	http://www.uptr.be/nl_index.asp	UPTR
	http://www.febetra.be/nl/contact.php	Febetra
	http://statbel.fgov.be/	Institut Nationale de Statistique
Czech Republic	http://www.mobililit.fgov.be/	Federal Public Service Mobility and Transports
	http://www.czso.cz/	Czech Statistical Office
	http://www.mdcz.cz/	Ministry of Transport & Communications
	http://www.mvcr.cz/	Ministry of Interior
Denmark	http://www.dst.dk/	Danmarks Statistik
Estonia	http://www.stat.ee/	Statistical Office of Estonia
Finland	http://www.stat.fi/	Statistics Finland
France	http://www.insee.fr/	Institut National de la Statistique et des Etudes Economiques
	http://www.statistiques.equipement.gouv.fr/	Ministère de l'Équipement, des Transports, du Tourisme et de la Mer
Germany	http://www.statistik-bund.de/	Statistisches Bundesamt
	http://www.diw.de/deutsch/	Deutsches Institut für Wirtschaftsforschung
Greece	http://www.statistics.gr/	National Statistical Service of Greece
Hungary	http://www.ksh.hu/	Hungarian Central Statistical Office
	http://www.kti.hu/kti.php	Institute for Transport Sciences
Ireland	http://www.cso.ie/	Central Statistical Office
Italy	http://www.istat.it/	Instituto Nazionale di Statistica
	http://www.infrastrutturetrasporti.it/	Ministero delle Infrastrutture e dei Trasporti
Latvia	http://www.csdd.lv/	Road Traffic Safety Directorate
	http://www.csb.lv/	Central Statistical Bureau
Lithuania	http://www.csdd.lv/	Road Traffic Safety Directorate
	http://www.csb.lv/	Central Statistical Bureau
Luxembourg	http://www.statec.lu/	Service central de la statistique et des études Économiques

Netherlands	www.CBS.nl	Centraal Bureau voor de statistiek
	http://www.nea.nl/	Transport onderzoek
	http://www.niwo.nl/	Nationale en Internationale Wegvervoer Organisatie
	http://www.tln.nl/	Transport en logistiek Nederland
Poland	http://www.stat.gov.pl	Central Statistical Office
Portugal	http://www.ine.pt/	Institut Nacional de Estatistica
Slovakia	http://www.statistics.sk/	Statistical Office
	http://www.telecom.gov.sk/	Ministry of Transport, Post and Telecommunications
Slovenia	http://www.stat.si/	Statistichni urad Republike Slovenije
Spain	http://www.ine.es/	Instituto Nacional de Estatistica
Sweden	http://www.svenskstatistik.net/eng/index.htm	Swedish Statistics Net
	http://www.sika-institute.se/	Swedish Institute for Transport and Communication - Analysis
		Freight Transport Association
United Kingdom	http://www.fta.co.uk/	The chartered institute of logistics and transport
	http://www.ciltuk.org.uk/pages/home	National Statistics
	http://www.ons.gov.uk/	UK: Department for transport
	http://www.dft.gov.uk/stellent/groups	Road Haulage Association
	http://www.rha.net/	

European sites	
Site	Organisation
http://epp.eurostat.cec.eu.int/	Eurostat
http://www.cemt.org/index.htm	ECMT
http://www.unece.org/Welcome.html	UNECE
http://www.iru.org/	International Road transport Union
http://dsbb.imf.org/Applications/web/sddshome/	IMF: DSSB

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NIWO Year report 2000	TLN: Transport in Cijfers 2001
TLN: Transport in Cijfers 2000	

Annex 11 Project team

TNO has formed a multi-disciplinary team with expertise in the field of working hours and employee's health and safety, with expertise in the field of the road transport industry structure and competition, with expertise in the field of road safety and with access to several EU networks and presentation in most of the EU Member States. This TNO team is completed with TNS NIPO that through its TNS offices and contacts throughout the European Union has carried out the case studies in all Member States. With this we could access the local contacts and sources and could address the national stakeholders in their own language.

- TNO Quality of Life (QoL), Business Unit Work and Productivity, has been the project manager of the project. This Business Unit has a long-time experience in the field of work and employment, including working time, night work and the working environment in different professions, including the road transport profession.
- TNO Built Environment and Geosciences (BEG), Business Unit Mobility and Logistics. This Business Unit conducts research and gives advice on traffic and transport, logistics and spatial planning matters. TNO Mobility and Logistics has a strong tradition in improving the transportation system of the Netherlands and abroad, in the areas of highways, public transport systems, waterways, ports and logistics systems. Our work is aimed at improving the quality and efficiency of traffic and transport systems.
- TNO Science and Industry (S&I), Business Unit Automotive. The Business Unit has a long experience in the field of primary and secondary safety. The Dutch Accident Research Team (DART) of the Safety group of TNO Automotive has access to various accident databases and has built its own 'In-depth' accident database with information of more than 1,000 accident parameters including information about the driver behaviour just before the accident.
- TNO Defence, Safety and Security (DSS), Business Unit Human Factors. This Business Unit has a long-time experience with regard to the impact of working hours (in particular at night and in the early morning) on attentiveness and functioning of operators, pilots, mobile workers, workers at sea.
- TNS NIPO is a research institute specialized in collecting questionnaires and interviews worldwide. It has a special department for the transport sector. This department has a long experience with regard to ad hoc and continuous projects for the industry and government services.

The following core team of researchers was formed: Mrs Anneke Goudswaard, Mrs Irene Houtman, Mrs Karin Jettinghoff, Mrs Noortje Schoenmaker (TNO Quality of Life); Mr Bart Kuipers and Mr Wieger Savenije (TNO Built Environment and Geosciences) and Mr Boudewijn Hoogvelt, Mr Peter Ruijs (TNO Science and Industry), Marika Hoedemaker (TNO Defence, Safety and Security). TNS NIPO operated as a subcontractor of TNO. Mrs Mireille Koomen was responsible for the activities of TNS NIPO. The project leader of the total project - and contact person for DG TREN was Mr Dirk Osinga (TNO Quality of Life). He was assisted by Mrs Henny Knijnenburg (secretary). When applicable, we put in additional expertise of other colleagues.

For DG TREN Mr Szabolcs Schmidt, Mr Richard Mason and Mrs Florence Bonnefoy provided further guidance on the structure and content of the reports.