

FIEC is the European Construction Industry Federation, representing via its 29 National Member Federations in 26 countries (23 EU & EFTA and Turkey) construction enterprises of all sizes, i.e. small and medium-sized enterprises as well as "global players", carrying out all forms of building and civil engineering activities.
Recognised "Sectoral Social Partner" (employers)



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FIEC position paper

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Proposal for a Regulation amending the « driving times » (EC 561/2006) and the « tachograph » (EU 165/2014) Regulations

■ Background

Construction enterprises are facing a series of challenges in the context of both the driving times regulation (EC 561/2006) and the corresponding tachograph regulation (EU 165/2014).

In particular, we would like to point out the financial consequences of these combined regulations. The European Commission's own estimate¹ of the costs associated with administering and enforcing the driving time regulation is an increase in costs of around 1 to 3% of transport-related turnover.

We estimate that the costs for industries outside the transport sector, including the construction industry, must be expected to account for a larger share, as it is not related to the company's primary business. This means that there are no economies of scale, and relatively, the administrative costs must be expected to be greater.

In addition to the administrative consequences, the driving time rules complicate production and distribution to a degree that reduces productivity.

As it stands today, only part of construction vehicles are exempted through Article 3 (aa) of Regulation EC 561/2006. Unfortunately, this is insufficient, contractors use a wide range of vehicles not covered by this exemption or by further exceptions of Article 13.

Since regulation EC 561/2006 is being opened for improvement, the construction industry is seeking the possibility of also adapting Article 13 regarding exceptions which may be granted by Member States.

¹ <https://ec.europa.eu/transport/sites/transport/files/facts-fundings/evaluations/doc/2016-ex-post-eval-road-transport-social-legislation-final-report.pdf>

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■ 1st case: transport of ready-mixed concrete

Liquid, ready-mixed concrete has only a short 'lifetime' of approx. 90 minutes from the time it leaves the plant until it becomes unusable. Ready-mixed concrete is accordingly only transported over short distances and must be used within a limited time period.

As such it must therefore be considered a perishable commodity on an equal footing with dairy products (art. 13 par. 1 (l)) or slaughterhouse waste (art. 13 par. 1 (n)).

Proposed amendment:

Regulation EC 561/2006 Article 13 paragraph 1 (q) new

<i>Existing text</i>	<i>Amendment</i>
	Vehicles used for carrying ready-mixed concrete to construction sites ;

■ 2nd case: mobile factories

The driving time regulation is intended to ensure the working conditions and road safety of professional drivers. Unfortunately, the rules also adversely affect many companies in the construction industry although transport is not their primary line of business. To enforce the driving time regulation, companies have to install tachographs in vehicles not covered by the exemptions / exceptions.

The regulation's list of possible national exemptions comprises, among others, agricultural, horticultural and forestry businesses (art. 13 par. 1 (b)).

FIEC advocates that the construction industry should also be included in this list of exceptions. In the same way as the industries that are mentioned, transport is not the primary business of the construction industry either. Construction companies typically only transport workers/ materials/ equipment – that is, their own mobile factories – within a geographically delimited area, for the purpose of a specific construction site.

Example:

The exemption of Article 3 (aa) stipulates that the materials/equipment/machinery must be used exclusively by the person transporting it. In other words, to avoid a tachograph having to be installed, this means every employee would have to transport his/her own material, equipment etc. including the necessary facilities (i.e. toilets, lunch rooms...).

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Proposed amendment:

**Regulation EC 561/2006
Article 13 paragraph 1 (b)**

<i>Existing text</i>	<i>Amendment</i>
Vehicles used or hired, without a driver, by agricultural, horticultural, forestry, farming or fishery undertakings for carrying goods as part of their own entrepreneurial activity within a radius of up to 100 km from the base of the undertaking;	Vehicles used or hired, without a driver, by agricultural, horticultural, forestry, farming, fishery or construction undertakings for carrying goods as part of their own entrepreneurial activity within a radius of up to 100 km from the base of the undertaking;

■ **3rd case: road maintenance**

Proposed amendment relevant for the German version only:

**Regulation EC 561/2006
Article 13 paragraph 1 (h)**

<i>Existing text</i>	<i>Amendment</i>
Fahrzeuge, die in Verbindung von Kanalisation, Hochwasserschutz, Wasser-, Gas- und Elektrizitätsversorgung, Straßenunterhaltung und –kontrolle, Hausmüllabfuhr, Telegramm- und Telefondienstleistungen, Rundfunk und Fernsehen sowie zur Erfassung von Radio- bzw. Fernsehsendern oder –geräten eingesetzt werden.	Fahrzeuge, die in Verbindung von Kanalisation, Hochwasserschutz, Wasser-, Gas- und Elektrizitätsversorgung, Straßenerhaltung und –kontrolle, Hausmüllabfuhr, Telegramm- und Telefondienstleistungen, Rundfunk und Fernsehen sowie zur Erfassung von Radio- bzw. Fernsehsendern oder –geräten eingesetzt werden.

Justification:

The aim is to align the German wording with the generic English wording of "road maintenance and control". The current German wording is too restrictive.