



Plenary sitting

A8-0205/2018

7.6.2018

*****I**
REPORT

on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 561/2006 as regards on minimum requirements on maximum daily and weekly driving times, minimum breaks and daily and weekly rest periods and Regulation (EU) 165/2014 as regards positioning by means of tachographs
(COM(2017)0277 – C8-0167/2017 – 2017/0122(COD))

Committee on Transport and Tourism

Rapporteur: Wim van de Camp

Rapporteur for the opinion (*):
Georges Bach, Committee on Employment and Social Affairs

(*) Associated committee – Rule 54 of the Rules of Procedure

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in ***bold italics***. Deletions are indicated using either the ▯ symbol or ~~strikeout~~. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 561/2006 as regards on minimum requirements on maximum daily and weekly driving times, minimum breaks and daily and weekly rest periods and Regulation (EU) 165/2014 as regards positioning by means of tachographs (COM(2017)0277 – C8-0167/2017 – 2017/0122(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2017)0277),
 - having regard to Article 294(2) and Article 91(1) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0167/2017),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 18 January 2018¹,
 - after consulting the Committee of the Regions,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the report of the Committee on Transport and Tourism and the opinion of the Committee on Employment and Social Affairs (A8-0205/2018),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Amendment 1

Proposal for a regulation

Recital 1

Text proposed by the Commission

(1) Good working conditions for drivers and fair business conditions for road transport undertakings are of

Amendment

(1) Good working conditions for drivers and fair business conditions for road transport undertakings are of

¹ Not yet published in the Official Journal.

paramount importance to creating a safe, efficient and socially accountable road transport sector. To facilitate that process it is essential that the Union social rules in road transport are clear, fit for purpose, easy to apply and to enforce and implemented in an effective and consistent manner throughout the Union

paramount importance to creating a safe, efficient and socially accountable **and non-discriminatory** road transport sector, **which is able to attract qualified workers**. To facilitate that process it is essential that the Union social rules in road transport are clear, **proportionate**, fit for purpose, easy to apply and to enforce and implemented in an effective and consistent manner throughout the Union.

Amendment 2

Proposal for a regulation

Recital 2

Text proposed by the Commission

(2) Having evaluated the effectiveness and efficiency of the implementation of the existing set of Union social rules in road transport, and in particular Regulation (EC) No 561/2006 of the European Parliament and of the Council⁹, certain deficiencies were identified in the **existing** legal framework. Unclear **and unsuitable** rules on weekly rest, resting facilities, breaks in multi-manning and the absence of rules on the return of drivers to their home, lead to diverging interpretations and enforcement practices in the Member States. Several Member States recently adopted unilateral measures further increasing legal uncertainty and unequal treatment of drivers and operators.

⁹ Regulation (EC) No 561/2006 of the

Amendment

(2) Having evaluated the effectiveness and efficiency of the implementation of the existing set of Union social rules in road transport, and in particular Regulation (EC) No 561/2006 of the European Parliament and of the Council⁹, certain deficiencies were identified in the **implementation of the** legal framework. Unclear rules on weekly rest, resting facilities, breaks in multi-manning and the absence of rules on the return of drivers to their home **or to another location of their choice**, lead to diverging interpretations and enforcement practices in the Member States. Several Member States recently adopted unilateral measures further increasing legal uncertainty and unequal treatment of drivers and operators.

On the other hand, the maximum driving periods per day and per week, as set out in Regulation (EC) No 561/2006, are effective in improving the social conditions of road drivers and road safety in general and therefore steps should be taken to ensure that they are respected.

⁹ Regulation (EC) No 561/2006 of the

European Parliament and of the Council of 15 March 2006 on the harmonisation of certain social legislation relating to road transport and amending Council Regulations (EEC) No 3821/85 and (EC) No 2135/98 and repealing Council Regulation (EEC) No 3820/85 (OJ L 102, 11.4.2006, p. 1).

European Parliament and of the Council of 15 March 2006 on the harmonisation of certain social legislation relating to road transport and amending Council Regulations (EEC) No 3821/85 and (EC) No 2135/98 and repealing Council Regulation (EEC) No 3820/85 (OJ L 102, 11.4.2006, p. 1).

Amendment 3

Proposal for a regulation

Recital 2 a (new)

Text proposed by the Commission

Amendment

(2a) It is in the interests of road safety and enforcement that all drivers should be fully aware of both the rules on driving and rest times and the availability of rest facilities. Therefore, it is appropriate for Member States to work to produce guidance that presents this Regulation in a clear and simple manner, gives useful information on parking and rest facilities and underlines the importance combating fatigue.

Amendment 4

Proposal for a regulation

Recital 2 b (new)

Text proposed by the Commission

Amendment

(2b) It is in the interests of road safety to encourage transport undertakings to adopt a safety culture which includes safety policies and procedures issued by senior management, the commitment to implementing safety policy shown by the line management and the willingness to comply with safety rules shown by the workforce. There should be a clear focus on road transport safety issues, including fatigue, liability, journey planning, rostering, performance-based pay and

'just in time' management.

Amendment 5

Proposal for a regulation

Recital 3

Text proposed by the Commission

(3) The ex-post evaluation of Regulation (EC) No 561/2006 confirmed that inconsistent and ineffective enforcement of the Union social rules was mainly due to unclear rules, inefficient use of the control tools and insufficient administrative cooperation between the Member States.

Amendment

(3) The ex-post evaluation of Regulation (EC) No 561/2006 confirmed that inconsistent and ineffective enforcement of the Union social rules was mainly due to unclear rules, inefficient **and unequal** use of the control tools and insufficient administrative cooperation between the Member States, **increasing the fragmentation of the European internal market.**

Amendment 6

Proposal for a regulation

Recital 4

Text proposed by the Commission

(4) Clear, suitable and evenly enforced rules are also crucial for achieving the policy objectives of improving working conditions for drivers, and in particular ensuring undistorted competition between operators and contributing to road safety for all road users.

Amendment

(4) Clear, suitable and evenly enforced rules are also crucial for achieving the policy objectives of improving working conditions for drivers, and in particular ensuring undistorted **and fair** competition between operators and contributing to road safety for all road users.

Amendment 7

Proposal for a regulation

Recital 4 a (new)

Text proposed by the Commission

Amendment

(4a) Any national rules applied to road transport must be proportionate as well as justified and must not hinder or make less attractive the exercise of fundamental

freedoms guaranteed by the Treaty, such as the free movement of goods and the freedom to provide services in order to maintain or even increase the competitiveness of the European Union.

Amendment 8

Proposal for a regulation

Recital 4 a (new)

Text proposed by the Commission

Amendment

(4a) In order to ensure a European wide-level playing field in road transport, this Regulation should apply to all vehicles exceeding 2,4 tonnes engaged in international transport.

Amendment 9

Proposal for a regulation

Recital 5 a (new)

Text proposed by the Commission

Amendment

(5a) Transporting goods is fundamentally different from transporting people. Coach drivers are in close contact with their passengers and should be in a position to take breaks with greater flexibility without extending driving periods or shortening rest periods and breaks.

Amendment 10

Proposal for a regulation

Recital 6

Text proposed by the Commission

Amendment

(6) Drivers engaged in long-distance international transport operations spend long periods away from their home. The current requirements on the regular weekly rest unnecessarily prolong those periods. It

(6) Drivers engaged in long-distance international transport operations spend long periods away from their home. The current requirements on the regular weekly rest unnecessarily prolong those periods. It

is thus desirable to adapt the provision on the regular weekly rest in such a way that it is easier for drivers to carry out transport operations in compliance with the rules and to reach their home for a regular weekly rest, and be fully compensated for all reduced weekly rest periods. It is also necessary to provide that operators organise the work of drivers in such a way that these periods away from home are not excessively long.

is thus desirable to adapt the provision on the regular weekly rest in such a way that it is easier for drivers to carry out transport operations in compliance with the rules and to reach their home *or a destination of their choosing* for a regular weekly rest, and be fully compensated for all reduced weekly rest periods. It is also necessary to provide that operators organise the work of drivers in such a way that these periods away from home are not excessively long *When a driver chooses to spend this rest period at home, the transport undertaking should provide the driver with the means to return.*

Amendment 11

Proposal for a regulation Recital 6 a (new)

Text proposed by the Commission

Amendment

(6a) Where the work of a driver predictably includes activities for the employer other than his/her professional driving tasks, such as loading / unloading, finding parking space, maintaining the vehicle, route preparation etc, the time he/she needs to perform these tasks should be taken into account when determining both his/her working time, the possibility for adequate rest and pay.

Amendment 12

Proposal for a regulation Recital 6 b (new)

Text proposed by the Commission

Amendment

(6b) In order to safeguard working conditions of the drivers at places of loading and unloading, owners and operators of such facilities should provide the driver with the access to hygienic facilities.

Amendment 13
Proposal for a regulation
Recital 6 c (new)

Text proposed by the Commission

Amendment

(6c) *Rapid technological progress is resulting in the development of autonomous driving systems with increasing levels of sophistication. In the future, those systems could allow for a differentiated usage of vehicles the manoeuvring of which does not involve a driver. This could lead to new operational possibilities, such as truck platooning. As a result, existing legislation, including rules on driving and resting times, will need to be adapted, for which progress at the UNECE Working Party level is essential. The Commission shall come forward with an evaluation report of the use of autonomous driving systems in the Member States, accompanied, if appropriate, by a legislative proposal to take into account the benefits of autonomous driving technologies. The intention of this legislation is to guarantee road safety, a level-playing field and proper working conditions, whilst enabling the EU to pioneer new innovative technologies and practices.*

Amendment 14
Proposal for a regulation
Recital 7 a (new)

Text proposed by the Commission

Amendment

(7a) *Dedicated Parking areas should have all of the facilities necessary for good resting conditions, that is to say sanitary, culinary, security and others.*

Amendment 15

Proposal for a regulation Recital 7 b (new)

Text proposed by the Commission

Amendment

(7b) Adequate resting facilities are crucial for improving drivers working conditions in the sector and maintaining road safety. As rest in the cabin is characteristic for the transport sector and in certain cases desirable from a comfort and suitability perspective, drivers should be allowed to take their rest in their vehicle, if the vehicle is equipped with suitable sleeping facilities. Therefore the creation of dedicated parking areas should not be disproportionately hindered or obstructed by Member States.

Amendment 16

Proposal for a regulation Recital 7 c (new)

Text proposed by the Commission

Amendment

(7c) The revised TEN-T guidelines foresee the development of parking area's on motorways approximately every 100 km to provide parking space for commercial road users with an appropriate level of safety and security and therefore Member States should be encouraged to implement the TEN-T guidelines and sufficiently support and invest in safe and suitably adapted parking areas.

Amendment 17

Proposal for a regulation Recital 7 d (new)

Text proposed by the Commission

Amendment

(7d) In order to provide good quality affordable rest facilities, the Commission

and Member States should encourage the establishment of social, commercial, public and other enterprises for the operation of dedicated parking areas.

Amendment 18

Proposal for a regulation Recital 8 a (new)

Text proposed by the Commission

Amendment

(8a) Many road transport operations within the Community involve transport by ferry or by rail for part of the journey. Clear, appropriate provisions regarding rest periods and breaks should therefore be laid down for such operations.

Amendment 19

Proposal for a regulation Recital 9 a (new)

Text proposed by the Commission

Amendment

(9a) In order to guarantee effective enforcement, it is essential that the competent authorities, when carrying out roadside checks should be able to ascertain that driving times and rest periods have been properly observed on the day of the check and over the preceding 56 days.

Amendment 20

Proposal for a regulation Recital 9 b (new)

Text proposed by the Commission

Amendment

(9b) In order to ensure that rules are clear, easy to understand and enforceable, information must be made accessible to the drivers. This should be achieved

through the coordination of the Commission. Drivers should also receive information on rest areas and secure parking to allow for better planning of journeys. Furthermore, through the Commission's coordination a free telephone hotline should be installed to alert control services in case undue pressure is put on drivers, fraud or illegal behaviour.

Amendment 21

Proposal for a regulation Recital 9 c (new)

Text proposed by the Commission

Amendment

(9c) Article 6 of Regulation (EC) No 1071/2009 obliges Member States to apply common classification of infringements when assessing good repute. Member States should take all measures necessary to ensure that national rules on penalties applicable to infringements of Regulation (EC) No 561/2006 and Regulation (EU) No 165/2014 are implemented in an effective, proportionate and dissuasive manner. Further steps are needed to ensure that all penalties applied by Member States are non-discriminatory and proportionate to the seriousness of infringement.

Amendment 22

Proposal for a regulation Recital 11

Text proposed by the Commission

Amendment

(11) To enhance cost-effectiveness of enforcement of the social rules **the potential of** the current and **future** tachograph systems should be **fully exploited**. Therefore the functionalities of the tachograph should be improved to

(11) To enhance cost-effectiveness of enforcement of the social rules the current and **smart** tachograph systems should be **mandatory in international transport**. Therefore the functionalities of the tachograph should be improved to allow

allow for more precise positioning, *in particular during international transport operations.*

Amendment 23

Proposal for a regulation
Recital 11 a (new)

Text proposed by the Commission

for more precise positioning.

Amendment

(11a) The rapid development of new technologies and digitalisation throughout the Union economy and the need for a level playing field among companies in international road transport make it necessary to shorten the transitional period for the installation of the smart tachograph in registered vehicles. The smart tachograph will contribute to simplified controls and thus facilitate the work of national authorities.

Amendment 24

Proposal for a regulation
Recital 11 b (new)

Text proposed by the Commission

Amendment

(11b) Taking into account the widespread use of smartphones and the continuous development of their functionalities, and in view of the deployment of Galileo, which offers increasing opportunities for real time localisation, which many mobile already use, the Commission should explore the possibility of developing and certifying a mobile application that offers the same benefits as those offered by the smart tachograph, at the same associated costs.”

Amendment 25

Proposal for a regulation
Article 1 – paragraph 1 – point -1 (new)

Regulation (EC) No 561/2006
Article 2 – paragraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(-1) In Article 2, paragraph 1, the following point (aa) is added:

"(aa) of goods in international transport operations, where the maximum permissible mass of the vehicle, including any trailer, or semi-trailer, exceeds 2,4 tonnes, or"

Amendment 26

Proposal for a regulation

Article 1 – paragraph 1 – point 1 a (new)

Regulation (EC) No 561/2006

Article 3 – point h a (new)

Text proposed by the Commission

Amendment

(1a) In Article 3, the following point is inserted:

"(ha) light commercial vehicles that are used for the transport of goods, where the transport is not effected for hire or reward, but on the own account of the company or the driver, and where driving does not constitute the main activity of the person driving the vehicle;"

Amendment 27

Proposal for a regulation

Article 1 – paragraph 1 – point 2

Regulation (EC) No 561/2006

Article 4 – paragraph 1 – point r

Text proposed by the Commission

Amendment

(r) 'non-commercial carriage' means any carriage by road, other than carriage for hire or reward or for own account, for which no remuneration is received and which does not generate any income.

(r) 'non-commercial carriage' means any carriage by road, other than carriage for hire or reward or for own account, for which no remuneration is received and which does not generate any income **or turnover.**

Amendment 28

Proposal for a regulation

Article 1 – paragraph 1 – point 2 (new)

Regulation (EC) No 561/2006

Article 4 – paragraph 1 – point r a (new)

Text proposed by the Commission

Amendment

In Article 4, new point ra is added:

(ra) "‘home’ means the registered residence of the driver in a Member State."

Amendment 29

Proposal for a regulation

Article 1 – paragraph 1 – point 2 a (new)

Regulation (EC) No 561/2006

Article 5 – paragraph 1

Present text

Amendment

(2a) In Article 5, paragraph 1 is replaced by the following:

1. The minimum age for **conductors** shall be 18 years.

"1. The minimum age for **drivers** shall be 18 years."

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32006R0561&from=EN>)

Amendment 30

Proposal for a regulation

Article 1 – paragraph 1 – point 3 b (new)

Regulation (EC) No 561/2006

Article 7 – paragraph 2

Text proposed by the Commission

Amendment

This break may be replaced by **a break** of at least 15 minutes **followed by a break of at least 30 minutes** each distributed over the period in such a way as to comply with the provisions of the first paragraph.

This break may be replaced by **breaks** of at least 15 minutes each distributed over the period in such a way as to comply with the provisions of the first paragraph. **Any break taken in this way before less than 45 minutes of driving time shall not comply with the provisions of the first**

paragraph.

(http://eur-lex.europa.eu/resource.html?uri=cellar:5cf5ebde-d494-40eb-86a7-2131294ccb9.0005.02/DOC_1&format=PDF)

Amendment 31

Proposal for a regulation

Article 1 – paragraph 1 – point 5 – point a (new)

Regulation (EC) No 561/2006

Article 8 – paragraph 6 – point b a (new)

Text proposed by the Commission

Amendment

(5a) In Article 8, paragraph 6, the following point is inserted:

(ba) three regular weekly rest periods of at least 45 hours and one reduced weekly rest period of at least 24 hours.

Amendment 32

Proposal for a regulation

Article 1 – paragraph 1 – point 5 – point a

Regulation (EC) No 561/2006

Article 8 – paragraph 6 – subparagraph 2

Text proposed by the Commission

Amendment

For the purposes of point (b), the reduced weekly rest periods shall be compensated by an equivalent period of rest taken en bloc before the end of the third week following the week in question.

For the purposes of point (b) *and* (c), the reduced weekly rest periods *specified above* shall be compensated by an equivalent period of rest taken en bloc before the end of the third week following the week in question *in accordance with paragraph 8b*.

Amendment 33

Proposal for a regulation

Article 1 – paragraph 1 – point 5 – point a a (new)

Regulation (EC) No 561/2006

Article 8 – paragraph 6 a – introductory part

Present text

Amendment

(aa) In Article 8, introductory part of paragraph 6a shall be replaced by the following:

6a. By way of derogation from paragraph 6, a driver engaged in a single occasional service of ***international*** carriage of passengers, as defined in Regulation (EC) No 1073/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international market for coach and bus services, may postpone the weekly rest period for up to 12 consecutive 24-hour periods following a previous regular weekly rest period, provided that:

"6a. By way of derogation from paragraph 6, a driver engaged in a single occasional service of carriage of passengers, as defined in Regulation (EC) No 1073/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international market for coach and bus services, may postpone the weekly rest period for up to 12 consecutive 24-hour periods following a previous regular weekly rest period, provided that:"

(<http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32006R0561>)

Justification

This derogation should also apply to national carriage especially larger Member States should benefit from this option.

Amendment 34

Proposal for a regulation

Article 1 – paragraph 1 – point 5 – point a b (new)

Regulation (EC) No 561/2006

Article 8 – paragraph 6 a – point (a)

Present text

Amendment

(a) the service lasts at least 24 consecutive hours in a Member State or a third country to which this Regulation applies other than the one in which the service started;

(ab) Article 8, paragraph 6a point (a) is deleted:

""

(<http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32006R0561>)

Amendment 35

Proposal for a regulation

Article 1 – paragraph 1 – point 5 – point a c (new)

Regulation (EC) No 561/2006

Article 8 – paragraph 6 a a (new)

Text proposed by the Commission

Amendment

(ac) *In Article 8, new paragraph is added:*

"6aa. *By way of derogation from Article 8(2) and the second subparagraph of Article 8(6), a driver engaged in single occasional carriage of passengers, as defined in Regulation (EC) No 1073/2009 of the European Parliament and the of the Council of 21 October 2009 on common rules for access to the international market for coach and bus services, may postpone, at most twice per week, daily resting time by one hour, provided that the daily rest period taken after making use of the derogation lasts for at least 9 hours, provided that road safety is not thereby jeopardised."*

Amendment 36

Proposal for a regulation

Article 1 – paragraph 1 – point 5 – point a d (new)

Regulation (EC) No 561/2006

Article 8 – paragraph 6 a b (new)

Text proposed by the Commission

Amendment

(ad) *In Article 8, new paragraph is added:*

"6ab. *Provided that road safety is not thereby jeopardised, a driver engaged in single occasional carriage of passengers, as defined in Regulation (EC) No 1073/2009 of the European Parliament and the of the Council of 21 October 2009 on common rules for access to the international market for coach and bus services, may take a regular daily rest period divided into three periods which shall consist of at least: an uninterrupted period of 1 hour, an uninterrupted period*

of 2 hours and an uninterrupted period of 9 hours. Those periods can be spread in any order, except taking two uninterrupted periods of 9 hours consecutively from one day to another."

Amendment 37

Proposal for a regulation

Article 1 – paragraph 1 – point 5 – point b

Regulation (EC) No 561/2006

Article 8 – paragraph 7

Text proposed by the Commission

(7) Any rest period taken as compensation for a reduced weekly rest period shall *immediately precede or follow* a regular weekly rest period of at least 45 hours.

Amendment

(7) Any rest period taken as compensation for a reduced weekly rest period shall *be attached to* a regular weekly rest period of at least 45 hours.

Amendment 38

Proposal for a regulation

Article 1 – paragraph 1 – point 5 – point b a (new)

Regulation (EC) No 561/2006

Article 8 – paragraph 8

Present Text

8. Where a driver chooses to do this, daily *rest periods and reduced weekly* rest periods away from base may be taken in a vehicle, as long as it has suitable sleeping facilities for each driver and the vehicle is stationary.

Amendment

(ba) In Article 8, paragraph 8 is amended as follows:

"8. Where a driver chooses to do this, daily rest periods away from base may be taken in a vehicle, as long as it has suitable sleeping facilities for each driver and the vehicle is stationary."

Amendment 39

Proposal for a regulation

Article 1 – paragraph 1 – point 5 – point c

Regulation (EC) No 561/2006

Article 8 – paragraph 8 a

Text proposed by the Commission

8a. The regular weekly rest periods and any weekly rest of more than 45 hours taken in compensation for previous reduced weekly rest shall not be taken in a vehicle. They shall be taken in a suitable accommodation, with adequate sleeping and sanitary facilities;

Amendment 40

Proposal for a regulation

Article 1 – paragraph 1 – point 5 – point c

Regulation (EC) No 561/2006

Article 8 – paragraph 8 a – point a

Text proposed by the Commission

(a) either provided or paid for by the employer, or

Amendment 41

Proposal for a regulation

Article 1 – paragraph 1 – point 5 – point c

Regulation (EC) No 561/2006

Article 8 – paragraph 8 a – point b

Text proposed by the Commission

(b) at home or at another private location chosen by the driver

Amendment 42

Proposal for a regulation

Article 1 – paragraph 1 – point 5 – point c

Regulation (EC) No 561/2006

Article 8 – paragraph 8 a a (new)

Text proposed by the Commission

Amendment

8a. The regular weekly rest periods, ***reduced weekly rest periods*** and any weekly rest of more than 45 hours taken in compensation for previous reduced weekly rest shall not be taken in a vehicle. They shall be taken, ***instead***, in a suitable accommodation, with adequate sleeping and sanitary facilities. ***That accommodation shall be:***

Amendment

(a) either provided ***by*** or paid for by the employer, or

Amendment

(b) at ***the driver's*** home or at another private location chosen by the driver.

Amendment

In Article 8, the following paragraph is inserted:

“8aa. Paragraph 8a of this Article shall

not apply when the regular weekly rest periods and reduced weekly rest periods are taken in locations certified as complying with the requirements of Article 8a, provided that the vehicle is stationary and has suitable sleeping facilities for each driver.”

Amendment 43

Proposal for a regulation

Article 1 – paragraph 1 – point 5 – point c

Regulation (EC) No 561/2006

Article 8 – paragraph 8 b – subparagraph 1

Text proposed by the Commission

8b. A transport undertaking shall organise the work of drivers in such a way that the drivers are able to spend at least one regular weekly rest period or a weekly rest of more than 45 hours taken in compensation for reduced weekly rest at home *within* each period of three consecutive weeks.

Amendment

8b. A transport undertaking shall organise the work of drivers in such a way that the drivers are able to spend at least one regular weekly rest period or a weekly rest of more than 45 hours taken in compensation for reduced weekly rest at home *or another location of the driver's choosing before the end of* each period of three consecutive weeks. *The driver shall inform the transport undertaking in writing no later than two weeks before such rest period, if it will be taken in a place other than the driver's home. When a driver chooses to take this rest at home, the transport undertaking shall provide the driver with the necessary means to return home.*

Amendment 44

Proposal for a regulation

Article 1 – paragraph 1 – point 5 – point c

Regulation (EC) No 561/2006

Article 8 – paragraph 8 b – subparagraph 2

Text proposed by the Commission

Amendment

In Article 8, paragraph 8b, the following subparagraph is added:

“The driver shall declare that a regular weekly rest period or a weekly rest of more than 45 hours taken in compensation for a reduced weekly rest, has been taken in a location of driver’s choice. The declaration shall be kept at the premises of undertaking.”

Amendment 45

Proposal for a regulation

Article 1 – paragraph 1 – point 5 a (new)

Regulation (EC) No 561/2006

Article 8 a (new)

Text proposed by the Commission

Amendment

(5a) The following Article is inserted:

"Article 8a

1. By way of a derogation of Article 8 (8a), a driver may take regular weekly rest periods and reduced weekly rest periods in any parking areas that are self-certified as Dedicated Parking Areas (DPA).

2. All parking areas that have at least the facilities and features set out in Annex 1 may indicate at their entrance that they are self-certified as a Dedicated Parking Area.

3. Member States shall ensure that random checks are carried out on a regular basis to verify compliance of parking characteristics with the DPA criteria set out in Annex 1.

4. Member States shall investigate complaints of self-certified DPAs that are non-compliant with the criteria set out in Annex 1.

5. Member States shall disseminate information on dedicated parking areas that are no longer deemed to comply with criteria set out in Annex 1 through the national or international point of access referred to in Article 5.3 of Regulation (EU) No 885/2013.

6. All parking areas that comply with the DPA criteria set out in Annex 1 are deemed to be suitable for daily rest, weekly rest, compensated rest and reduced weekly rest for the purpose of this Regulation, unless otherwise indicated in accordance with paragraph 5.

7. Member States shall issue an annual report to the European Commission on the availability of Dedicated Parking Areas on their national territory, from the date of entry into force of this Regulation.

8. Member States shall encourage the creation of Dedicated Parking areas in line with the provisions set out in point (c) of Article 39(2) of the Regulation (EU) No 1315/2013.

The Commission shall, by 31 December 2020 at the latest, present a report to the European Parliament and the Council on the availability of suitable rest facilities for drivers and secured parking facilities. This report shall be updated annually on the basis of information gathered by the Commission under paragraph 5 and contain a list of proposed measures to increase the number and quality of suitable rest facilities for drivers and secured parking facilities.

Amendment 46

Proposal for a regulation

Article 1 – paragraph 1 – point 6

Regulation (EC) No 561/2006

Article 9 – paragraph 1

Text proposed by the Commission

9. By way of derogation from Article 8, where a driver accompanies a vehicle which is transported by ferry or train, and takes a regular daily rest period or reduced weekly rest period, that period may be interrupted not more than twice by other activities not exceeding one hour in total.

Amendment

9. By way of derogation from Article 8, where a driver accompanies a vehicle which is transported by ferry or train, and takes a regular daily rest period or reduced weekly rest period, that period may be interrupted not more than twice by other activities not exceeding one hour in total.

During that regular daily rest or reduced weekly rest period the driver shall have access to a bunk or couchette at their disposal.

During that regular daily rest or reduced weekly rest period the driver shall have access to a *sleeper cabin*, bunk or couchette at their disposal.

Amendment 47

Proposal for a regulation

Article 1 – paragraph 1 – point 6 (new)

Regulation (EC) No 561/2006

Article 9 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

In Article 9, paragraph 1 a is inserted:

"The derogation in paragraph 1 may be extended to regular weekly rests when the ferry journey is 12 hours or more in duration. During that weekly rest period the driver shall have access to a sleeper cabin."

Amendment 48

Proposal for a regulation

Article 1 – paragraph 1 – point 6 a (new)

Regulation (EC) No 561/2006

Article 10 – paragraph 1

Present text

Amendment

1. A transport undertaking shall not give drivers it employs or who are put at its disposal any payment, even in the form of a bonus or wage supplement, related to distances travelled and/or the amount of goods carried if that payment ***is of such a kind as to endanger road safety and/or*** encourages infringement of this Regulation.

(6a) in Article 10, paragraph 1 is replaced by the following:

"1. A transport undertaking shall not give drivers it employs or who are put at its disposal any extra payment, even in the form of a bonus or wage supplement, related to distances travelled, ***the speed of delivery*** and/or the amount of goods carried if that payment encourages infringement of this Regulation."

Amendment 49

Proposal for a regulation

Article 1 – paragraph 1 – point 7

Regulation (EC) No 561/2004

Article 12 – paragraph 2

Text proposed by the Commission

Provided that road safety is not thereby jeopardised, the driver may depart from Article 8(2) **and the second subparagraph of Article 8(6)** to be able to reach **a suitable accommodation as referred to in Article 8(8a) to take a daily or weekly rest there. Such a departure shall not result in exceeding daily or weekly driving times or shortening daily or weekly rest periods.** The driver shall indicate the reason for such departure manually on the **record sheet of the recording equipment or on a printout from the recording equipment or in the duty roster, at the latest on arrival at the suitable accommodation.**

Amendment 50

Proposal for a regulation

Article 1 – paragraph 1 – point 7 a (new)

Regulation (EC) No 561/2006

Article 13 – paragraph 1 – point d

Text proposed by the Commission

(d) vehicles or combinations of vehicles with a maximum permissible mass not exceeding 7,5 tonnes used by universal service providers as defined in Article 2(13) of Directive 97/67/EC of the European Parliament and of the Council of 15 December 1997 on common rules for the development of the internal market of Community postal services and the improvement of quality of service to deliver items as **part of the universal service.**

Amendment

Provided that road safety is not thereby jeopardised, the driver may depart **exceptionally** from Article 6(1) **after a rest of 30 minutes, so as to be able to reach within two hours the employer's operational centre where the driver is normally based.** The driver shall indicate the reason for such departure manually on the printout from the recording equipment. **This period of up to two hours shall be compensated by an equivalent period of rest taken in one go, by the end of the third week following the week in question.**

Amendment

(7a) Article 13, paragraph 1, point d shall be replaced by the following:

d) vehicles or combinations of vehicles with a maximum permissible mass not exceeding 7,5 tonnes used by universal service providers as defined in Article 2 (13) of Directive 97/67/EC of the European Parliament and of the Council of 15 December 1997 on common rules for the development of the internal market of Community postal services and the improvement of quality of service to deliver items as part of **postal items as defined in Article 2(6) of Directive 97/67/EC.**

Amendment 51

Proposal for a regulation

Article 1 – paragraph 1 – point 7 b (new)

Regulation (EC) No 561/2006

Article 13 – paragraph 1 – point e

Present text

(e) vehicles operating exclusively on islands not exceeding 2 300 square kilometres in area which are not *linked* to the rest of the national territory by a bridge, ford or tunnel open for use by motor vehicles;

Amendment

(7b) Article 13, paragraph 1, point e shall be replaced by the following:

"(e) vehicles operating exclusively on islands *or regions isolated from the rest of the national territory* not exceeding 2 300 square kilometres in area which are not *connected* to the rest of the national territory by a bridge, ford or tunnel open for use by motor vehicles, *and which do not border another Member State*;"

(<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02006R0561-20150302&from=EN>)

Amendment 52

Proposal for a regulation

Article 1 – paragraph 1 – point 7 c (new)

Regulation (EC) No 561/2006

Article 13 – paragraph 1 – point p a (new)

Text proposed by the Commission

Amendment

(7c) in Article 13, paragraph 1, the following point is added:

"(pa) vehicles or combinations of vehicles with a maximum permissible mass not exceeding 44 tonnes employed by a construction undertaking up to a 100 km radius from the base of the undertaking, and on condition that driving the vehicles does not constitute the driver's main activity;"

Amendment 53

Proposal for a regulation
Article 1 – paragraph 1 – point 8
Regulation (EC) No 561/2006
Article 14 – paragraph 2

Text proposed by the Commission

2. In urgent cases Member States may grant, under exceptional circumstances, a temporary exception for a period not exceeding 30 days, which shall be duly justified and notified immediately to the Commission.

Amendment

2. In urgent cases Member States may grant, under exceptional circumstances, a temporary exception for a period not exceeding 30 days, which shall be duly justified and notified immediately to the Commission.

This information shall be published on a dedicated public website maintained by the Commission in all EU languages.

Amendment 54

Proposal for a regulation
Article 1 – paragraph 1 – point 9
Regulation (EC) 561/2006
Article 15 – paragraph 1

Text proposed by the Commission

Member States shall ensure that drivers of vehicles referred to in Article 3(a) are governed by national rules which provide adequate protection in terms of permitted driving times and mandatory breaks and rest periods. Member States ***shall inform the Commission about the relevant national rules applicable to such drivers.***

Amendment

Member States shall ensure that drivers of vehicles referred to in Article 3(a) are governed by national rules which provide adequate protection in terms of permitted driving times and mandatory breaks and rest periods. ***It is in the interests of drivers working conditions, as well as road safety and enforcement that Member States should provide parking and rest areas, free from snow and ice in the winter time, especially in the outermost and/or peripheral regions of the European Union.***

Amendment 55

Proposal for a regulation
Article 1 – paragraph 1 – point 9 a (new)
Regulation (EC) No 561/2006
Article 17 – paragraph 3 a (new)

(9a) *In Article 17, paragraph 3 a is added as follows:*

"3a. *The report shall include an evaluation of the use of autonomous driving systems in the Member States and the possibility for the driver to record the period during which an autonomous driving system is activated and shall be accompanied, if appropriate, by a legislative proposal to amend this Regulation, including the necessary requirements for the driver to record those data in the smart tachograph."*

Amendment 56

Proposal for a regulation

Article 1 – paragraph 1 – point 10

Regulation (EC) No 561/2006

Article 19 – paragraph 1

Text proposed by the Commission

1. Member States shall lay down rules on penalties applicable to infringements of this Regulation and Regulation (EU) No 165/2014 and shall take all measures necessary to ensure that they are implemented. Those penalties shall be effective, proportionate to ***their*** gravity ***as determined in accordance with*** Annex III to Directive 2006/22/EC of the European Parliament and of the Council¹², dissuasive and non-discriminatory. No infringement of this Regulation and Regulation (EU) No 165/2014 shall be ***subjected*** to more than one penalty or procedure. The Member States shall ***notify the Commission of those measures and the rules on penalties*** by the date specified in the second subparagraph of Article 29. ***They*** shall notify without delay any subsequent ***amendments thereto***. The Commission shall inform Member States ***accordingly***.

Amendment

1. Member States shall lay down rules on penalties applicable to infringements of this Regulation and Regulation (EU) No 165/2014 and shall take all measures necessary to ensure that they are implemented. Those penalties shall be effective ***and*** proportionate to ***the*** gravity ***of the infringements, as indicated in*** Annex III to Directive 2006/22/EC of the European Parliament and of the Council¹², dissuasive and non-discriminatory. No infringement of this Regulation and ***of*** Regulation (EU) No 165/2014 shall be ***subject*** to more than one penalty or procedure. The Member States shall, by the date specified in the second subparagraph of Article 29, ***notify the Commission of those rules and measures, along with the method and criteria chosen at national level for assessing their proportionality***. ***The Member States*** shall notify without delay any subsequent ***amendment***

affecting them. The Commission shall inform Member States *of those rules and measures, and of any amendments thereto.*

This information shall be published on a dedicated public website maintained by the Commission in all EU languages, containing detailed information on such penalties applicable in EU Member States.

¹² Directive 2006/22/EC of the European Parliament and of the Council of 15 March 2006 on minimum conditions for the implementation of Council Regulations (EEC) No 3820/85 and (EEC) No 3821/85 concerning social legislation relating to road transport activities and repealing Council Directive 88/599/EEC (OJ L 102, 11.4.2006, p. 35).

¹² Directive 2006/22/EC of the European Parliament and of the Council of 15 March 2006 on minimum conditions for the implementation of Council Regulations (EEC) No 3820/85 and (EEC) No 3821/85 concerning social legislation relating to road transport activities and repealing Council Directive 88/599/EEC (OJ L 102, 11.4.2006, p. 35).

Amendment 57

Proposal for a regulation

Article 1 – paragraph 1 – point 12

Regulation (EC) No 561/2006

Article 25 – paragraph 2

Text proposed by the Commission

2. In the cases referred to in paragraph 1 the Commission shall adopt implementing acts setting out common approaches in accordance with the advisory procedure referred to in Article 24(2).

Amendment

58

Proposal for a regulation

Article 1 – paragraph 1 – point 12 a (new)

Regulation (EC) 561/2006

Annex (new)

Text proposed by the Commission

Amendment

2. In the cases referred to in paragraph 1 the Commission shall adopt implementing acts setting out common approaches *for the implementation of this Regulation* in accordance with the advisory procedure referred to in Article 24(2).

Amendment

The following Annex is added:

"Minimum requirements for the parking areas

Part A: Service facilities

1) Toilets with water taps, clean, in working condition and checked regularly:

- up to 10 places at least one toilet block with four toilets;*
- from 10 up to 25 places at least one toilet block with eight toilets;*
- from 25 up to 50 places at least two toilet blocks with 10 toilets each;*
- from 50 up to 75 places at least two toilet blocks with 15 toilets each;*
- from 75 up to 125 places at least four toilets toilet blocks with 15 toilets each;*
- over 125 places at least six toilets toilet blocks with 15 toilets each.*

2) Showers clean, in working condition and checked regularly:

- up to 10 places at least one shower block with two showers;*
- from 25 up to 50 places at least two shower blocks with five showers each;*
- from 50 up to 75 places at least two shower blocks with 10 showers each;*
- from 75 up to 125 places at least four shower blocks with 12 showers each;*
- over 125 places at least six shower blocks with 15 showers each.*

3) Adequate access to drinking water;

4) Suitable cooking facilities, snack-bar or restaurant;

5) Shop present with variety of food, beverages etc. at the site or nearby;

6) Waste bins available in adequate amount and capacity;

7) Shelter against rain or sun near parking area;

8) Contingency plan/ management available/ emergency contacts known to

the staff;

- 9) *Picnic tables with benches or alternatives available in reasonable amount;*
- 10) *Dedicated Wi-Fi service;*
- 11) *Cashless reservation, payment and invoice system;*
- 12) *Indication system of slot availability both at the location and online;*
- 13) *The facilities are gender friendly.*

Part B: Security features

- 1) *A continuous separation of the parking area and its surroundings, such as fences or alternative barriers which prevents casual entry and intentional unlawful entry or delays the entry;*
- 2) *Only users of the truck parking area and truck parking area staff are to be given access to the parking;*
- 3) *Digital recording (at least 25fps) in place. System records either continuously or in motion detection mode;*
- 4) *CCTV system that has the possibility to cover the whole fence ensuring that all activities near or at the fence can be clearly recorded (CCTV recording view);*
- 5) *Site surveillance by patrols or otherwise;*
- 6) *Each crime incident shall be reported to the truck parking area staff and the police. If possible the vehicle has to be put on hold awaiting instructions from police;*
- 7) *Lighted driving and pedestrian lanes at all times;*
- 8) *Pedestrian safety in the dedicated parking areas;*
- 9) *Parking area surveillance through appropriate and proportionate security checks;*

10) *Clearly indicated phone number(s) of emergency services."*

Amendment 59

Proposal for a regulation

Article 2 – paragraph 1 – point -1 a (new)

Regulation (EU) No 165/2014

Article 1 – paragraph 1

Text proposed by the Commission

1. This Regulation sets out obligations and requirements in relation to the construction, installation, use, testing and control of tachographs used in road transport, in order to verify compliance with Regulation (EC) No 561/2006, Directive 2002/15/EC of the European Parliament and of the Council¹⁴ and Council Directive 92/6/EEC¹⁵.

¹⁴ 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 (OJ L 80, 23.3.2002, p. 35).

¹⁵ Council Directive 92/6/EEC of 10 February 1992 on the installation and use of speed limitation devices for certain categories of motor vehicles in the Community (OJ L 57, 2.3.1992, p. 27).

Amendment

(-1a) Article 1, paragraph 1 is amended as follows:

1. This Regulation sets out obligations and requirements in relation to the construction, installation, use, testing and control of tachographs used in road transport, in order to verify compliance with Regulation (EC) No 561/2006, Directive 2002/15/EC of the European Parliament and of the Council¹⁴ and Council Directive 92/6/EEC¹⁵, ***Regulation (EC) No 1072/2009, Council Directive 92/106/EEC^{15a}, Directive 96/71/EC and Directive 2014/67/EU as far as posting of workers in road transport is concerned, and with the Directive laying down specific rules with respect to Directive 96/71/EC and Directive 2014/67/EU for posting drivers in road transport.***

¹⁴ 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 (OJ L 80, 23.3.2002, p. 35).

¹⁵ Council Directive 92/6/EEC of 10 February 1992 on the installation and use of speed limitation devices for certain categories of motor vehicles in the Community (OJ L 57, 2.3.1992, p. 27).

^{15a} ***Council Directive 92/106/EEC of 7 December 1992 on the establishment of common rules for certain types of***

combined transport of goods between Member States (OJ L 368, 17.12.1992, p. 38).

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32014R0165&rid=1>)

Amendment 60

Proposal for a regulation

Article 2 – paragraph 1 – point -1 b (new)

Regulation (EU) No 165/2014

Article 2 – paragraph 2 – point h a (new)

Text proposed by the Commission

Amendment

(-1b) In Article 2, paragraph 2, the following point is added:

“(ha) ‘smart tachograph’ means a digital tachograph using a positioning service based on a satellite navigation system automatically determining its position in accordance with this Regulation;”

Amendment 61

Proposal for a regulation

Article 2 – paragraph 1 – point -1 c (new)

Regulation (EU) No 165/2014

Article 3 – paragraph 4

Present text

Amendment

4. 15 years after newly registered vehicles are required to have a tachograph as provided in Articles 8, 9 and 10, vehicles operating in a Member State other than their Member State of registration shall be fitted with such a tachograph.

(-1c) In Article 3, paragraph 4 is amended as follows:

4. *No later than¹... [OJ: 3 years after entry into force of this amending Regulation], the following vehicles shall be fitted with a smart tachograph:*

(a) vehicles operating in a Member State other than their Member State of registration which are fitted with an analogue tachograph,

(b) vehicles operating in a Member State other than their Member State of registration which are fitted with a digital tachograph complying with the specifications in Annex IB to Council Regulation (EEC) No 3821/85 applicable until 30 September 2011; or

(c) vehicles operating in a Member State other than their Member State of registration which are fitted with a digital tachograph complying with the specifications in Annex IB to Council Regulation (EEC) No 3821/85 applicable from 1 October 2011,

¹ *Assuming entry into force of road package in 2019, Commission's implementing act for smart tachograph version 2 by 2019/2020 (see Art. 11 below), applying thereafter a staggered approach to retrofitting.*

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32014R0165&qid=1512486773548&from=EN>)

Amendment 62

Proposal for a regulation

Article 2 – paragraph 1 – point -1 d (new)

Regulation (EU) No 165/2014

Article 3 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

(-1d) In Article 3, paragraph 4 a is added:

4a By... [OJ: 4 years after entry into force of this amending Regulation], vehicles operating in a Member State other than their Member State of registration which are fitted with a digital tachograph complying with Annex IB to Council Regulation (EEC) No 3821/85 applicable from 1 October 2012 shall be fitted with a smart tachograph.

Amendment 63

Proposal for a regulation

Article 2 – paragraph 1 – point -1 e (new)

Regulation (EU) No 165/2014

Article 3 – paragraph 4 b (new)

Text proposed by the Commission

Amendment

(-1e) In Article 3, paragraph 4 b is added:

4b By... [OJ: 5 years after entry into force of this amending Regulation], vehicles operating in a Member State other than their Member State of registration which are fitted with a smart tachograph complying with Annex IC of Regulation (EU) 2016/799 shall be fitted with a smart tachograph.

Amendment 64

Proposal for a regulation

Article 2 – paragraph 1 – point -1 f (new)

Regulation (EU) No 165/2014

Article 4 – paragraph 2 – indent 3 a (new)

Text proposed by the Commission

Amendment

(-1f) In Article 4, paragraph 2 the following indent is inserted:

- have enough memory capacity to store all of the data required under this Regulation;

Amendment 65

Proposal for a regulation

Article 2 – paragraph 1 – point -1 g (new)

Regulation (EU) No 165/2014

Article 7 – paragraph 1

Present text

Amendment

(-1g) Article 7, paragraph 1, is replaced by the following:

1. Member States shall ensure that the processing of personal data in the context of this Regulation is carried out solely for the purpose of verifying compliance with this Regulation and with Regulation (EC) No 561/2006, in accordance with Directives 95/46/EC and 2002/58/EC and under the supervision of the supervisory authority of the Member State referred to in Article 28 of Directive 95/46/EC.

"1. Member States shall ensure that the processing of personal data in the context of this Regulation is carried out solely for the purpose of verifying compliance with this Regulation and with Regulation (EC) No 561/2006, Directive 2002/15/EC, Council Directive 92/6/EEC, Council Directive 92/106/EEC, Regulation (EC) No 1072/2009, Directive 96/71/EC and Directive 2014/67/EU as far as posting of workers in road transport is concerned, and with the Directive laying down specific rules with respect to Directive 96/71/EC and Directive 2014/67/EU for posting drivers in road transport, in accordance with Regulation (EU) 2016/679 and Directive 2002/58/EC and under the supervision of the supervisory authority of the Member State referred to in Article 51 of Regulation (EU) No 2016/679.

"

(http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32014R0165&rid=1#ntr15-L_2014060EN.01000101-E0015)

Amendment 66

Proposal for a regulation

Article 2 – paragraph 1 – point -1 h (new)

Regulation (EU) No 165/2014

Article 7 – paragraph 2 - introductory wording

Present text

Amendment

2. Member States shall, in particular, ensure that personal data are protected against uses other than those strictly linked to this Regulation and Regulation (EC) No 561/2006, in accordance with paragraph 1, in relation to:

(-1h) Article 7, the introductory wording of paragraph 2, is replaced by the following:

"2. Member States shall, in particular, ensure that personal data are protected against uses other than those strictly linked to this Regulation and Regulation (EC) 561/2006, Directive 2002/15/EC, Council Directive 92/6/EEC, Council Directive 92/106/EEC, Regulation (EC) No 1072/2009, Directive 96/71/EC and

Directive 2014/67/EU as far as posting of workers in road transport is concerned, and with the Directive laying down specific rules with respect to Directive 96/71/EC and Directive 2014/67/EU for posting drivers in road transport, in accordance with paragraph 1, in relation to:
"

(http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32014R0165&rid=1#ntr15-L_2014060EN.01000101-E0015)

Amendment 67

Proposal for a regulation

Article 2 – paragraph 1 – point 1

Regulation (EU) No 165/2014

Article 8 – paragraph 1 – indent 2

Text proposed by the Commission

– every **three hours** of accumulated driving time;

Amendment

– every **minute** of accumulated driving time **and every time the vehicle crosses the border of a Member State**;

Amendment 68

Proposal for a regulation

Article 2 – paragraph 1 – point 1 a (new)

Regulation (EU) No 165/2014

Article 8 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

(1a) In Article 8, paragraph 1, the following subparagraph is added:

In order to facilitate the verification of compliance by control authorities, the smart tachograph shall also record, if the vehicle has been employed for the carriage of goods or passengers, as required by Regulation (EC) No 561/2006.

Amendment 69

Proposal for a regulation

Article 2 – paragraph 1 – point 1 b (new)

Regulation (EU) No 165/2014

Article 8 – paragraph 1 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

(1b) *In Article 8, paragraph 1, the following subparagraph is added:*

Vehicles registered for the first time from... [24 months after the entry into force of this amending Regulation] shall be fitted with a tachograph in accordance with the second indent of the first subparagraph of Article 8(1) and the second subparagraph of Article 8(1) of this Regulation.

Amendment 70

Proposal for a regulation

Article 2 – paragraph 1 – point 1 c (new)

Regulation (EU) No 165/2014

Article 9 – paragraph 2

Present text

Amendment

2. *15 years after newly registered vehicles are required to have a tachograph as provided for in this Article and in Articles 8 and 10*, Member States shall equip their control authorities to an appropriate extent with remote early detection equipment necessary to permit the data communication referred to in this Article, taking into account their specific enforcement requirements and strategies. Until that time, Member States may decide whether to equip their control authorities with such remote early detection equipment.

(1c) *Article 9, paragraph 2, is replaced by the following:*

"2. *By [OJ: 1 year after entry into force of this amending Regulation]* Member States shall equip their control authorities to an appropriate extent with remote early detection equipment necessary to permit the data communication referred to in this Article, taking into account their specific enforcement requirements and strategies. Until that time, Member States may decide whether to equip their control authorities with such remote early detection equipment."

(<http://eur-lex.europa.eu/legal->

Amendment 71

Proposal for a regulation

Article 2 – paragraph 1 – point 1 d (new)

Regulation (EU) No 165/2014

Article 9 – paragraph 3

Present text

3. The communication referred to in paragraph 1 shall be established with the tachograph only when so requested by the equipment of the control authorities. It shall be secured to ensure data integrity and authentication of the recording and control equipment. Access to the data communicated shall be restricted to control authorities authorised to check infringements of *Regulation (EC) No 561/2006* and of this Regulation and to workshops in so far as it is necessary to verify the correct functioning of the tachograph.

Amendment

(1d) In Article 9, paragraph 3, is replaced by the following:

"3. The communication referred to in paragraph 1 shall be established with the tachograph only when so requested by the equipment of the control authorities. It shall be secured to ensure data integrity and authentication of the recording and control equipment. Access to the data communicated shall be restricted to control authorities authorised to check infringements of *the Union legal acts set out in Article 7(1)* and of this Regulation and to workshops in so far as it is necessary to verify the correct functioning of the tachograph."

(http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32014R0165&rid=1#ntr15-L_2014060EN.01000101-E0015)

Amendment 72

Proposal for a regulation

Article 2 – paragraph 1 – point 1 e (new)

Regulation (EU) No 165/2014

Article 11 – paragraph 1

Present text

In order to ensure that smart tachographs comply with the principles and requirements set out in this Regulation, the Commission shall, by means of

Amendment

(1e) In Article 11, paragraph 1 is amended as follows:

"In order to ensure that smart tachographs comply with the principles and requirements set out in this Regulation, the Commission shall, by means of

implementing acts, adopt detailed provisions necessary for the uniform application of Articles 8, 9 and 10, excluding any provisions which would provide for the recording of additional data by the tachograph. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 42(3).

implementing acts, adopt detailed provisions necessary for the uniform application of Articles 8, 9 and 10, excluding any provisions which would provide for the recording of additional data by the tachograph.

By [OJ: 12 months after the entry into force of this amending Regulation], the Commission shall adopt implementing acts laying down detailed rules for recording any border crossing of the vehicle referred to in the second indent of the first subparagraph of Article 8(1) and in the second subparagraph of Article 8(1).

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 42(3)."

(http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32014R0165&rid=1#ntr15-L_2014060EN.01000101-E0015)

Amendment 73


Proposal for a regulation

Article 2 – paragraph 1 – point 1 f (new)

Regulation (EU) No 165/2014



Article 34 – paragraph 5 – point b – point (iv)

Text proposed by the Commission

(iv) under the sign : breaks or rest.

Amendment

(1f) Article 34, paragraph 5, point b is amended as follows:

"(iv) under the sign : breaks, ***rest, annual leave or sick leave,***
under the sign "ferry/train": In addition to the sign : the rest period spending on a ferry or train as required by Article 9 of Regulation (EC) 561/2006."

Amendment 74

Proposal for a regulation

Article 2 – paragraph 1 – point 2

Regulation (EU) No 165/2014

Article 34 – paragraph 7

Text proposed by the Commission

7. The driver shall enter *in the digital tachograph* the symbols of the countries in which the daily working period started and finished as well as where and when the driver has crossed a border *in the vehicle on arrival* at the *suitable* stopping place. Member States may require drivers of vehicles engaged in transport operations inside their territory to add more detailed geographic specifications to the country symbol, provided that those Member States have notified those detailed geographic specifications to the Commission before 1 April 1998.

Amendment

7. *Where the tachograph is not able to automatically record the border crossing, the driver shall at the first possible and available stopping place enter the symbols of the countries in which the daily working period started and finished as well as where and when the driver has crossed a border. The country's code after crossing a border into a new country shall be entered under the heading BEGIN on the tachograph.* Member States may require drivers of vehicles engaged in transport operations inside their territory to add more detailed geographic specifications to the country symbol, provided that those Member States have notified those detailed geographic specifications to the Commission before 1 April 1998.”

Amendment 75

Proposal for a regulation

Article 2 – paragraph 1 – point 2 a (new)

Regulation (EU) No 165/2014

Article 34 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

(2a) *In Article 34, new paragraph 7 a shall be inserted:*

"7a. Drivers shall be provided with training on how to correctly use a tachograph in order to achieve full use of the equipment. The driver must not be responsible for the cost of their training, which should be provided by their employer."

Amendment 76

Proposal for a regulation

Article 2 – paragraph 1 – point 2 b (new)

Regulation (EU) No 165/2014

Article 34 – paragraph 7 b (new)

Text proposed by the Commission

Amendment

(2b) In Article 34, new paragraph 7 b shall be inserted:

"7b. The maximum amount of control authorities should be trained on how to correctly read and monitor a tachograph."

Amendment 77

Proposal for a regulation

Article 2 – paragraph 1 – point 2 c (new)

Regulation (EU) No 165/2014

Article 36 – paragraph 1 – point i

Present text

Amendment

(i) the record sheets for the current day and those used by the driver in the previous 28 days,

(2c) In Article 36, paragraph 1, point i, is amended as follows:

"(i) the record sheets for the current day and those used by the driver in the previous 56 days,"

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32014R0165&rid=1>)

Amendment 78

Proposal for a regulation

Article 2 – paragraph 1 – point 2 d (new)

Regulation (EU) No 165/2014

Article 36 – paragraph 1 – point iii

Present text

Amendment

(2d) In Article 36, paragraph 1, point iii, is amended as follows:

(iii) any manual records and printouts made during the current day and the previous **28** days as required under this Regulation and Regulation (EC) No 561/2006.

"(iii) any manual records and printouts made during the current day and the previous **56** days as required under this Regulation and Regulation (EC) No 561/2006."

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32014R0165&rid=1>)

Amendment 79

Proposal for a regulation

Article 2 – paragraph 1 – point 2 e (new)

Regulation (EU) No 165/2014

Article 36 – paragraph 2 – point ii

Present text

(ii) any manual records and printouts made during the current day and the previous **28** days as required under this Regulation and Regulation (EC) No 561/2006,

Amendment

(2e) In Article 36, paragraph 2, point ii is amended as follows:

"**(ii)** any manual records and printouts made during the current day and the previous **56** days as required under this Regulation and Regulation (EC) No 561/2006,"

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32014R0165&qid=1512486773548&from=EN>)

EXPLANATORY STATEMENT

Introduction

The EU has developed a range of market and social rules aiming at ensuring a fair, well-functioning, safe and socially sustainable road transport sector. The current Regulations 561/2006 on Driving Time and 165/2014 on Tachograph were adopted in order to improve road safety and drivers' working conditions, and enhance both rule compliance and fair competition between road operators.

However, evaluations show that shortcomings in the current rules, as well as insufficient enforcement, have led to the stated goals not being fully achieved. Unclear and/or unsuitable rules on weekly rest periods, resting facilities, breaks in multi-manning and the absence of rules on drivers returning to their homes, have let different Member States use different interpretations and enforcement practices. Several Member States have recently adopted unilateral measures, resulting in more legal grey areas, and uneven and inconsistent treatment of drivers and operators. The most common infringements had to do with rest periods (25%), breaks (23%), driving time record-keeping (17%) and driving time (16%).

The evaluation also highlighted inefficient use of control tools and data exchange systems, including tachographs.

The Commission's proposal

The Commission adopted a set of 8 legislative proposals ('Europe on the Move' package for clean, competitive and connected mobility) on 31 May 2017 with the purposes of ensuring fair competition, simplifying existing rules, preserving the internal market and ensuring the rights of workers in this sector.

The current proposal amending Regulations (EC) No 561/2006 (the Driving Time Regulation) and (EU) No 165/2014 (Tachograph Regulation) aims to remedy shortcomings in the current law, such as lack of clarity, non-uniform implementation, insufficient enforcement and to facilitate strengthened cooperation between Member States and the relevant authorities.

Rapporteur's position

The Rapporteur supports the Commission's legislative package "Europe on the Move" and this proposal, as it aims to foster a level playing field and fair competition within the sector, while lessening unnecessary administrative burdens, accelerating the digitisation of transport documents and boosting enforcement. He considers that dealing with all proposals as a whole is of the utmost importance, in order to ensure the adoption of a consistent set of legislation.

The Rapporteur seeks to further improve the Commission's proposal in the following key areas, with a guiding principle of 'Less regulation and better digitization':

1. Drivers' working conditions and flexibility

Road transport, especially long haul and international, is facing an impending shortage of drivers across all Member States. This is in part due to the working and living conditions of drivers. This includes long periods away from home and a systemic lack of adequate accommodations.

- More flexibility in the application of driving and rest times

Drivers engaged in long-distance international transport operations spend long periods away from their homes. The current requirements on regular weekly rest unnecessarily prolong those periods. The Rapporteur supports the proposal to adapt Union rules on regular weekly rest aiming at making it easier for drivers to both carry out transport operations in compliance with the rules, and to get back home for their regular weekly rest, whilst being fully compensated for all reduced weekly rest periods.

- Returning home

The Rapporteur seeks to ensure that drivers are given both the opportunity and the means to return home once a month by the operators, without disproportionately reducing the rest time at home. Moreover, the Rapporteur suggests clarifying the definition of home to avoid improper use.

- Regular weekly rest requirements:

The Rapporteur agrees that there is a need to clarify the weekly rest requirements as regards the place where the weekly rest should occur, owing the current disparities among Member States in the interpretation and implementation of those requirements.

The Rapporteur supports the Commission's proposal to introduce a ban on weekly rests in a vehicle of overall 45 hours or more, expanding it to include the reduced weekly rest. The rapporteur agrees that employers must provide drivers with adequate accommodation featuring appropriate sleeping and hygiene facilities, whenever drivers are unable to take a weekly rest at a private place of their choice.

Nevertheless, the Rapporteur cautions that from a security and insurance standpoint, drivers and their vehicles should not be separated, and that their rest in the cabin is therefore common in the transport sector.

- Dedicated Parking Areas requirement:

The Rapporteur proposes, therefore, to introduce a derogation to the general rule of not taking weekly rests in the cabin, provided it is taken in Dedicated Certified Parking Areas.

The Dedicated Parking Certificates should set forth the requirements for those Dedicated Parking Places, of various types, enabling drivers to take their rest in the vehicle. These requirements should ensure that all of the facilities necessary for good resting conditions are present, that is to say sanitary, culinary and others, and including the availability of a pre-payment system. The Rapporteur wants to ensure that the daily allowance of the drivers is used as intended for parking and daily subsistence.

The Rapporteur considers that various types of organizations, local governments or others, should be encouraged to become involved in building such parking places, to be then certified by the competent authority in the Member State. It could work either as a commercial model, or a social enterprise, provided the requirements are met.

- Actual driving times requirements

Drivers are often faced with unforeseen circumstances, which make it impossible to reach a desired destination for the purpose of taking a weekly rest without violating Union's rules. The Rapporteur agrees with the proposal to make it easier for drivers to cope with such circumstances, and enable them to reach their destination for their weekly rest without breaching the requirements on maximum driving times. However, the Rapporteur modifies

the proposal to only apply it when the driver is attempting to reach the base of operations in order to take the rest at home.

2. “Smart” enforcement:

- Smart Tachograph

The Rapporteur believes that enhancing enforcement is key to achieving the proposal’s objectives. Clear rules for regular administrative cooperation between Member States are key, in order to standardise enforcement practices and thus further enhance the effectiveness and efficiency of cross-border enforcement. Currently, control tools are used differently and administrative cooperation between Member States is lacking, thus weakening cross-border enforcement. The Rapporteur’s opinion is that better use of digital tools can lead to less constrictive regulation in many aspects of enforcement.

In this regard, the Rapporteur is convinced that the mandatory use of smart tachographs in international transport must be introduced earlier than is foreseen by current regulation. That would allow for making earlier use of the benefits of this new device, enhancing the effectiveness of the rules and their enforcement.

Enforcement authorities need to be appropriately equipped in order to capitalize on the essential information that the smart tachograph will provide.

**ANNEX: LIST OF ENTITIES OR PERSONS
FROM WHOM THE RAPPORTEUR HAS RECEIVED INPUT**

The following list is drawn up on a purely voluntary basis under the exclusive responsibility of the rapporteur. The rapporteur has received input from the following entities or persons in the preparation of the report, until the adoption thereof in committee:

Entity and/or person
Euro Control Route
Federatie Nederlandse Vakbeweging
Christelijk Nationaal Vakbond
International Coach Tourism Federation
Discordia
Transport and Logistics Poland
Bundesverband der Deutschen Industrie
International Road Union
European Automobile Manufacturers' Association
DHL Group
European Transport Workers' Federation
Bundesverband Güterkraftverkehr Logistik und Entsorgung
Austrian Federal Economic Chamber (WKÖ)
Association of International Road Transport Carriers in Poland
Freight Transport Association
CEGROBB
Transport en Logistiek Nederland
Kiwa Register B.V.
Fédération Française des Transports Routiers
European Shippers' Council
Amazone
The Danish Transport and Logistics Association
Representatives from various Member States governments
Representatives from the European Commission

26.4.2018

OPINION OF THE COMMITTEE ON EMPLOYMENT AND SOCIAL AFFAIRS

for the Committee on Transport and Tourism

on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 561/2006 as regards on minimum requirements on maximum daily and weekly driving times, minimum breaks and daily and weekly rest periods and Regulation (EU) 165/2014 as regards positioning by means of tachographs (COM(2017)0277 – C8-0167/2017 – 2017/0122(COD))

Rapporteur(*): Georges Bach

(*) Associated committee – Rule 54 of the Rules of Procedure

SHORT JUSTIFICATION

The transport sector is a highly competitive sector facing great challenges. The lack of qualified drivers is one of the main difficulties. The sector will only be able to attract workers, if the working conditions improve. Nomadic driving, sleeping in a cabin for several weeks, working under pressure and stress are the leading causes of the often negative image workers have of the international transport sector.

The aim of the regulation on driving and rest times is to improve both working conditions for drivers and general road safety. When applied and enforced correctly, the current rules on driving and rest times still meet this objective. The rapporteur proposes therefore to maintain the rules on driving and rest times as laid down in the current regulation.

Differing interpretations of the existing rules in Member States however are problematic for companies and drivers operating across borders and make it more difficult for authorities to carry out efficient controls.

National authorities and control bodies in the different Member States need to work closer together in order to correctly apply and enforce the rules and to provide legal certainty for companies and their drivers. The introduction of the digital tachograph in 2019 will simplify controls for national authorities but also for companies and drivers. With the rapid development of digital technologies, it is necessary to shorten the transition period for the installation of the digital tachograph, so that all vehicles falling under the scope of the regulation will be equipped

with the digital tachograph by 2024.

In order to ensure road safety and to improve working conditions for the drivers, the rapporteur proposes to enlarge the scope of the regulation to the carriage of goods by light commercial vehicles under 3,5 tonnes operating outside a radius of 100 kilometres from the base of the undertaking.

Drivers are allowed to spend their breaks, daily rest and reduced weekly rest times in the cabin. Therefore, the rapporteur fully supports the idea to prohibit sleeping in the cabin during the regular weekly rest of 45 hours or more.

There is however currently a lack of adequate infrastructure on European roads to accommodate drivers. More efforts are needed to secure financing for the establishment and/or upgrading of secure parking areas, adequate sanitary facilities as well as adequate accommodation

The rapporteur supports the Commission's proposal which states that the compensation of a reduced weekly rest has to be taken in combination with a regular weekly rest of at least 45 hours. Additionally, companies would have to organise the work of the drivers in such a way, that the drivers have the possibility to return to their place of residence or to another place of their choosing for a weekly rest of more than 45 hours taken in compensation for a reduced weekly rest.

The rapporteur is of the opinion that these measures would improve the working conditions of the drivers as well as road safety and would thus increase the attractiveness of the sector.

AMENDMENTS

The Committee on Employment and Social Affairs calls on the Committee on Transport and Tourism, as the committee responsible, to take into account the following amendments:

Amendment 1

Proposal for a regulation

Recital 1

Text proposed by the Commission

(1) Good working conditions for drivers and fair business conditions for road transport undertakings are of paramount importance to creating a safe, efficient and socially accountable road transport sector. To facilitate that process it is essential that the Union social rules in road transport are clear, fit for purpose, easy to apply and to enforce and implemented in an effective and consistent manner throughout the Union

Amendment

(1) Good working conditions for drivers and fair business conditions for road transport undertakings are of paramount importance to creating a safe, efficient and socially accountable road transport sector, ***which is able to attract qualified workers***. To facilitate that process it is essential that the Union social rules in road transport are clear, ***proportionate***, fit for purpose, easy to apply and to enforce and implemented in an effective and consistent manner

throughout the Union.

Amendment 2

Proposal for a regulation Recital 1 a (new)

Text proposed by the Commission

Amendment

(1a) The creation of a European Labour Authority could play an important role in enforcing the rules laid down in this Regulation, in particular by helping national authorities to coordinate checks, exchange information and best practices and train inspectors.

Amendment 3

Proposal for a regulation Recital 2

Text proposed by the Commission

Amendment

(2) Having evaluated the effectiveness and efficiency of the implementation of the existing set of Union social rules in road transport, and in particular Regulation (EC) No 561/2006 of the European Parliament and of the Council⁹, certain deficiencies were identified in the ***existing*** legal framework. Unclear ***and unsuitable*** rules on weekly rest, resting facilities, breaks in multi-manning and the absence of rules on the return of drivers to their home, lead to diverging interpretations and enforcement practices in the Member States. Several Member States recently adopted unilateral measures further increasing legal uncertainty and unequal treatment of drivers and operators.

(2) Having evaluated the effectiveness and efficiency of the implementation of the existing set of Union social rules in road transport, and in particular Regulation (EC) No 561/2006 of the European Parliament and of the Council⁹, certain deficiencies were identified in the ***implementation of the*** legal framework. Unclear rules on weekly rest, resting facilities, breaks in multi-manning and the absence of rules on the return of drivers to their home ***or to another location of their choice***, lead to diverging interpretations and enforcement practices in the Member States. Several Member States recently adopted unilateral measures further increasing legal uncertainty and unequal treatment of drivers and operators.

⁹ Regulation (EC) No 561/2006 of the European Parliament and of the Council of 15 March 2006 on the harmonisation of

⁹ Regulation (EC) No 561/2006 of the European Parliament and of the Council of 15 March 2006 on the harmonisation of

certain social legislation relating to road transport and amending Council Regulations (EEC) No 3821/85 and (EC) No 2135/98 and repealing Council Regulation (EEC) No 3820/85 (OJ L 102, 11.4.2006, p. 1).

certain social legislation relating to road transport and amending Council Regulations (EEC) No 3821/85 and (EC) No 2135/98 and repealing Council Regulation (EEC) No 3820/85 (OJ L 102, 11.4.2006, p. 1).

Amendment 4

Proposal for a regulation Recital 3

Text proposed by the Commission

(3) The ex-post evaluation of Regulation (EC) No 561/2006 confirmed that inconsistent and ineffective enforcement of the Union social rules was mainly due to unclear rules, inefficient use of the control tools and insufficient administrative cooperation between the Member States.

Amendment

(3) The ex-post evaluation of Regulation (EC) No 561/2006 confirmed that inconsistent and ineffective enforcement of the Union social rules was mainly due to unclear rules, inefficient **and unequal** use of the control tools and insufficient administrative cooperation between the Member States.

Amendment 5

Proposal for a regulation Recital 4

Text proposed by the Commission

(4) Clear, suitable and evenly enforced rules are also crucial for achieving the policy objectives of improving working conditions for drivers, and in particular ensuring undistorted competition between operators and contributing to road safety for all road users.

Amendment

(4) Clear, suitable and evenly enforced rules are also crucial for achieving the policy objectives of improving working conditions for drivers, and in particular ensuring undistorted **and fair** competition between operators and contributing to road safety for all road users.

Amendment 6

Proposal for a regulation Recital 5 a (new)

(5a) The carriage of goods is significantly different from the carriage of passengers. Drivers of coaches or busses are in close contact with their passengers and should be able to have more flexibility in taking breaks without extending driving times or reducing rest times and breaks.

Amendment 7

Proposal for a regulation Recital 6

Text proposed by the Commission

(6) Drivers engaged in long-distance international transport operations spend long periods away from their home. **The current requirements on the regular weekly rest unnecessarily prolong those periods.** It is thus desirable to **adapt the** provision on the regular weekly rest in such a way that it is easier for drivers to carry out transport operations in compliance with the rules and to reach their home for a regular weekly rest, and be fully compensated for all reduced weekly rest periods. It is **also** necessary to provide **that** operators organise the work of drivers in such a way that these periods away from home are not excessively long.

Amendment

(6) Drivers engaged in long-distance international transport operations spend long periods away from their home. It is thus desirable to **enforce the application of the** provision on the regular weekly rest in such a way that it is easier for drivers to carry out transport operations in compliance with the rules and to reach their home for a regular weekly rest, and be fully compensated for all reduced weekly rest periods. **To ensure secure and decent working conditions,** it is necessary to provide **for** operators **to** organise the work of drivers in such a way that the periods away from **their** home are not excessively long **and that drivers have the possibility to return home on a regular basis and are able to benefit from decent rest conditions in quality accommodation.** **Where a driver chooses to spend that rest period at home, the transport undertaking should provide the driver with the financial or practical means to return there. Moreover, the duration of the return journey should not be taken into account for the purposes of calculating the length of the rest period. Where a driver chooses to spend the rest period in a place other than their home, this should not be taken into account for**

the purposes of calculating the driver's entitlement to travel allowances.

Amendment 8

Proposal for a regulation

Recital 7

Text proposed by the Commission

(7) There are differences among Member States in the interpretation and implementation of the weekly rest requirements as regards the place where the weekly rest should be taken. **It** is therefore appropriate to clarify that requirement to ensure that drivers are provided with *adequate* accommodation for their regular weekly rest periods if they are taken away from home.

Amendment

(7) There are differences among Member States in the interpretation and implementation of the weekly rest requirements as regards the place where the weekly rest should be taken. ***In order to ensure good working conditions and the safety of drivers, it*** is therefore appropriate to clarify that requirement to ensure that drivers are provided with ***quality and gender friendly*** accommodation ***or another location as chosen by the driver and paid for by the employer*** for their regular weekly rest periods if they are taken away from home. ***Member States should ensure the availability of sufficient secure parking areas that are adapted to the needs of the drivers.***

Amendment 9

Proposal for a regulation

Recital 7 a (new)

Text proposed by the Commission

Amendment

(7a) Many road transport operations within the Union involve transport by ferry or by rail for part of the journey. Clear, appropriate provisions regarding rest periods and breaks should therefore be laid down for such operations.

Justification

Exemptions should be foreseen in case of weekly rests for long ferry or train journeys, concerning mainly periphery of the EU.

Amendment 10

Proposal for a regulation Recital 8 a (new)

Text proposed by the Commission

Amendment

(8a) In order to safeguard working conditions of drivers at places of loading and unloading, owners and operators of such facilities should provide drivers with access to hygienic facilities.

Amendment 11

Proposal for a regulation Recital 11

Text proposed by the Commission

Amendment

(11) To enhance cost-effectiveness of enforcement of the social rules the potential of the current and future tachograph systems should be fully exploited. Therefore the functionalities of the tachograph should be improved to allow for more precise positioning, in particular during international transport operations.

(11) To enhance cost-effectiveness **and to simplify** enforcement of the social rules the potential of the current and future tachograph systems should be fully exploited. Therefore the functionalities of the tachograph should be improved to allow for more precise positioning, in particular during international transport operations. **The Commission should explore the possibility of setting up a road transport portal, such as GNSS, which would allow national authorities to fully exploit the potential of the smart tachograph.**

Amendment 12

Proposal for a regulation Recital 11 a (new)

Text proposed by the Commission

Amendment

(11a) The rapid development of new technologies and digitalisation throughout the Union economy and the

need for a level playing field among companies in international road transport make it necessary to shorten the transitional period for the installation of the smart tachograph in registered vehicles. The smart tachograph will contribute to the better monitoring of the application of Union law in the road transport sector and to simplified checks, and will thus facilitate the work of national authorities. The installation of the smart tachograph in registered vehicles should be provided for as an obligation as soon as possible and no later than January 2021.

Amendment 13

Proposal for a regulation Recital 11 b (new)

Text proposed by the Commission

Amendment

(11b) The use of light commercial vehicles for the transport of goods is on the increase, resulting in the development of unfair competition and differences in the application of Regulation (EC) 561/2006, leading to disparities in working conditions and compromising road safety. In order to improve road safety and drivers' working conditions, the scope of Regulation (EC) No 561/2006 should be extended to include light commercial vehicles used for the transport of goods, unless the vehicle is used for the own account of the company or the driver, or driving does not constitute the main activity of the person driving the vehicle.

Amendment 14

Proposal for a regulation

Recital 11 c (new)

Text proposed by the Commission

Amendment

(11c) In order to guarantee appropriate health and safety standards for drivers, it is necessary to establish or upgrade secure parking areas, adequate sanitary facilities and quality accommodation. A sufficient network of parking areas should exist within the Union.

Amendment 15

Proposal for a regulation Recital 11 d (new)

Text proposed by the Commission

Amendment

(11d) In its resolution of 9 September 2015 on the implementation of the 2011 White Paper on Transport: taking stock and the way forward towards sustainable mobility, the European Parliament considered the creation of a European Road Agency in order to ensure proper implementation of Union law and promote standardisation across all Member States.

Amendment 16

Proposal for a regulation Article 1 – paragraph 1 – point -1 (new) Regulation (EC) No 561/2006 Article 2 – paragraph 1 – point a

Present text

Amendment

(a) of goods ***where the maximum permissible mass of the vehicle, including any trailer, or semi-trailer, exceeds 3,5tonnes, or***

(-1) In Article 2(1), point (a) is replaced by the following:

“(a) of goods; or”

Amendment 17

Proposal for a regulation

Article 1 – paragraph 1 – point 1

Regulation (EC) No 561/2006

Article 3 – point h

Text proposed by the Commission

(h) vehicles or combinations of vehicles used for the non-commercial carriage of goods;

Amendment

(h) vehicles or combinations of vehicles ***with a maximum permissible mass not exceeding 7,5 tonnes*** used for the non-commercial carriage of goods;

Amendment 18

Proposal for a regulation

Article 1 – paragraph 1 – point 1 a (new)

Regulation (EC) No 561/2006

Article 3 – point h a (new)

Text proposed by the Commission

Amendment

(1a) in Article 3, the following point is inserted:

“(ha) light commercial vehicles that are used for the transport of goods, where the transport is not effected for hire or reward, but on the own account of the company or the driver, and where driving does not constitute the main activity of the person driving the vehicle;”

Amendment 19

Proposal for a regulation

Article 1 – paragraph 1 – point 2

Regulation (EC) No 561/2006

Article 4 – point r

Text proposed by the Commission

(r) 'non-commercial carriage' means any carriage by road, other than carriage for hire or reward or for own account, for which no remuneration is received and

Amendment

(r) 'non-commercial carriage' means any carriage ***of passengers or goods*** by road, other than carriage for hire or reward or for own account, for which no ***direct or indirect*** remuneration is received and

which does not generate any income.

which does not *directly or indirectly* generate any income.

Justification

The definition is further clarified, taking into account new business models

Amendment 20

Proposal for a regulation

Article 1 – paragraph 1 – point 2 a (new)

Regulation (EC) No 561/2006

Article 4 – point r a (new)

Text proposed by the Commission

Amendment

(2a) in Article 4, the following point is added:

“(ra) ‘home’ means the registered residence of the driver in a Member State;”

Amendment 21

Proposal for a regulation

Article 1 – paragraph 1 – point 2 b (new)

Regulation (EC) No 561/2006

Article 4 – point r b (new)

Text proposed by the Commission

Amendment

(2b) in Article 4, the following point is added:

“(rb) ‘light commercial vehicle’ means a vehicle used for the carriage of goods and having a permissible maximum laden mass including any trailer, or semi-trailer, not exceeding 3,5 tonnes.”

Amendment 22

Proposal for a regulation

Article 1 – paragraph 1 – point 4

Regulation (EC) No 561/2006

Article 7 – paragraph 3

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Text proposed by the Commission

Amendment

A driver engaged in multi-manning may decide to take a break of 45 minutes in a vehicle driven by another driver provided that the driver taking the break is not involved in assisting the driver driving the vehicle.

A driver engaged in multi-manning may decide to take a break of 45 minutes in a vehicle driven by another driver provided that the driver taking the break is not involved in assisting the driver driving the vehicle.

For the carriage by road of passengers, the driver may choose to take a break of at least 30 minutes followed by a break of at least 15 minutes each, distributed over the period in such a way as to comply with the first paragraph.

Justification

Drivers carrying passengers should have more flexibility in taking breaks in order to adapt them to the needs of the passengers without extending driving times or reducing rest times and breaks.

Amendment 23

Proposal for a regulation

Article 1 – paragraph 1 – point 5 – point a

Regulation (EC) No 561/2006

Article 8 – paragraph 6 – subparagraph 1

Text proposed by the Commission

Amendment

(a) in paragraph 6, the first subparagraph is replaced by the following:

deleted

“6. In any four consecutive weeks a driver shall take at least:

(a) four regular weekly rest periods, or

(b) two regular weekly rest periods of at least 45 hours and two reduced weekly rest periods of at least 24 hours.

For the purposes of point (b), the reduced weekly rest periods shall be compensated by an equivalent period of rest taken en bloc before the end of the third week following the week in question.

Amendment 24

Proposal for a regulation

Article 1 – paragraph 1 – point 5 – point b

Regulation (EC) No 561/2006

Article 8 – paragraph 7

Text proposed by the Commission

7. Any rest period taken as compensation for a reduced weekly rest period shall ***immediately precede or follow*** a regular weekly rest period of at least 45 hours.;

Amendment

7. Any rest period taken as compensation for a reduced weekly rest period shall ***be taken before or as an extension of*** a regular weekly rest period of at least 45 hours ***as one continuous rest period.***

Amendment 25

Proposal for a regulation

Article 1 – paragraph 1 – point 5 – point c

Regulation (EC) No 561/2006

Article 8 – paragraph 8a

Text proposed by the Commission

8a. The regular weekly rest periods and any weekly rest of more than 45 hours taken in compensation for previous reduced weekly rest shall not be taken in a vehicle. They shall be taken in a ***suitable*** accommodation, with adequate ***sleeping and sanitary*** facilities;

(a) either provided or paid for by the employer, or

(b) at home or at another location chosen by the driver.

Amendment

8a. The regular weekly rest periods and any weekly rest of more than 45 hours taken in compensation for previous reduced weekly rest shall not be taken in a vehicle. They shall be taken in a ***quality and gender friendly*** accommodation, ***outside the cabin,*** with adequate ***sanitary and sleeping*** facilities ***for the driver:***

(a) either provided or paid for by the employer, or

(b) at home or at another location chosen by the driver.

Amendment 26

Proposal for a regulation

Article 1 – paragraph 1 – point 5 – point c

Regulation (EC) No 561/2006

Article 8 – paragraph 8b

Text proposed by the Commission

8b. A transport undertaking shall organise the work of drivers in such a way that the drivers are able to spend at least one regular weekly rest period or a weekly rest of more than 45 hours taken in compensation for reduced weekly rest at home within each period of three consecutive weeks;

Amendment

8b. A transport undertaking shall organise the work of drivers in such a way that the drivers are able to spend at least one regular weekly rest period or a weekly rest of more than 45 hours taken in compensation for reduced weekly rest at home ***or at another location of their choice*** within each period of three consecutive weeks. ***The driver shall inform the transport undertaking in writing before such rest period if it is to be taken in a place other than the driver's home. When a driver chooses to take the rest at home, the transport undertaking shall provide the driver with the financial or practical means to return home. The duration of the driver's return journey shall not be taken into account for the purposes of calculating the length of the rest period. Where a driver chooses to spend the rest period in a place other than home, the undertaking shall not deduct the travel costs from the driver's entitlement to travel allowances.***

Amendment 27

Proposal for a regulation

Article 1 – paragraph 1 – point 5 – point c a (new)

Regulation (EC) No 561/2006

Article 8 – paragraph 8b

Text proposed by the Commission

Amendment

(ca) the following paragraph is inserted:

8c. By ...[the date of entry into force of this Regulation], and every two years thereafter, Member States shall submit a report to the Commission on the availability of suitable rest facilities for drivers and secured parking facilities on their territory. The Commission shall adopt implementing acts establishing a

common format for Member States' biennial reports, in accordance with the advisory procedure referred to in Article 24(2).

Amendment 28

Proposal for a regulation

Article 1 – paragraph 1 – point 6

Regulation (EC) No 561/2006

Article 9 – paragraph 1

Text proposed by the Commission

9. By way of derogation from Article 8, where a driver accompanies a vehicle which is transported by ferry or train, and takes a regular daily rest period or *reduced* weekly rest period, that period may be interrupted not more than twice by other activities not exceeding one hour in total. During that regular daily rest or *reduced* weekly rest period the driver shall have access to a bunk or couchette at their disposal.;

Amendment

1. By way of derogation from Article 8, where a driver accompanies a vehicle which is transported by ferry or train, and takes a regular daily rest period or weekly rest period, that period may be interrupted not more than twice by other activities not exceeding one hour in total. During that regular daily rest or weekly rest period the driver shall have access to a bunk or couchette at their disposal

Justification

By way of derogation from Article 8, where a driver accompanies a vehicle which is transported by ferry or train, and takes a regular daily rest period or weekly rest period, that period may be interrupted not more than twice by other activities not exceeding one hour in total. During that regular daily rest or weekly rest period the driver shall have access to a bunk or couchette at their disposal

Amendment 29

Proposal for a regulation

Article 1 – paragraph 1 – point 6 a (new)

Regulation (EC) No 561/2006

Article 10 – paragraph 1

Present text

Amendment

(6a) *in Article 10, paragraph 1 is replaced by the following:*

1. A transport undertaking shall not give drivers it employs or who are put at its disposal any payment, even in the form of a bonus or wage supplement, related to distances travelled and/or the amount of goods carried if that payment *is of such a kind as to endanger road safety and/or* encourages infringement of this Regulation.

"1. A transport undertaking shall not give drivers it employs or who are put at its disposal any extra payment, even in the form of a bonus or wage supplement, related to distances travelled, *the speed of delivery* and/or the amount of goods carried if that payment encourages infringement of this Regulation."

Amendment 30

Proposal for a regulation

Article 2 – paragraph 1 – point -1 (new)

Regulation (EU) No 165/2014

Article 3 – paragraph 4

Present text

4. *15 years* after newly registered vehicles are required to have a tachograph as provided in Articles 8, 9 and 10, vehicles operating in a Member State other than their Member State of registration shall be fitted with such a tachograph.

Amendment

(-1) in Article 3, paragraph 4 is replaced by the following:

"4. *18 months* after newly registered vehicles are required to have a tachograph as provided in Articles 8, 9 and 10, vehicles operating in a Member State other than their Member State of registration shall be fitted with such a tachograph."

Amendment 31

Proposal for a regulation

Article 2 – paragraph 1 – point 2

Regulation (EU) No 165/2014

Article 34 – paragraph 7 – subparagraph 1

Text proposed by the Commission

"The driver shall enter in the digital tachograph the symbols of the countries in which the daily working period started and finished as well as where and when the driver has crossed a border in the vehicle on arrival at the suitable stopping place. Member States may require drivers of vehicles engaged in transport operations inside their territory to add more detailed

Amendment

The driver shall enter in the digital tachograph the symbols of the countries in which the daily working period started and finished as well as where and when the driver has crossed a border in the vehicle on arrival at the *first* suitable stopping place. Member States may require drivers of vehicles engaged in transport operations inside their territory to add more detailed

geographic specifications to the country symbol, provided that those Member States have notified those detailed geographic specifications to the Commission before 1 April 1998."

geographic specifications to the country symbol, provided that those Member States have notified those detailed geographic specifications to the Commission before 1 April 1998.

Amendment 32

Proposal for a regulation

Article 2 – paragraph 1 – point 2 a (new)

Regulation (EU) No 165/2014

Article 36 – paragraph 1 – point i

Present text

(i) the record sheets for the current day and those used by the driver in the previous 28 days,

Amendment

(2a) in Article 36(1), point (i) is replaced by the following:

"(i) the record sheets for the current day and those used by the driver in the previous 56 days,"

Amendment 33

Proposal for a regulation

Article 2 – paragraph 1 – point 2 b (new)

Regulation (EU) No 165/2014

Article 36 – paragraph 1 – point iii

Present text

(iii) any manual records and printouts made during the current day and the previous 28 days as required under this Regulation and Regulation (EC) No 561/2006.

Amendment

(2b) In Article 36(1), point (iii) is replaced by the following:

"(iii) any manual records and printouts made during the current day and the previous 56 days as required under this Regulation and Regulation (EC) No 561/2006."

Amendment 34

Proposal for a regulation

Article 2 – paragraph 1 – point 2 c (new)

Regulation (EU) No 165/2014

Article 36 – paragraph 2 – point ii

Present text

(ii) any manual records and printouts made during the current day and the previous **28** days as required under this Regulation and Regulation (EC) No 561/2006,

Amendment

(2c) In Article 36(2), point (ii) is replaced by the following:

"(ii) any manual records and printouts made during the current day and the previous **56 days as required under this Regulation and Regulation (EC) No 561/2006,"**

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	Amending Regulation (EC) No 561/2006 as regards on minimum requirements on maximum daily and weekly driving times, minimum breaks and daily and weekly rest periods and Regulation (EU) 165/2014 as regards positioning by means of tachographs	
References	COM(2017)0277 – C8-0167/2017 – 2017/0122(COD)	
Committee responsible Date announced in plenary	TRAN 15.6.2017	
Opinion by Date announced in plenary	EMPL 15.6.2017	
Associated committees - date announced in plenary	14.12.2017	
Rapporteur Date appointed	Georges Bach 3.10.2017	
Discussed in committee	23.1.2018	26.2.2018
Date adopted	25.4.2018	
Result of final vote	+	32
	-	14
	0:	7
Members present for the final vote	Laura Agea, Guillaume Balas, Vilija Blinkevičiūtė, Enrique Calvet Chambon, Michael Detjen, Martina Dlabajová, Lampros Fountoulis, Marian Harkin, Czesław Hoc, Danuta Jazłowiecka, Agnes Jongerius, Rina Ronja Kari, Jan Keller, Adam Kósa, Agnieszka Kozłowska-Rajewicz, Jean Lambert, Jérôme Lavrilleux, Patrick Le Hyaric, Verónica Lope Fontagné, Javi López, Thomas Mann, Dominique Martin, Anthea McIntyre, João Pimenta Lopes, Georgi Pirinski, Marek Plura, Dennis Radtke, Terry Reintke, Sofia Ribeiro, Robert Rochefort, Claude Rolin, Siôn Simon, Romana Tomc, Yana Toom, Ulrike Trebesius, Marita Ulvskog, Jana Žitňanská	
Substitutes present for the final vote	Georges Bach, Heinz K. Becker, Rosa D'Amato, Karima Delli, Christelle Lechevalier, Paloma López Bermejo, Evelyn Regner, Anne Sander, Jasenko Selimovic, Michaela Šojdrová, Neoklis Sylikiotis, Flavio Zanonato, Kosma Złotowski	
Substitutes under Rule 200(2) present for the final vote	Dominique Bilde, Maria Grapini, Karoline Graswander-Hainz	

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

32	+
ALDE	Robert Rochefort
EFDD	Laura Agea, Rosa D'Amato
GUE/NGL	Rina Ronja Kari, Patrick Le Hyaric, Paloma López Bermejo, Neoklis Sylikiotis
NI	Lampros Fountoulis
PPE	Georges Bach, Heinz K. Becker, Jérôme Lavrilleux, Thomas Mann, Dennis Radtke, Sofia Ribeiro, Claude Rolin, Anne Sander
S&D	Guillaume Balas, Vilija Blinkevičiūtė, Michael Detjen, Maria Grapini, Karoline Graswander-Hainz, Agnes Jongerius, Jan Keller, Javi López, Georgi Pirinski, Evelyn Regner, Siôn Simon, Marita Ulvskog, Flavio Zanonato
VERTS/ALE	Karima Delli, Jean Lambert, Terry Reintke

14	-
ECR	Czesław Hoc, Anthea McIntyre, Ulrike Trebesius, Jana Žitňanská, Kosma Złotowski
ENF	Dominique Bilde, Christelle Lechevalier, Dominique Martin
PPE	Danuta Jazłowiecka, Adam Kósa, Agnieszka Kozłowska-Rajewicz, Marek Plura, Michaela Šojdřová, Romana Tomc

7	0
ALDE	Enrique Calvet Chambon, Martina Dlabajová, Marian Harkin, Jasenko Selimovic, Yana Toom
GUE/NGL	João Pimenta Lopes
PPE	Verónica Lope Fontagné

Key to symbols:

+ : in favour

- : against

0 : abstention

PROCEDURE – COMMITTEE RESPONSIBLE

Title	Amending Regulation (EC) No 561/2006 as regards on minimum requirements on maximum daily and weekly driving times, minimum breaks and daily and weekly rest periods and Regulation (EU) 165/2014 as regards positioning by means of tachographs		
References	COM(2017)0277 – C8-0167/2017 – 2017/0122(COD)		
Date submitted to Parliament	31.5.2017		
Committee responsible Date announced in plenary	TRAN 15.6.2017		
Committees asked for opinions Date announced in plenary	EMPL 15.6.2017		
Associated committees Date announced in plenary	EMPL 14.12.2017		
Rapporteurs Date appointed	Wim van de Camp 30.6.2017		
Discussed in committee	23.1.2018	20.3.2018	15.5.2018
Date adopted	4.6.2018		
Result of final vote	+: -: 0:	33 14 1	
Members present for the final vote	Daniela Aiuto, Lucy Anderson, Marie-Christine Arnautu, Inés Ayala Sender, Georges Bach, Izaskun Bilbao Barandica, Deirdre Clune, Michael Cramer, Andor Deli, Isabella De Monte, Ismail Ertug, Dieter-Lebrecht Koch, Merja Kyllönen, Miltiadis Kyrkos, Bogusław Liberadzki, Marian-Jean Marinescu, Gesine Meissner, Tomasz Piotr Poręba, Gabriele Preuß, Christine Revault d'Allonnes Bonnefoy, Dominique Riquet, Massimiliano Salini, David-Maria Sassoli, Claudia Schmidt, Claudia Țapardel, Keith Taylor, Pavel Telička, Marita Ulvskog, Wim van de Camp, Marie-Pierre Vieu, Janusz Zemke, Roberts Zīle, Kosma Złotowski, Elżbieta Katarzyna Łukacijewska		
Substitutes present for the final vote	Bas Eickhout, Michael Gahler, Maria Grapini, Ryszard Antoni Legutko, Bolesław G. Piecha, Marek Plura, Franck Proust, Dario Tamburrano		
Substitutes under Rule 200(2) present for the final vote	Frank Engel, José Manuel Fernandes, Lampros Fountoulis, Barbara Kappel, Andrey Novakov, Marco Valli		
Date tabled	7.6.2018		

FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

33	+
ALDE	Izaskun Bilbao Barandica, Gesine Meissner, Dominique Riquet, Pavel Telička
ECR	Ryszard Antoni Legutko, Bolesław G. Piecha, Tomasz Piotr Poręba, Roberts Zīle, Kosma Złotowski
GUE/NGL	Merja Kyllönen
PPE	Deirdre Clune, Andor Deli, Frank Engel, José Manuel Fernandes, Michael Gahler, Dieter-Lebrecht Koch, Elżbieta Katarzyna Łukacijewska, Marian-Jean Marinescu, Andrey Novakov, Marek Plura, Claudia Schmidt, Wim van de Camp
S&D	Inés Ayala Sender, Isabella De Monte, Ismail Ertug, Maria Grapini, Miltiadis Kyrkos, Bogusław Liberadzki, Gabriele Preuß, David-Maria Sassoli, Claudia Țapardel, Marita Ulvskog, Janusz Zemke

14	-
EFDD	Daniela Aiuto, Dario Tamburrano, Marco Valli
ENF	Marie-Christine Arnautu, Barbara Kappel
GUE/NGL	Marie-Pierre Vieu
NI	Lampros Fountoulis
EPP	Georges Bach, Franck Proust
S&D	Lucy Anderson, Christine Revault d'Allonnes Bonnefoy
VERTS/ALE	Michael Cramer, Bas Eickhout, Keith Taylor

1	0
PPE	Massimiliano Salini

Key to symbols:

+ : in favour

- : against

0 : abstention