



EUROPEAN PARLIAMENT

2009 - 2014

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*Committee on Transport and Tourism*

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**2011/0196(COD)**

29.3.2012

# **AMENDMENTS**

## **104 - 342**

**Draft report**  
**Silvia-Adriana Țicău**  
(PE480.582v01-00)

on the proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EEC) No 3821/85 on recording equipment in road transport and amending Regulation (EC) No 561/2006 of the European Parliament and the Council

Proposal for a regulation  
(COM(2011)0451 – C7-0205/2011 – 2011/0196(COD))

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PE485.915v01-00

AM\_Com\_LegReport

**Amendment 104**

Silvia-Adriana Țicău

**Draft legislative resolution**

**Citation 4 a (new)**

*Draft legislative resolution*

*Amendment*

**- having regard to the opinion of the  
European Data Protection Supervisor of 5  
October 2011<sup>1</sup>,**

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<sup>1</sup> **Not yet published in the Official  
Journal.**

Or. en

**Amendment 105**

Eva Lichtenberger

**Proposal for a regulation**

**Recital 3**

*Text proposed by the Commission*

*Amendment*

**(3) Certain vehicles are subject to an exemption from the provisions of 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<sup>16</sup>. In order to ensure coherence, it should also be possible to exempt such vehicles from the scope of Regulation (EEC) No 3821/85.**

**deleted**

Or. en

**Amendment 106**  
**Christine De Veyrac**

**Proposal for a regulation**  
**Recital 4**

*Text proposed by the Commission*

*Amendment*

***(4) In order to ensure coherence between the different exemptions set out in Article 13 of Regulation (EC) No 561/2006, and to reduce the administrative burden on transport undertakings whilst respecting the objectives of that Regulation, the maximum permissible distances set out in its Articles 13(d), (f) and (p) should be revised.*** ***deleted***

Or. fr

*Justification*

*The redefinition of the current provisions as proposed by the Commission would result in greater risks of fraud and thus a reduction in road safety. Any increase in the flexibility of these measures would be at the cost of safety for drivers and other road users, which is in no way the aim of the revision of this regulation.*

**Amendment 107**  
**Dominique Riquet, Michel Dantin, Dominique Vlasto, Isabelle Durant**

**Proposal for a regulation**  
**Recital 4**

*Text proposed by the Commission*

*Amendment*

***(4) In order to ensure coherence between the different exemptions set out in Article 13 of Regulation (EC) No 561/2006, and to reduce the administrative burden on transport undertakings whilst respecting the objectives of that Regulation, the maximum permissible distances set out in its Articles 13(d), (f) and (p) should be revised.*** ***deleted***

*Justification*

*Road safety requirements do not permit the maximum permissible distances to be increased.*

**Amendment 108**  
**Inés Ayala Sender**

**Proposal for a regulation**  
**Recital 4**

*Text proposed by the Commission*

*Amendment*

*(4) In order to ensure coherence between the different exemptions set out in Article 13 of Regulation (EC) No 561/2006, and to reduce the administrative burden on transport undertakings whilst respecting the objectives of that Regulation, the maximum permissible distances set out in its Articles 13(d), (f) and (p) should be revised.* *deleted*

*Justification*

*The Commission argues that it is necessary to increase the distance to 100 km on the grounds of simplifying bureaucracy and supposed cost savings. This measure would, however, make road safety worse for other road users who are the main victims of accidents involving heavy vehicles.*

**Amendment 109**  
**Luis de Grandes Pascual**

**Proposal for a regulation**  
**Recital 4**

*Text proposed by the Commission*

*Amendment*

*(4) In order to ensure coherence between the different exemptions set out in Article* *deleted*

***13 of Regulation (EC) No 561/2006, and to reduce the administrative burden on transport undertakings whilst respecting the objectives of that Regulation, the maximum permissible distances set out in its Articles 13(d), (f) and (p) should be revised.***

Or. es

**Amendment 110**  
**Hubert Pirker**

**Proposal for a regulation**  
**Recital 4**

*Text proposed by the Commission*

(4) In order to ensure coherence between the different exemptions set out in Article 13 of Regulation (EC) No 561/2006, ***and*** to reduce the administrative burden on transport undertakings whilst respecting the objectives of that Regulation, the maximum permissible distances set out in its Articles 13(d), (f) and (p) should be revised.

*Amendment*

(4) In order to ensure coherence between the different exemptions set out in Article 13 of Regulation (EC) No 561/2006, to reduce the administrative burden on transport undertakings, ***to reduce bureaucracy and to ensure that recording equipment continues to develop in line with practice***, whilst respecting the objectives of that Regulation, the maximum permissible distances set out in its Articles 13(d), (f) and (p) should be revised.

Or. de

*Justification*

*This amendment seeks to clarify once again the objectives of this revision of the regulation on recording equipment. In this connection it is particularly important that the development of recording equipment keeps pace with practice.*

**Amendment 111**  
**Martin Kastler**

**Proposal for a regulation**  
**Recital 4**

*Text proposed by the Commission*

(4) In order to ensure coherence between the different exemptions set out in Article 13 of Regulation (EC) No 561/2006, and to reduce the administrative burden on transport undertakings whilst respecting the objectives of that Regulation, the maximum permissible distances set out in its Articles 13(d), (f) and (p) should be revised.

*Amendment*

(4) In order to ensure coherence between the different exemptions set out in Article 13 of Regulation (EC) No 561/2006, and to reduce the administrative burden on transport undertakings whilst respecting the objectives of that Regulation, the maximum permissible distances set out in its Articles 13(d), (f) and (p) should be revised ***and the words ‘with a maximum permissible mass not exceeding 7.5 tonnes’ deleted.*** .

Or. de

**Amendment 112**  
**Saïd El Khadraoui, Silvia-Adriana Țicău**

**Proposal for a regulation**  
**Recital 4**

*Text proposed by the Commission*

(4) In order to ***ensure coherence between the different exemptions set out in Article 13 of Regulation (EC) No 561/2006, and to reduce the administrative burden on transport undertakings whilst respecting the objectives of that Regulation, the maximum permissible distances set out in its Articles 13(d), (f) and (p) should be revised.***

*Amendment*

(4) In order to ***create a level playing field and to improve road safety, social standards and working conditions, the scope of Council Regulation (EEC) No 3821/85 on recording equipment in road transport should be extended to all commercial vehicles, regardless their maximum permissible mass. To ensure coherence, Regulation (EC) No 561/2006 on the harmonisation of certain social legislation relating to road transport should be amended accordingly.***

Or. en

**Amendment 113**  
**Mathieu Grosch**

**Proposal for a regulation**  
**Recital 4**

*Text proposed by the Commission*

(4) In order to ensure coherence between the different exemptions set out in Article 13 of Regulation (EC) No 561/2006, and to reduce the administrative burden on transport undertakings whilst respecting the objectives of that Regulation, the maximum permissible distances set out in its Articles 13(d), (f) and (p) should be revised.

*Amendment*

(4) In order to ensure coherence between the different exemptions set out in Article 13 of Regulation (EC) No 561/2006, and to reduce the administrative burden on transport undertakings whilst respecting the objectives of that Regulation, the maximum permissible distances set out in its Articles 13(**b**), (d), (f) and (p) should be revised.

Or. de

**Amendment 114**  
**Dieter-Lebrecht Koch**

**Proposal for a regulation**  
**Recital 5**

*Text proposed by the Commission*

***(5) The recording of location data facilitates the cross checking of driving times and rest periods in order to detect anomalies and fraud. The use of recording equipment connected to a global navigation satellite system is an appropriate and cost-efficient means of allowing the automatic recording of such data in order to support control officers during controls, and should therefore be introduced.***

*Amendment*

***deleted***

Or. de

**Amendment 115**  
**Eva Lichtenberger**



**Proposal for a regulation**  
**Recital 5**

*Text proposed by the Commission*

(5) The recording of location data facilitates the cross checking of driving times **and** rest periods in order to detect anomalies and fraud. The use of recording equipment connected to a global navigation satellite system is an appropriate and cost-efficient means of allowing the automatic recording of such data in order to support control officers during controls, and should therefore be introduced.

*Amendment*

(5) The recording of location data facilitates the cross checking of driving times, rest periods, **speed and weight** in order to detect anomalies and fraud. The use of recording equipment connected to a global navigation satellite system is an appropriate and cost-efficient means of allowing the automatic recording of such data in order to support control officers during controls, and should therefore be introduced.

Or. en

*Justification*

*to ensure coherence with the rest of the text*

**Amendment 116**  
**Dieter-Lebrecht Koch**

**Proposal for a regulation**  
**Recital 6**

*Text proposed by the Commission*

***(6) 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) 3821/85 concerning social legislation relating to road transport activities and repealing Council Directive 88/599/EEC requires Member States to carry out a minimum number of checks at the roadside. Remote communication between the recording equipment and control authorities for roadside control purposes facilitates targeted roadside***

*Amendment*

***deleted***

*checks, making it possible to reduce the administrative burden created by random checks on transport undertakings, and should accordingly be introduced.*

Or. de

**Amendment 117**

**Markus Ferber**

**Proposal for a regulation**

**Recital 6**

*Text proposed by the Commission*

*Amendment*

*(6) 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) 3821/85 concerning social legislation relating to road transport activities and repealing Council Directive 88/599/EEC requires Member States to carry out a minimum number of checks at the roadside. Remote communication between the recording equipment and control authorities for roadside control purposes facilitates targeted roadside checks, making it possible to reduce the administrative burden created by random checks on transport undertakings, and should accordingly be introduced.*

*deleted*

Or. de

**Amendment 118**

**Michel Dantin, Dominique Riquet, Dominique Vlasto**

**Proposal for a regulation**

**Recital 7**

*Text proposed by the Commission*

(7) Intelligent transport systems (ITS) can help to meet the challenges faced by the European transport policy, such as increasing road transport volumes and congestion or rising energy consumption. ***Standardised interfaces should therefore be provided in recording equipment*** in order to ensure interoperability with ITS applications.

*Amendment*

(7) Intelligent transport systems (ITS) can help to meet the challenges faced by the European transport policy, such as increasing road transport volumes and congestion or rising energy consumption. In order to ensure interoperability with ***an appropriate set of ITS applications, tachographs should be provided with standardised interfaces, the provisions for which should be proposed by the Commission in a separate directive following an impact assessment to establish the deployment criteria for the interface in question.***

Or. fr

*Justification*

*More details need to be provided on the envisaged ITS applications, the choice of interface and the way in which it would exchange tachograph data. The Commission should deal with these items in an impact assessment with a view to a specific directive concerning the introduction of a harmonised interface to permit the exchange of data between the tachograph and a defined set of ITS applications.*

**Amendment 119**  
**Brian Simpson**

**Proposal for a regulation**  
**Recital 7**

*Text proposed by the Commission*

(7) Intelligent transport systems (ITS) can help to meet the challenges faced by the European transport policy, such as increasing road transport volumes and congestion or rising energy consumption. Standardised interfaces should therefore be provided in recording equipment in order to ensure interoperability with ITS applications.

*Amendment*

(7) Intelligent transport systems (ITS) can help to meet the challenges faced by the European transport policy, such as increasing road transport volumes and congestion or rising energy consumption. Standardised interfaces should therefore be provided in recording equipment in order to ensure interoperability with ITS applications, ***while ensuring at the same***

*time that the essential functions of the tachograph are safeguarded and the data protection is guaranteed. In order for the full potential of ITS based applications and of the data processed and stored by the tachograph to be realised, any data that can be transmitted out of the tachograph, whether wirelessly or electronically, whether forming part of a legal requirement or not , should be in the form of publicly available protocols.*

Or. en

*Justification*

*It is important for the protocols to be publicly available in order to ensure a level playing field for all companies who want to develop the functionalities of the tachograph*

**Amendment 120**

**Peter van Dalen**

**Proposal for a regulation**

**Recital 12**

*Text proposed by the Commission*

*Amendment*

*(12) As fraud and misuse in relation to driving licences is less likely to occur than with driver cards, the recording equipment system would be more reliable and effective if driver cards were in future incorporated into driving licences. This approach would also reduce the administrative burden for drivers who would no longer need to apply for, receive and hold two different documents. An amendment to Directive 2006/126/EC should accordingly be envisaged.*

*deleted*

Or. nl

## Amendment 121

Dominique Vlasto, Dominique Riquet, Michel Dantin, Jim Higgins

### Proposal for a regulation

#### Recital 12

*Text proposed by the Commission*

(12) *As fraud and misuse in relation to driving licences is less likely to occur than with driver cards*, the recording equipment system would be more reliable and effective if *driver* cards were in future incorporated into driving licences. This approach *would* also reduce the administrative burden for drivers who would no longer need to apply for, receive and hold *two* different documents. An amendment to Directive 2006/126/EC should *accordingly* be envisaged.

*Amendment*

(12) *It is desirable to assess whether* the recording equipment system would be more reliable and effective if *drivers' work-related* cards were in future incorporated into driving licences. This approach *might* also reduce the administrative burden for drivers who would no longer need to apply for, receive and hold *a number of* different documents. An amendment to Directive 2006/126/EC should be envisaged *on the basis of a comprehensive impact assessment demonstrating the benefits for all interested parties of incorporating cards in this way and the compatibility of such a measure with data protection requirements*.

Or. fr

#### *Justification*

*Merging the driver card with the driving licence should only be envisaged on the basis of a comprehensive impact assessment demonstrating the benefits for all interested parties of an administrative simplification of this kind and the compatibility of such a measure with data protection requirements. This assessment should also look at the possibility of merging other cards.*

## Amendment 122

Nuno Teixeira

### Proposal for a regulation

#### Recital 12

*Text proposed by the Commission*

(12) As fraud and misuse in relation to

*Amendment*

(12) As fraud and misuse in relation to

driving licences is less likely to occur than with driver cards, the recording equipment system would be more reliable and effective if driver cards were in future incorporated into driving licences. This approach would also reduce the administrative burden for drivers who would no longer need to apply for, receive and hold two different documents. An amendment to Directive 2006/126/EC should accordingly be envisaged.

driving licences is less likely to occur than with driver cards, the recording equipment system would be more reliable and effective if driver cards were in future incorporated into driving licences, ***once an impact study has been carried out on the direct consequences for the sector concerned and for the protection of individuals with regard to the processing of personal data and the free movement thereof, in accordance with Directive 95/46/EC.*** This approach would also reduce the administrative burden for drivers who would no longer need to apply for, receive and hold two different documents. An amendment to Directive 2006/126/EC should accordingly be envisaged.

Or. pt

**Amendment 123**  
**Georges Bach**

**Proposal for a regulation**  
**Recital 13**

*Text proposed by the Commission*

*Amendment*

***(13) In order to reduce the administrative burden on drivers and transport undertakings, it should be clarified that there is no need for written proof of daily or weekly rest periods. For control purposes, periods for which no activity has been recorded for the driver should accordingly be considered as rest periods.***

***deleted***

Or. de

*Justification*

*In reality this proposal would not guarantee a full record of driver activity and these gaps in the record would make it harder to check the tachograph.*

## Amendment 124

Dominique Vlasto, Christine De Veyrac, Dominique Riquet, Michel Dantin

### Proposal for a regulation

#### Recital 13

*Text proposed by the Commission*

(13) ***In order to reduce the administrative burden on drivers and transport undertakings, it should be clarified that there is no need for written proof of daily or weekly rest periods. For control purposes,*** periods for which no activity has been recorded for the driver should ***accordingly*** be considered as ***rest*** periods.

*Amendment*

(13) Periods for which no activity has been recorded for the driver should be considered as periods ***of availability***.

Or. fr

#### *Justification*

*Periods during which no activity has been recorded should not be considered to be rest periods or breaks, as this would facilitate fraud. Furthermore, exempting rest time and breaks from the requirement to be recorded by hand, which is laid down for 'other periods of work' and 'periods of availability', conflicts with the general principle for driving and rest time to be recorded, as set out in the existing rules (Regulations Nos 561/2006 and 3821/85).*

## Amendment 125

Jim Higgins, Dieter-Lebrecht Koch

### Proposal for a regulation

#### Recital 13

*Text proposed by the Commission*

(13) In order to reduce the administrative burden on drivers and transport undertakings, it should be clarified that there is no need for written proof of daily or weekly ***rest periods***. ***For control purposes, periods for which no activity has been recorded for the driver should accordingly be considered as*** rest periods.

*Amendment*

(13) In order to reduce the administrative burden on drivers and transport undertakings, it should be clarified that there is no need for written proof of daily or weekly rest periods.

**Amendment 126**  
**Jörg Leichtfried**

**Proposal for a regulation**  
**Recital 13**

*Text proposed by the Commission*

*Amendment*

***(13) In order to reduce the administrative burden on drivers and transport undertakings, it should be clarified that there is no need for written proof of daily or weekly rest periods. For control purposes, periods for which no activity has been recorded for the driver should accordingly be considered as rest periods.*** ***deleted***

Or. de

*Justification*

*If rest periods (breaks) and daily and weekly rest times no longer have to be recorded, it will no longer be possible to guarantee a complete record of driver activities. In particular, this rule would conflict with the provisions of Article 7 (breaks) and Article 4(g) (daily rest periods) of Regulation 561/2006/EC and would also mean that it was no longer compulsory to carry a leave certificate or sick note.*

**Amendment 127**  
**Silvia-Adriana Țicău**

**Proposal for a regulation**  
**Recital 15 a (new)**

*Text proposed by the Commission*

*Amendment*

***(15 a) To ensure fair competition on the internal market and to encourage the development of new applications and services based on data recorded by the tachograph, The digital tachograph manufacturers shall make available to the public the protocols used to transmit any***



*data that can be transmitted out of the tachograph whether through the remote communication system or through the standardized interface, forming part of the legal requires of drivers hours legislation and tachograph regulations or not.*

Or. en

## **Amendment 128**

**Hubert Pirker**

### **Proposal for a regulation**

#### **Recital 16 a (new)**

*Text proposed by the Commission*

*Amendment*

*(16 a) Differing rules for calculating daily driving times lead to a lack of uniformity in the application of Regulation (EC) No 561/2006 and create legal uncertainty for international drivers and transport undertakings. In the interest of a clear, effective, proportionate and uniform implementation of social security rules in road transport it is essential that the Member States' authorities apply the rules in a uniform manner.*

Or. de

#### *Justification*

*In its implementing decision of 7.6.2011 (C(2011)3759) the Commission referred to the problems of differing interpretations in calculating daily driving times and made a recommendation. The uniform implementation of the Driving and Rest Times Regulation and the rules on recording equipment in the Member States is the only way of enhancing road safety and benefiting the European Single Market.*

## **Amendment 129**

**Silvia-Adriana Țicău**

**Proposal for a regulation**  
**Recital 16**

*Text proposed by the Commission*

(16) To ensure fair competition in the internal road transport market and to give a clear message to drivers and transport undertakings, the Member States' highest category of sanctions should be imposed for 'very serious' infringements (*as defined in Commission Directive 2009/5/EC of 30 January 2009 amending Annex III to Directive 2006/22/EC of the European Parliament and of the Council on minimum conditions for the implementation of Council Regulations (EEC) Nos 3820/85 and 3821/85 concerning social legislation relating to road transport activities*), without prejudice to the principle of subsidiarity.

*Amendment*

(16) To ensure fair competition in the internal road transport market and to give a clear message to drivers and transport undertakings, ***the definition of very serious infringements against this Regulation should be harmonised and binding in nature and*** the Member States' highest category of sanctions should be imposed for 'very serious' infringements, without prejudice to the principle of subsidiarity. ***Efforts should also be taken to ensure that the penalties awarded for any infringements are always effective, dissuasive and proportionate.***

Or. en

**Amendment 130**  
**Corien Wortmann-Kool**

**Proposal for a regulation**  
**Recital 16**

*Text proposed by the Commission*

(16) To ensure fair competition in the internal road transport market and to give a clear message to drivers and transport undertakings, the Member States' highest category of sanctions should be imposed for 'very serious' infringements (as defined in Commission Directive 2009/5/EC of 30 January 2009 amending Annex III to Directive 2006/22/EC of the European Parliament and of the Council on minimum conditions for the implementation of Council Regulations (EEC) Nos 3820/85 and 3821/85 concerning social legislation relating to road transport activities),

*Amendment*

(16) To ensure fair competition in the internal road transport market and to give a clear message to drivers and transport undertakings, the ***definition of very serious infringements against this Regulation should be harmonised and binding in nature and*** the Member States' highest category of sanctions should be imposed for 'very serious' infringements (as defined in Commission Directive 2009/5/EC of 30 January 2009 amending Annex III to Directive 2006/22/EC of the European Parliament and of the Council on minimum conditions for the implementation of

without prejudice to the principle of subsidiarity.

Council Regulations (EEC) Nos 3820/85 and 3821/85 concerning social legislation relating to road transport activities), without prejudice to the principle of subsidiarity. *Efforts should also be taken to ensure that the penalties awarded for any infringements are always 'effective, dissuasive and proportionate'. In particular concrete steps should be taken to eliminate the practice of excessively high fines for minor infringements.*

Or. en

**Amendment 131**  
**Roberts Zile**

**Proposal for a regulation**  
**Recital 17**

*Text proposed by the Commission*

(17) Through the adaptations of the European agreement concerning the work of crews of vehicles engaged in international road transport, signed in Geneva on 1 July 1970, including its six amendments, deposited with the Secretary-General of the United Nations (AETR), the use of the recording equipment referred to in Annex IB has been made mandatory as regards vehicles registered in neighbouring third countries. As these countries are directly affected by changes to the recording equipment introduced by the present Regulation, they should be able to participate in dialogue on technical matters. A Tachograph Forum should accordingly be set up.

*Amendment*

(17) Through the adaptations of the European agreement concerning the work of crews of vehicles engaged in international road transport, signed in Geneva on 1 July 1970, including its six amendments, deposited with the Secretary-General of the United Nations (AETR), the use of the recording equipment referred to in Annex IB has been made mandatory as regards vehicles registered in neighbouring third countries. As these countries are directly affected by changes to the recording equipment introduced by the present Regulation, they should be able to participate in dialogue on technical matters *and on the establishment of a single electronic system for the exchange of information on driver cards.* A Tachograph Forum should accordingly be set up.

Or. lv

### *Justification*

*If a third-country national applies for a driver card, it is necessary to check that the person concerned has not already received a digital card. The issue of electronic information exchange with AETR Member States concerning driver cards therefore needs to be resolved by creating a single system. At present in cases in which a third-country national applies for a digital tachograph card, it is possible to request information only through bilateral contacts with the country concerned, and this is a procedure which consumes large amounts of time and resources.*

#### **Amendment 132 Dieter-Lebrecht Koch**

#### **Proposal for a regulation Recital 21 a (new)**

*Text proposed by the Commission*

*Amendment*

***(21 a) The transport of passengers and goods takes place under very widely differing terms and conditions. Accordingly, a revision of the tachograph requirement and the rules on driving and rest periods for bus drivers should be submitted as soon as possible, and at any rate by the end of 2013.***

Or. de

#### **Amendment 133 Dieter-Lebrecht Koch**

#### **Proposal for a regulation Recital 21 b (new)**

*Text proposed by the Commission*

*Amendment*

***(21 b) Standards and specifications should be drawn up as open standards allowing for the incorporation into one and the same device, following examination by the Commission, of other functions such as accident recorders and 112 e-call.***

**Amendment 134**  
**Silvia-Adriana Țicău**

**Proposal for a regulation**  
**Article 1 – point 1**  
Council Regulation (EEC) No 3821/85  
Article 1– paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***1a. This Regulation sets out the conditions and requirements under which the information and data recorded, processed or stored by the tachograph as referred to in paragraph 1 may be used for purposes other than the control of compliance with the legislation referred to in paragraph 1 shall be processed and may be further used for compatible purposes, in accordance with Directive 95/46/EC.***

**Amendment 135**  
**Philip Bradbourn**

**Proposal for a regulation**  
**Article 1 – point 1**  
Council Regulation (EEC) No 3821/85  
Article 1a

*Text proposed by the Commission*

*Amendment*

***Member States may decide not to equip their control authorities with the remote early detection equipment needed to request the data communication referred to in this Article as this equipment is not part of the mandatory control equipment lists in the Directive 2006/22/EC.***

*Justification*

*It is not clear what the technical specification of such equipment will be, and whether all control authorities (including the Police) will need to be equipped. Such equipment will be expensive and the costs will ultimately be passed onto Industry.*

**Amendment 136**

**Dieter-Lebrecht Koch**

**Proposal for a regulation**

**Article 1 – point 1**

Council Regulation (EEC) No 3821/85

Art 2 Abs 1

*Text proposed by the Commission*

(1) For the purposes of this Regulation the definitions set out in Article 4 of Regulation (EC) No 561/2006 shall apply.

*Amendment*

(1) For the purposes of this Regulation the definitions set out in Article 4 of Regulation (EC) No 561/2006 shall apply.

*In that regulation, ‘multi-manning’ means the situation where, during each period of driving between any two consecutive daily rest periods, or between a daily rest period and a weekly rest period, there are at least two drivers in the vehicle to do the driving. For the first two hours and the last two hours of multi-manning the presence of another driver or drivers is optional.*

**Amendment 137**

**Markus Ferber**

**Proposal for a regulation**

**Article 1 – point 1**

Council Regulation (EEC) No 3821/85

Article 1 – paragraph 1

*Text proposed by the Commission*

(1) For the purposes of this Regulation the definitions set out in Article 4 of Regulation (EC) No 561/2006 shall apply.

*Amendment*

(1) For the purposes of this Regulation the definitions set out in Article 4 of Regulation (EC) No 561/2006 shall apply.

***In that regulation, ‘multi-manning’ means the situation where, during each period of driving between any two consecutive daily rest periods, or between a daily rest period and a weekly rest period, there are at least two drivers in the vehicle to do the driving. For the first two hours and the last two hours of multi-manning the presence of another driver or drivers is optional.***

Or. de

**Amendment 138**

**Dominique Riquet, Michel Dantin, Dominique Vlasto, Jim Higgins**

**Proposal for a regulation**

**Article 1 – point 1**

Council Regulation (EEC) No 3821/85

Article 2 – paragraph 2 (a)

*Text proposed by the Commission*

(a) ‘recording equipment’ means the equipment intended for installation in road vehicles to display, record, print, store and output automatically or semi-automatically details of the movement of such vehicles and of ***certain work periods*** of their drivers;

*Amendment*

(a) ‘recording equipment’ means the equipment intended for installation in road vehicles to display, record, print, store and output automatically or semi-automatically details of the movement of such vehicles and of ***the working activities*** of their drivers;

Or. fr

*Justification*

*The tachograph does not just record ‘certain work periods’ of drivers but all periods of work related to their status as drivers.*

**Amendment 139**  
**Eva Lichtenberger**

**Proposal for a regulation**

**Article 1 – point 1**

Council Regulation (EEC) No 3821/85

Article 2 – paragraph 2 – point a

*Text proposed by the Commission*

(a) “recording equipment” means the equipment intended for installation in road vehicles to display, record, print, store and output automatically or semi-automatically details of the movement of such vehicles **and** of certain work periods of their drivers;

*Amendment*

(a) “recording equipment” means the equipment intended for installation in road vehicles to display, record, print, store and output automatically or semi-automatically details of the movement **and speed** of such vehicles, of certain work periods of their drivers **and of the weight of the vehicle**;

Or. en

*Justification*

*Fraud can be detected most easily by comparing different data about the vehicle and detecting anomalies in the records. Quite apart from the gains for road safety, obtaining data on the weight of vehicles would provide reliable data on their efficient use.*

**Amendment 140**  
**Olga Sehnalová**

**Proposal for a regulation**

**Article 1 – point 1**

Council Regulation (EEC) No 3821/85

Article 2 – paragraph 2 – point a

*Text proposed by the Commission*

a) ‘**recording equipment**’ means the equipment intended for installation in road vehicles to display, record, print, store and output automatically or semi-automatically details of the movement of such vehicles and of **certain work periods of their** drivers;

*Amendment*

a) ‘**tachograph**’ means the equipment intended for installation in road vehicles to display, record, print, store and output automatically or semi-automatically details of the movement of such vehicles and of **the activities of** drivers, **as well as of data recorded by the tachograph**;

Or. cs



**Amendment 141**  
**Eva Lichtenberger**

**Proposal for a regulation**

**Article 1 – point 1**

Council Regulation (EEC) No 3821/85

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

*Text proposed by the Commission*

*Amendment*

***(c a) 'weight sensor' means a part of the digital tachograph that provides information on the weight of the vehicle, therefore recording data on loading and unloading of the vehicle***

Or. en

**Amendment 142**

**Dominique Riquet, Michel Dantin, Dominique Vlasto, Jim Higgins**

**Proposal for a regulation**

**Article 1 – point 1**

Council Regulation (EEC) No 3821/85

Article 2 – paragraph 2 – point g

*Text proposed by the Commission*

*Amendment*

(g) ‘control card’ means a tachograph card issued by the authorities of a Member State to a national competent control authority which identifies the control body and ***optionally*** the control officer and allows access to the data stored in the data memory or in the driver cards for reading, printing and/or downloading;

(g) ‘control card’ means a tachograph card issued by the authorities of a Member State to a national competent control authority which identifies the control body and the control officer and allows access to the data stored in the data memory or in the driver cards for reading, printing and/or downloading;

Or. fr

**Amendment 143**

**Brian Simpson**

## Proposal for a regulation

### Article 1 – point 1

Council Regulation (EEC) No 3821/85

Article 2 – paragraph 2 – point g

#### *Text proposed by the Commission*

(g) “control card” means a tachograph card issued by the authorities of a Member State to a national competent control authority which identifies the control body and optionally the control officer and allows access to the data stored in the data memory or in the driver cards for reading, printing and/or downloading;

#### *Amendment*

(g) “control card” means a tachograph card issued by the authorities of a Member State to a national competent control authority which identifies the control body and optionally the control officer and allows access to the data stored in the data memory or in the driver cards ***and in the workshop card*** for reading, printing and/or downloading;

Or. en

## Amendment 144

**Jim Higgins, Georges Bach, Carlo Fidanza, Dieter-Lebrecht Koch**

## Proposal for a regulation

### Article 1 – point 1

Council Regulation (EEC) No 3821/85

Article 2 – Paragraph 2 – point i

#### *Text proposed by the Commission*

(i) “workshop card” means a tachograph card issued by the authorities of a Member State to a ***recording equipment*** manufacturer, a fitter, a vehicle manufacturer or a workshop approved by that Member State which identifies the cardholder and allows for the testing, calibration and/or downloading of the ***recording equipment***;

#### *Amendment*

(i) “workshop card” means a tachograph card issued by the authorities of a Member State to a ***designated member of staff of tachograph*** manufacturer, a fitter, a vehicle manufacturer or a workshop approved by that Member State which identifies the cardholder and allows for the testing, calibration and/or downloading of the ***tachograph***; ***this also imposes the obligation of management of tachograph manufacturer, a fitter, a vehicle manufacturer or a workshop approved by that Member State, to ensure that no fraudulent activity takes place at a tachograph manufacturer, a fitter, a vehicle manufacturer or a workshop approved by that Member State;***

**Amendment 145**  
**Gesine Meissner**

**Proposal for a regulation**

**Article 1 – point 1**

Council Regulation (EEC) No 3821/85

Article 2 – paragraph 2 – point j

*Text proposed by the Commission*

*Amendment*

***j) ‘daily work period’ means the period comprising the driving time, all other periods of work, the periods of availability, breaks in work and periods of rest not exceeding nine hours.*** ***deleted***

Or. de

*Justification*

*The definition of ‘daily work period’ has no place in the proposal for a regulation on recording equipment, which is primarily intended to check compliance with the prescribed driving and rest times. The term ‘daily work period’ has been defined by the ECJ (C-394/92).*

**Amendment 146**  
**Anna Rosbach**

**Proposal for a regulation**

**Article 1 – point 1**

Council Regulation (EEC) No 3821/85

Article 2 – paragraph 2 – j

*Text proposed by the Commission*

*Amendment*

***(j) “daily work period” means the period comprising the driving time, all other periods of work, the periods of availability, breaks in work and periods of rest not exceeding nine hours.*** ***deleted***

Or. en

### *Justification*

*The definition of the daily work time/period is defined through the legislation on the driving and rest time - Regulation (EC) No 561/2006 of the European Parliament and of the Council. Introducing this text in the tachograph legislation would cause further confusion and create even more lack of clarity.*

#### **Amendment 147**

**Markus Ferber**

#### **Proposal for a regulation**

##### **Article 1 – point 1**

Council Regulation (EEC) No 3821/85

Article 2 – paragraph 2 – point j

*Text proposed by the Commission*

*Amendment*

*j) ‘daily work period’ means the period  
comprising the driving time, all other  
periods of work, the periods of  
availability, breaks in work and periods of  
rest not exceeding nine hours.*

*deleted*

Or. de

#### **Amendment 148**

**Hubert Pirker**

#### **Proposal for a regulation**

##### **Article 1 – point 1**

Council Regulation (EEC) 3821/85

Article 2 – paragraph 2 – point j

*Text proposed by the Commission*

*Amendment*

*j) ‘daily work period’ means the period  
comprising the driving time, all other  
periods of work, the periods of  
availability, breaks in work and periods of  
rest not exceeding nine hours.*

*deleted*

Or. de

*Justification*

*This amendment should be seen in conjunction with the amendment to Article 30(1), which renders a definition of ‘daily work period’ in this regulation superfluous.*

**Amendment 149**

**Olga Sehnalová**

**Proposal for a regulation**

**Article 1 – point 1**

Council Regulation (EEC) No 3821/85

Article 2 – paragraph 2 – point j

*Text proposed by the Commission*

j) ‘daily work period’ means the period comprising the driving time, all other periods of work, ***the periods of availability***, breaks in work and periods of rest not exceeding nine hours.

*Amendment*

j) ‘daily work period’ means the period comprising the driving time, all other periods of work, breaks in work and periods of rest not exceeding nine hours.

Or. cs

*Justification*

*The period of availability does not constitute part of a driver's daily work period.*

**Amendment 150**

**Mara Bizzotto**

**Proposal for a regulation**

**Article 1 – point 1**

Council Regulation (EEC) No 3821/85

Article 2 – paragraph 2 – point j

*Text proposed by the Commission*

(j) “daily ***work*** period” means the period comprising the driving time, all other periods of work, the periods of availability, breaks in work and periods of rest not exceeding nine hours.

*Amendment*

(j) “daily ***control*** period” means the period comprising the driving time, all other periods of work, the periods of availability, breaks in work and periods of rest not exceeding nine hours.

Or. en

### *Justification*

*The definition of “daily working period” in the Ticaud report is inconsistent with the definition in Directive 2002/15/CE on the organisation of the working time of persons performing mobile road transport activities, clearly stating at article 3 that “The break times [...], the rest times [...] and, without prejudice to the legislation of Member States or agreements between the social partners providing that such periods should be compensated or limited, the periods of availability [...] shall be excluded from working time”. Moreover, while the driver is taking a break or rest, he can freely dispose of his time. For that reason pauses and resting times are unpaid. In the definition of daily working time, all interruptions of the work and the resting times under 9 hours are included. This is absolutely unacceptable, meaning that split breaks and rest period would have to be remunerated. The impact on the costs would be huge and the European Commission’s analysis has not taken into account such aspect. There is no sector in the world where employees are remunerated to rest.*

#### **Amendment 151** **Giommaria Uggias**

##### **Proposal for a regulation**

##### **Article 1 – point 1**

Council Regulation (EEC) No 3821/85

Article 2 – paragraph 2 – point j

##### *Text proposed by the Commission*

(j) “daily **work** period” means the period comprising the driving time, all other periods of work, the periods of availability, breaks in work and periods of rest not exceeding nine hours.

##### *Amendment*

(j) “daily **control** period” means the period comprising the driving time, all other periods of work, the periods of availability, breaks in work and periods of rest not exceeding nine hours.

Or. en

#### **Amendment 152** **Carlo Fidanza**

##### **Proposal for a regulation**

##### **Article 1 – point 1**

Council Regulation (ECC) No 3821/85

Article 2 – paragraph 2 – point j

##### *Text proposed by the Commission*

(j) “daily **work** period” means the period

##### *Amendment*

(j) ‘daily **control** period’ means the period

comprising the driving time, all other periods of work, the periods of availability, breaks in work and periods of rest not exceeding nine hours.

comprising the driving time, all other periods of work, the periods of availability, breaks in work and periods of rest not exceeding nine hours.

Or. en

## **Amendment 153**

**Phil Bennion**

### **Proposal for a regulation**

#### **Article 1 – point 1**

Council Regulation (EEC) No 3821/85

Article 2 – paragraph 2 – point j

#### *Text proposed by the Commission*

(j) “daily **work** period” means the period comprising the driving time, all other periods of work, the periods of availability, breaks in work and periods of rest not exceeding nine hours.

#### *Amendment*

(j) “daily **control** period” means the period comprising the driving time, all other periods of work, the periods of availability, breaks in work and periods of rest not exceeding nine hours.

Or. en

## **Amendment 154**

**Debora Serracchiani**

### **Proposal for a regulation**

#### **Article 1 – point 1**

Council Regulation (EEC) N. 3821/85

Article 2–paragraph 2–point j

#### *Text proposed by the Commission*

(j) “daily **work** period” means the period comprising the driving time, all other periods of work, the periods of availability, breaks in work and periods of rest not exceeding nine hours.

#### *Amendment*

(j) “daily **control** period” means the period comprising the driving time, all other periods of work, the periods of availability, breaks in work and periods of rest not exceeding nine hours.

Or. en

### *Justification*

*The definition of “daily working periods” is inconsistent with the definition in Directive 2002/15/CE on the organisation of the working time of persons performing mobile road transport activities ( clearly stating at article 3). Moreover, while the driver is taking a break or rest, he can freely dispose of his time. For that reason pauses and resting times are unpaid. In the definition of daily working time, all interruptions of the work and the resting times under 9 hours are included.*

#### **Amendment 155**

**Luis de Grandes Pascual**

#### **Proposal for a regulation**

##### **Article 1 – point 1**

Council Regulation (EEC) No 3821/85

Article 2 – paragraph 2 – point (j)

#### *Text proposed by the Commission*

(j) ‘daily work period’ means the period *comprising the driving time, all other periods of work, the periods of availability, breaks in work and periods of rest not exceeding nine hours.*

#### *Amendment*

(j) ‘daily work period’ means the period *which commences at the time when the driver activates the tachograph following a weekly or daily rest period, or, if the daily rest is divided into separate periods, following a rest period of at least nine hours' duration, and ends at the beginning of a daily rest period or, if the daily rest is divided into separate periods, at the beginning of a rest period extending over a minimum of nine consecutive hours.*

Or. es

### *Justification*

*Amendment in line with the definition of a daily working period used in Regulation 3821/85.*

#### **Amendment 156**

**Brian Simpson**

#### **Proposal for a regulation**

##### **Article 1 – point 1 (new)**



Council Regulation (EEC) No 3821/85  
Article 2 – paragraph 2 – point j a (new)

*Text proposed by the Commission*

*Amendment*

***(j a) 'event' means: operation detected by the tachograph which may come from a fraud attempt;***

Or. en

**Amendment 157**  
**Brian Simpson**

**Proposal for a regulation**

**Article 1 – point 1**

Council Regulation (EEC) No 3821/85  
Article 2 – paragraph 2 – point j b (new)

*Text proposed by the Commission*

*Amendment*

***(j b) 'fault' means: operation detected by the tachograph which may come from an equipment malfunction or failure;***

Or. en

**Amendment 158**  
**Anna Rosbach**

**Proposal for a regulation**

**Article 1 – point 1**

Council Regulation (EEC) No 3821/85  
Article 3 a (new)

*Text proposed by the Commission*

*Amendment*

***Article 3a***

***Essential requirements***

***1. Tacographs, tachograph cards and record sheets must comply with stringent technical, functional and other requirements so as to ensure that they***

*fulfil the essential requirements set out in paragraph 2 and that they achieve the objectives of this Regulation.*

*2. To allow for efficient control of compliance with the applicable social legislation the tachograph shall comply with the following essential requirements:*

*(a) to record accurate and reliable data related to the driver activity and the vehicle;*

*(b) to be secure, in order to guarantee the integrity and the origin of the source of data recorded by and retrieved from vehicle units, motion sensors and tachograph cards;*

*(c) to be interoperable;*

*(d) to be user friendly;*

*3. Tachographs must be designed and used in such a way as to ensure privacy and personal data protection.*

*4. Tachographs shall be positioned in the vehicle at the driver's field of vision and in such a way as to allow the driver to access the necessary functions from his seat.*

*5. Downloading of data shall be performed with the minimum delay to transport undertakings or drivers.*

*6. Downloading of data may not alter or delete stored data. The downloading of the detailed speed file may not be necessary to ensure compliance with Regulation (EC) No 561/2006, but may be used for other purposes, such as accident investigation.*

Or. en

**Amendment 159**  
**Gesine Meissner**

**Proposal for a regulation**  
**Article 1 – point 1**

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*Text proposed by the Commission*

*Amendment*

***Functions of the tachograph***

***The tachograph shall ensure the following functions:***

- (1) monitoring cards, insertions and withdrawals,***
- (2) speed and distance measurement,***
- (3) time measurement,***
- (4) monitoring driver activities,***
- (5) monitoring driving status,***
- (6) drivers manual entries,***
- (7) entry of places where daily work periods begin and/or end,***
- (8) manual entry of driver activities,***
- (9) entry of specific conditions,***
- (10) company locks management,***
- (11) monitoring control activities,***
- (12) detection of events and/or faults,***
- (13) built-in and self tests,***
- (14) reading from data memory,***
- (15) recording and storing in data memory,***
- (16) reading from tachograph cards,***
- (17) recording and storing in tachograph cards,***
- (18) displaying,***
- (19) printing,***
- (20) warning,***
- (21) data downloading to external media,***
- (22) output data to additional external devices,***
- (23) calibration,***
- (24) time adjustment,***

*(25) possibilities for supplying additional information in accordance with attestation of activities,*

*(26) indication of remaining driving time,*

*(27) indication of rest time taken.*

Or. de

*Justification*

*Functions 25, 26 and 27 help resolve operability problems that are currently often encountered in practice.*

**Amendment 160**

**Olga Sehnalová**

**Proposal for a regulation**

**Article 1 – point 1**

Council Regulation (EEC) No 3821/85

Article 3a (new)

*Text proposed by the Commission*

*Amendment*

**Article 3a**

**Essential requirements**

**1. Tachographs, tachograph cards and record sheets must meet stringent technical, functional and other requirements so as to ensure that they fulfil the essential requirements set out in paragraph 2 and that the objectives of this Regulation are achieved.**

**2. In order to ensure effective monitoring of compliance with applicable social legislation, the tachograph must meet the following basic requirements:**

**a) it must record and produce accurate and reliable data on the activities of the driver and of the vehicle;**

**b) It must be secure in order to guarantee the integrity and origin of data recorded by and retrieved from vehicle units,**

*motion sensors and tachograph cards;*

*c) It must be interoperable;*

*d) it must be user-friendly;*

*3. Tachographs must be produced and used in such a way as to ensure privacy and the protection of personal data.*

*4. Tachographs shall be positioned in the vehicle at driver's eye level and in such a way as to allow the driver to access the necessary functions from his seat.*

*5. Downloading of data shall be performed with an acceptable delay to transport undertakings or drivers.*

*6. Downloading of data may not alter or delete stored data. The downloading of the detailed speed file may not be necessary to ensure compliance with Regulation (EC) No 561/2006, but it may be used for other purposes, such as monitoring compliance with speed limits, investigating road traffic accidents and transport research.*

Or. cs

## **Amendment 161**

**Brian Simpson**

### **Proposal for a regulation**

#### **Article 1 – point 1**

Council Regulation (EEC) No 3821/85

Article 3 a (new)

*Text proposed by the Commission*

*Amendment*

#### *Article 3 a*

##### *Specifications*

*1. The Commission shall be empowered to adopt delegated acts in accordance with Article 39 to adopt the detailed specifications necessary to amend and supplement the Annexes to this Regulation to ensure that the tachograph,*

*the tachograph cards and software used by control officers for the analysis and interpretation of data stored in the tachograph comply with the principles and requirements set out in this Regulation, in particular in Chapter I and Chapter II.*

*2. The Commission shall adopt the detailed specifications referred to in paragraph 1 by 31 December 2014.*

*3. Where relevant, and depending on the area covered by the specification, the specification may include one or more of the following types of provisions:*

*(a) functional provisions that describe the roles of the various users and the information flow between them;*

*(b) technical provisions that provide for the technical means to fulfil the functional provisions and requirements set down in this Regulation;*

*(c) organisational provisions that describe the procedural obligations of the various stakeholders;*

*(d) service provisions that describe the various levels of services and their content.*

*4. The specifications shall, where appropriate, be based on standards and shall guarantee the interoperability and compatibility between the various versions and generations of vehicle units, tachographs cards and equipment of enforcement authorities.*

*5. Any data that can be transmitted out of the tachograph, whether wirelessly or electronically, whether forming part of a legal requirement or not, should be in the form of publicly available protocols.*

*6. The Commission shall conduct an impact assessment including a cost benefit analysis prior to the adoption of the specifications referred to in Chapter II.*

*Justification*

*It is important for the protocols to be publicly available in order to ensure a level playing field for all companies who want to develop the functionalities of the tachograph*

**Amendment 162**

**Silvia-Adriana Țicău**

**Proposal for a regulation**

**Article 1 – point 1**

Council Regulation (EEC) No 3821/85

Article 3 a (new)

*Text proposed by the Commission*

*Amendment*

**Article 3 a**

***Essential requirements***

***1. Tacographs, tachograph cards and record sheets must comply with stringent technical, functional and other requirements so as to ensure that they fulfil the essential requirements set out in paragraph 2 and that they achieve the objectives of this Regulation.***

***2. To allow for efficient control of compliance with the applicable social legislation the tachograph shall comply with the following essential requirements:***

***(a) to record accurate and reliable data related to the driver activity and the vehicle;***

***(b) to be secure, in order to guarantee the integrity and the origin of the source of data recorded by and retrieved from vehicle units, motion sensors and tachograph cards;***

***(c) to be interoperable;***

***(d) to be user friendly;***

***3. Tachographs must be designed and used in such a way as to ensure privacy***

*and personal data protection.*

*4. Tachographs shall be positioned in the vehicle in such a way that they are fully reachable and readable from the driver's normal sitting position, allow the driver to access and operate safely during driving the necessary functions from his seated position and does not divert the driver's attention from the road.*

*5. Downloading of data shall be performed with the minimum delay to transport undertakings or drivers.*

*6. Downloading of data may not alter or delete stored data. The downloading of the detailed speed file may not be necessary to ensure compliance with Regulation (EC) No 561/2006, but may be used for other purposes, such as accident investigation.*

Or. en

**Amendment 163**  
**Eva Lichtenberger**

**Proposal for a regulation**  
**Article 1 – point 1**  
Council Regulation (EEC) No 3821/85  
Article 3 a (new)

*Text proposed by the Commission*

*Amendment*

*Article 3 a*

*Essential requirements*

*1. Tacographs, tachograph cards and record sheets must comply with stringent technical, functional and other requirements so as to ensure that they fulfil the essential requirements set out in paragraph 2 and that they achieve the objectives of this Regulation.*

*2. To allow for efficient control of compliance with the applicable social legislation the tachograph shall comply*



*with the following essential requirements:*

*(a) to record and produce accurate and reliable data related to the driver activity and the vehicle;*

*(b) to be secure, in order to guarantee the integrity and the origin of the source of data recorded by and retrieved from vehicle units, motion sensors and tachograph cards;*

*(c) to be interoperable;*

*(d) to be user friendly;*

*3. Tachographs must be designed and used in such a way as to ensure privacy and personal data protection.*

*4. Tachographs shall be positioned in the vehicle at driver's eye level and in such a way as to allow the driver to access the necessary functions from his seat.*

*5. Downloading of data shall be performed with the minimum delay to transport undertakings or drivers.*

*6. There shall be a technical possibility for controllers to download data faster in order to increase controllers' capacity, thereby facilitating the control of more vehicles and contributing to a more efficient enforcement of the legislation.*

*7. Downloading of data may not alter or delete stored data. The downloading of the detailed speed file may not be necessary to ensure compliance with Regulation (EC) No 561/2006, but may be used for other purposes, such as accident investigation.*

Or. en

**Amendment 164**  
**Markus Ferber**

**Proposal for a regulation**  
**Article 1 – point 1**

*Text proposed by the Commission*

*Amendment*

**Article 3 b**

***Functions of the tachograph***

***The tachograph shall ensure the following functions:***

- (1) monitoring cards, insertions and withdrawals,***
- (2) speed and distance measurement,***
- (3) time measurement,***
- (4) monitoring driver activities,***
- (5) monitoring driving status,***
- (6) drivers manual entries,***
- (7) entry of places where daily work periods begin and/or end,***
- (8) manual entry of driver activities,***
- (9) entry of specific conditions,***
- (10) company locks management,***
- (11) monitoring control activities,***
- (12) detection of events and/or faults,***
- (13) built-in and self tests,***
- (14) reading from data memory,***
- (15) recording and storing in data memory,***
- (16) reading from tachograph cards,***
- (17) recording and storing in tachograph cards,***
- (18) displaying,***
- (19) printing,***
- (20) warning,***
- (21) data downloading to external media,***
- (22) output data to additional external devices,***
- (23) calibration,***

- (24) time adjustment,*
- (25) possibilities for supplying additional information in accordance with attestation of activities,*
- (26) indication of remaining driving time,*
- (27) indication of rest time taken.*

Or. de

**Amendment 165**  
**Saïd El Khadraoui, Silvia-Adriana Țicău**

**Proposal for a regulation**

**Article 1 – point 1**

Council Regulation (EEC) No 3821/85

Article 3 – paragraph 1

*Text proposed by the Commission*

1. ***Recording equipment*** shall be installed and used in vehicles registered in a Member State which are used for the carriage of passengers or goods by road ***falling within the scope of Regulation (EC) No 561/2006.***

*Amendment*

1. ***Tachographs*** shall be installed and used in ***all commercial*** vehicles registered in a Member State which are used for the carriage of passengers or goods by road.

Or. en

**Amendment 166**  
**Eva Lichtenberger**

**Proposal for a regulation**

**Article 1 – point 1**

Council Regulation (EEC) No 3821/85

Article 1 – paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***1 a. The tachograph shall also be used for the application of maximum times of live animals' transports in favour of animal welfare considerations.***

**Amendment 167**  
**Mathieu Grosch**

**Proposal for a regulation**  
**Article 1 – point 1**

Council Regulation (EEC) No 3821/85  
Article 3 – paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***(1 a) Member States shall exempt the vehicles mentioned in Article 13(-1) (new) of Regulation (EC) No 561/2006 from the application of this Regulation.***

Or. de

*Justification*

*Amendment needed to take account of amendment to Article 13(-1) (new) of Regulation 561/2006.*

**Amendment 168**  
**Dieter-Lebrecht Koch**

**Proposal for a regulation**  
**Article 1 – point 1**

Council Regulation (EEC) No 3821/85  
Article 3 a

*Text proposed by the Commission*

*Amendment*

***Article 3 a***

***Functions of the tachograph***

***The tachograph shall ensure the following functions:***

- (1) monitoring cards, insertions and withdrawals,***
- (2) speed and distance measurement,***

- (3) time measurement,*
- (4) monitoring driver activities,*
- (5) monitoring driving status,*
- (6) drivers manual entries,*
- (7) entry of places where daily work periods begin and/or end,*
- (8) manual entry of driver activities,*
- (9) entry of specific conditions,*
- (10) company locks management,*
- (11) monitoring control activities,*
- (12) detection of events and/or faults,*
- (13) built-in and self tests,*
- (14) reading from data memory,*
- (15) recording and storing in data memory,*
- (16) reading from tachograph cards,*
- (17) recording and storing in tachograph cards,*
- (18) displaying,*
- (19) printing,*
- (20) warning,*
- (21) data downloading to external media,*
- (22) output data to additional external devices,*
- (23) calibration,*
- (24) time adjustment.*
- (25) indication of remaining driving time,*
- (26) indication of rest time taken.*

Or. de

**Amendment 169**  
**Mathieu Grosch**

**Proposal for a regulation**  
**Article 1 – point 1**

Council Regulation (EEC) No 3821/85  
Article 3 – paragraph 3 a (new)

*Text proposed by the Commission*

*Amendment*

***(3 a) By 2020 all vehicles engaged in international transport which are not covered by the exceptions in Articles 13 and 14 of this Regulation shall be fitted with recording equipment within the meaning of this Regulation irrespective of their date of first authorisation.***

Or. de

*Justification*

*Some 44% of vehicles engaged in international transport are still fitted with an analogue tachograph.*

**Amendment 170**  
**Rolandas Paksas**

**Proposal for a regulation**  
**Article 1 – point 1**  
Council Regulation (EEC) No 3821/85  
Article 3 – paragraph 4

*Text proposed by the Commission*

*Amendment*

***4. In the case of national transport operations, Member States may require the installation and use of recording equipment in accordance with this Regulation in any of the vehicles for which its installation and use are not required by paragraph 1.***

***deleted***

Or. lt

**Amendment 171**  
**Saïd El Khadraoui**

**Proposal for a regulation**

**Article 1 – point 1**

Council Regulation (EEC) No 3821/85

Article 3 a (new)

*Text proposed by the Commission*

*Amendment*

**Article 3a**

**Specifications**

***1. The Commission shall be empowered to adopt delegated acts in accordance with Article 39 to adopt the detailed specifications necessary to amend and supplement the Annexes to this Regulation to ensure that the tachograph, the tachograph cards and software used by control officers for the analysis and interpretation of data stored in the tachograph comply with the principles and requirements set out in this Regulation, in particular in Chapter I and Chapter II.***

***2. The Commission shall adopt the detailed specifications referred to in paragraph 1, two years after the entry into force of this Regulation.***

***3. Where relevant, and depending on the area covered by the specification, the specification may include one or more of the following types of provisions:***

***(a) functional provisions that describe the roles of the various users and the information flow between them;***

***(b) technical provisions that provide for the technical means to fulfil the functional provisions and requirements set down in this Regulation;***

***(c) organisational provisions that describe the procedural obligations of the various stakeholders;***

***(d) service provisions that describe the various levels of services and their content.***

***4. The specifications shall, where***

*appropriate, be based on standards and shall guarantee the interoperability and compatibility between the various versions and generations of vehicle units, tachographs cards and equipment of enforcement authorities.*

*5. The Commission shall conduct an impact assessment including a cost-benefit analysis prior to the adoption of the specifications referred to in Chapter II.*

Or. en

**Amendment 172**  
**Anna Rosbach**

**Proposal for a regulation**

**Article 1 – point 1**

Council Regulation (EEC) No 3821/85

Article 4 – Title

*Text proposed by the Commission*

Recording of *location data*

*Amendment*

Recording of *the starting and ending place of the daily working period*

Or. en

*Justification*

*The Tachograph is a control device to enforce the harmonised maximum daily and weekly driving times and minimum daily and weekly rest periods for drivers. It is therefore sufficient to record the starting and ending place of the daily work period to monitor the compliance with the EU law. A continuous recording of location data could lead to a misuse of the data with serious consequences for the drivers' privacy.*

**Amendment 173**  
**Christine De Veyrac**

**Proposal for a regulation**

**Article 1 – point 1**



*Text proposed by the Commission*

Location data shall be recorded to allow the identification of the starting and ending place of the daily work period. For that purpose, vehicles put into service for the first time **/48 months** after the entry into force of this Regulation/ shall be fitted with **recording equipment** connected to a global navigation satellite system (GNSS).

*Amendment*

Location data shall be recorded to allow the identification of the starting and ending place of the daily work period. For that purpose, vehicles put into service for the first time **36 months** after the entry into force **of the specifications as referred to in this Article and in Article 3g** of this Regulation shall be fitted with **a tachograph** connected to a global navigation satellite system (GNSS).

Or. fr

*Justification*

*Since manufacturers will not be able to begin developing these products until the specifications have been determined, a period of 36 months from the entry into force of the technical specifications would seem appropriate, given the constraints of developing and obtaining type approval for products that can be placed on the market. This time limit should make it possible for all interested parties to compete on a level playing field.*

**Amendment 174**

**Dominique Riquet, Michel Dantin, Dominique Vlasto**

**Proposal for a regulation**

**Article 1 – point 1**

Council Regulation (EEC) No 3821/85  
Article 4 – paragraph 1 – subparagraph 2

*Text proposed by the Commission*

Location data shall be recorded to allow the identification of the starting and ending place of the daily work period. For that purpose, vehicles put into service for the first time **/48 months** after the entry into force of **this Regulation**/ shall be fitted with recording equipment connected to a global navigation satellite system (GNSS).

*Amendment*

Location data shall be recorded to allow the identification of the starting and ending place of the daily work period. For that purpose, vehicles put into service for the first time **36 months** after the entry into force **of the specifications as referred to in this Article** shall be fitted with recording equipment connected to a global navigation satellite system (GNSS).

*Justification*

*36 months seems a reasonable time to enable manufacturers to adapt to the technical specifications. A shorter time would be damaging to healthy competition, since it would give too great an advantage to the larger firms at the expense of the smaller ones which would need longer to rewrite their technical specifications.*

**Amendment 175**

**Thomas Ulmer**

**Proposal for a regulation**

**Article 1 – point 1**

Council Regulation (EEC) No 3821/85

Article 4 – paragraph 1

*Text proposed by the Commission*

Location data shall be recorded to allow the identification of the starting and ending place of the daily work period. For that purpose, vehicles put into service for the first time [**48 months** after the entry into force of this Regulation] shall be fitted with recording equipment connected to a global navigation satellite system (GNSS).

*Amendment*

Location data shall be recorded to allow the identification of the starting and ending place of the daily work period. For that purpose, vehicles put into service for the first time [**60 months** after the entry into force of this Regulation] shall be fitted with recording equipment connected to a global navigation satellite system (GNSS).

Or. de

*Justification*

*The manufacturers of this recording equipment must be given enough time to carry out comprehensive tests under all possible or likely conditions. Experience has shown that the drivers who are required to use such equipment must also be given sufficient time to accustom themselves to it.*

**Amendment 176**

**Anna Rosbach**

**Proposal for a regulation**

**Article 1 – point 1**

*Text proposed by the Commission*

**Location data shall be recorded to allow the *identification* of the starting and ending place of the daily work period. For that purpose, vehicles put into service for the first time *[48 months after the entry into force of this Regulation]* shall be fitted with *recording equipment* connected to a *global navigation satellite system (GNSS)*.**

*Amendment*

***In order to facilitate the control of compliance with the relevant legislation, the position of the* starting and ending place of the daily work period **shall be recorded**. For that purpose, vehicles put into service for the first time **36 months** after the entry into force of *the specifications as referred to in this Article and in Article 3g* shall be fitted with *a tachograph* connected to *an external or internal receiver of data from* a satellite positioning service.**

Or. en

*Justification*

*Promoting a single technology will affect other competing solutions and hamper innovation in the long-term. It is the responsibility of the industry to select the best technical solutions that supply the requested data in order to comply with the objectives of this Regulation. GNSS technology and remote communication are still in a fast development phase. Making these devices mandatory to be fitted within the Tachograph mixes technologies with different lifecycles and may duplicate functions on-board the vehicle, thus bring additional costs. It would also distort the internal market as provider of alternative, secure solutions and would have a clear competitive disadvantage. The Regulation should therefore be technology neutral.*

**Amendment 177**  
**Säïd El Khadraoui**

**Proposal for a regulation**  
**Article 1 – point 1**  
Council Regulation No 3821/85  
Article 4 – paragraph 1

*Text proposed by the Commission*

**Location data shall be recorded to allow the identification of the starting and ending place of the daily *work* period.**

*Amendment*

***In order to facilitate the control of compliance with the relevant legislation,* location data shall be recorded**

***automatically*** to allow the identification of the starting and ending place of the daily ***working*** period ***and of each transport operation***.

Or. en

**Amendment 178**  
**Markus Ferber**

**Proposal for a regulation**

**Article 1 – point 1**

Council Regulation (EEC) No 3821/85

Article 4 – paragraph 1 – subparagraph 2

*Text proposed by the Commission*

Location data shall be recorded to allow the identification of the starting and ending place of the daily work period. For that purpose, vehicles put into service for the first time [48 months after the entry into force of this Regulation] ***shall*** be fitted with recording equipment connected to a global navigation satellite system (GNSS).

*Amendment*

Location data shall be recorded to allow the identification of the starting and ending place of the daily work period. For that purpose, vehicles put into service for the first time [48 months after the entry into force of this Regulation] ***may*** be fitted with recording equipment connected to a global navigation satellite system (GNSS).

Or. de

**Amendment 179**  
**Eva Lichtenberger**

**Proposal for a regulation**

**Article 1 – point 1**

Council Regulation (EEC) No 3821/85

Article 4 – paragraph 1

*Text proposed by the Commission*

Location data shall be recorded to allow the identification of the starting and ending place of the daily work period.

*Amendment*

Location data shall be recorded ***automatically*** to allow the identification of the starting and ending place of the daily work period ***and of each part of the journey undertaken by a vehicle between loading and unloading points***.

**Amendment 180**  
**Mathieu Grosch**

**Proposal for a regulation**  
**Article 1 – point 1**

Council Regulation (EEC) No 3821/85  
Article 4 – paragraph 1

*Text proposed by the Commission*

Location data shall be recorded to allow the identification of the starting and ending place of the daily work period. For that purpose, vehicles put into service for the first time [**48 months** after the entry into force of **this Regulation**] shall be fitted with recording equipment connected to a global navigation satellite system (GNSS).

*Amendment*

Location data shall be recorded to allow the identification of the starting and ending place of the daily work period. For that purpose, vehicles put into service for the first time [**24 months** after the entry into force of **the specifications**] shall be fitted with recording equipment connected to a global navigation satellite system (GNSS).

Or. de

**Amendment 181**  
**Eva Lichtenberger**

**Proposal for a regulation**  
**Article 1 – point 1**

Council Regulation (EEC) No 3821/85  
Article 4 – paragraph 3 a (new)

*Text proposed by the Commission*

*Amendment*

***The equipment shall also record data on how long the vehicle is operating in which member state.***

Or. en

*Justification*

*The recording of such data would enable a more precise enforcement of social legislation and*

*enable a better VAT revenue calculation*

**Amendment 182**  
**Saïd El Khadraoui**

**Proposal for a regulation**  
**Article 1 – point 1**  
Council Regulation No 3821/85  
Article 4 – paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***1a. As regards the connection of the tachograph to a global navigation satellite system (GNSS), as referred to in paragraph 1, use shall be made only of satellite positioning service connections that exploit a positioning service free of charge.***

Or. en

**Amendment 183**  
**Elisabeth Jeggle, Thomas Ulmer**

**Proposal for a regulation**  
**Article 1 – point 1**  
Council Regulation (EEC) No 3821/85  
Article 4 – paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***1a. As regards the voluntary connection of the tachograph to a global navigation satellite system (GNSS), as referred to in paragraph 1, use shall be made only of satellite positioning service connections that exploit a positioning service free of charge.***

***No position data other than those expressed, wherever possible, in geographical coordinates for determining the starting and ending points referred to in paragraph 1 shall be stored in the***

*tachograph.*

Or. de

## **Amendment 184**

**Mathieu Grosch**

### **Proposal for a regulation**

#### **Article 1 – point 1**

Council Regulation (EEC) No 3821/85

Article 4 – paragraph 2

#### *Text proposed by the Commission*

The Commission shall be empowered to adopt delegated acts in accordance with Article 39 concerning the supplementing of Annex IB with the detailed technical specifications necessary to enable the processing of the location data received from the GNSS by the recording equipment.

#### *Amendment*

The Commission shall be empowered to adopt delegated acts in accordance with Article 39 concerning the supplementing of Annex IB with the detailed technical specifications necessary to enable the processing of the location data received from the GNSS by the recording equipment. ***The Commission shall also be authorised in this connection to amend the 24-month time limit referred to in Article 4(1) if it can show at the end of that period that no suitable equipment meeting the required specifications is yet available.***

Or. de

#### *Justification*

*This option for adjusting time limits is needed in the light of Parliament's experience with the 2006 legislation.*

## **Amendment 185**

**Anna Rosbach**

### **Proposal for a regulation**

#### **Article 1 – point 1**

Council Regulation (EEC) No 3821/85

Article 4 – paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

***2 a. The specifications shall establish the type of events that may trigger an automatic record of position and the situation for which a manual record should remain possible. They shall confirm the location data format, including the UTC data format (legal time). The specification shall specify how to correlate GNSS with other vehicle motion data.***

Or. en

**Amendment 186**  
**Jacqueline Foster**

**Proposal for a regulation**  
**Article 1 – point 1**  
Council Regulation (EEC) No. 3821/85  
Article 5 – paragraph 9 a (new)

*Text proposed by the Commission*

*Amendment*

***9 a. Member States may decide not to equip their control authorities with the remote early detection equipment needed to request the data communication referred to in the Article as this equipment is not part of the mandatory control equipment lists in Directive 2006/22.***

Or. en

**Amendment 187**  
**Markus Ferber**

**Proposal for a regulation**  
**Article 1 – point 1**  
Council Regulation (EEC) No 3821/85  
Article 5 – paragraph 1



**Article 5**

***deleted***

***Remote communication for control purposes***

***(1) In order to facilitate targeted roadside checks by the competent control authorities, the recording equipment installed in vehicles put into service for the first time [48 months after the entry into force of this Regulation] shall be able to communicate while the vehicle is in motion to those authorities.***

***(2) Communication shall be established with the recording equipment 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.***

***(3) The data exchanged during communication shall be limited to the data necessary for the purpose of targeted roadside checks. Data concerning the identity of the driver, driver activities and speed shall not be communicated.***

***(4) The data exchanged shall be used for the sole purpose of controlling compliance with this Regulation and Regulation (EC) No 561/2006. It shall not be transmitted to entities other than control authorities.***

***(5) The data may only be stored by the control authorities for the duration of a roadside check, and shall be deleted at the latest two hours after this has concluded.***

***(6) The owner or holder of the vehicle shall be responsible for informing the driver of the possibility of remote communication.***

***(7) The competent control authority, on the basis of the data exchanged, may decide to carry out a check on the vehicle and the recording equipment.***

***(8) The Commission shall be empowered to adopt delegated acts in accordance with Article 39 concerning the supplementing of Annex IB with the detailed technical specifications necessary to enable remote communication between the recording equipment and the competent control authorities as set out in this Article.***

Or. de

#### **Amendment 188**

**Dominique Riquet, Dominique Vlasto, Michel Dantin**

#### **Proposal for a regulation**

##### **Article 1 – point 1**

Council Regulation (EEC) No 3821/85

Article 5 – paragraph 1

#### *Text proposed by the Commission*

1. In order to facilitate targeted roadside checks by the competent control authorities, the recording equipment installed in vehicles put into service for the first time **[48 months]** after the entry into force of **this Regulation** shall be able to communicate while the vehicle is in motion to those authorities.

#### *Amendment*

1. In order to facilitate targeted roadside checks by the competent control authorities, the recording equipment installed in vehicles put into service for the first time **36 months** after the entry into force of **the specifications referred to in this Article** shall be able to communicate while the vehicle is in motion to those authorities.

Or. fr

#### *Justification*

*36 months seems a reasonable time to enable manufacturers to adapt to the technical specifications. A shorter time would be damaging to healthy competition, since it would give too great an advantage to the larger firms at the expense of the smaller ones which would need longer to rewrite their technical specifications.*

#### **Amendment 189**

**Thomas Ulmer**

## Proposal for a regulation

### Article 1 – point 1

Council Regulation (EEC) No 3821/85

Article 5 – paragraph 1

#### *Text proposed by the Commission*

(1) In order to facilitate targeted roadside checks by the competent control authorities, the recording equipment installed in vehicles put into service for the first time [**48 months** after the entry into force of this Regulation] shall be able to communicate while the vehicle is in motion to those authorities.

#### *Amendment*

(1) In order to facilitate targeted roadside checks by the competent control authorities, the recording equipment installed in vehicles put into service for the first time [**60 months** after the entry into force of this Regulation] shall be able to communicate while the vehicle is in motion to those authorities.

Or. de

## Amendment 190

Anna Rosbach

## Proposal for a regulation

### Article 1 – point 1

Council Regulation (EEC) No 3821/85

Article 5 – paragraph 1

#### *Text proposed by the Commission*

1. In order to facilitate targeted roadside checks by the competent control authorities, the **recording equipment** installed in vehicles put into service for the first time [**48 months** after the entry into force of this **Regulation**] shall be able to communicate while the vehicle is in motion to those authorities.

#### *Amendment*

1. In order to facilitate targeted (roadside) checks by the competent control authorities, the **tachograph** installed in vehicles put into service for the first time **36 months** after the entry into force of **specifications referred to in this Article** shall be able to communicate **through an external or internal device** while the vehicle is in motion to those authorities.

Or. en

#### *Justification*

*Promoting a single technology will affect other competing solutions and hamper innovation in the long-term. It is the responsibility of the industry to select the best technical solutions that supply the requested data in order to comply with the objectives of this Regulation. GNSS*

*technology and remote communication are still in a fast development phase. Making these devices mandatory to be fitted within the Tachograph mixes technologies with different lifecycles and may duplicate functions on-board the vehicle, thus bring additional costs. It would also distort the internal market as provider of alternative, secure solutions and would have a clear competitive disadvantage. The Regulation should therefore be technology neutral.*

#### **Amendment 191**

**Dominique Riquet, Dominique Vlasto, Michel Dantin, Jim Higgins**

#### **Proposal for a regulation**

##### **Article 1 – point 1**

Council Regulation (EEC) No 3821/85

Article 5 – paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***1a. Member States shall equip their control authorities with the remote early detection equipment necessary to permit the data communication referred to in this Article.***

Or. fr

*Justification*

*The use of remote early detection equipment will make it possible to enhance the efficiency of checks.*

#### **Amendment 192**

**Thomas Ulmer**

#### **Proposal for a regulation**

##### **Article 1 – point 1**

Council Regulation (EEC) No 3821/85

Article 5 – paragraph 2

*Text proposed by the Commission*

*Amendment*

(2) Communication shall be established with the recording equipment only when so requested by the equipment of the control authorities. It shall be secured to ensure

(2) Communication shall be established with the recording equipment 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.

data integrity and authentication of the recording and control equipment. ***It must be clearly visible on the recording equipment that the data transfer was initiated by the authorities.***

Or. de

*Justification*

*The authorities must not carry out monitoring without the driver's knowledge.*

**Amendment 193**  
**Anna Rosbach**

**Proposal for a regulation**

**Article 1 – point 1**

Council Regulation (EEC) No 3821/85

Article 5 – paragraph 2

*Text proposed by the Commission*

2. ***Communication*** shall be established with the ***recording equipment*** 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.

*Amendment*

2. ***The communication referred to in paragraph 1*** shall be established with the ***external or internal device connected 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.

Or. en

*Justification*

*Promoting a single technology will affect other competing solutions and hamper innovation in the long-term. It is the responsibility of the industry to select the best technical solutions that supply the requested data in order to comply with the objectives of this Regulation. GNSS technology and remote communication are still in a fast development phase. Making these devices mandatory to be fitted within the Tachograph mixes technologies with different lifecycles and may duplicate functions on-board the vehicle, thus bring additional costs. It would also distort the internal market as provider of alternative, secure solutions and would have a clear competitive disadvantage. The Regulation should therefore be technology neutral.*

**Amendment 194**  
**Dieter-Lebrecht Koch**

**Proposal for a regulation**

**Article 1 – point 1** Council Regulation (EEC) No 3821/85

Article 5 – paragraph 2

*Text proposed by the Commission*

(2) Communication shall be established with the recording equipment 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.

*Amendment*

(2) Communication shall be established with the recording equipment 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. ***The data exchanged during communication shall be limited to the data necessary for the purpose of targeted roadside checks on vehicles with potentially manipulated or misused recording equipment. The transport undertaking shall be allowed access to the data exchanged.***

Or. de

**Amendment 195**  
**Eva Lichtenberger**

**Proposal for a regulation**

**Article 1 – point 1**

Council Regulation (EEC) No 3821/85

Article 5 – paragraph 3

*Text proposed by the Commission*

3. The data exchanged during communication shall be limited to the data necessary for the purpose of targeted roadside checks. Data concerning the identity of the driver, ***driver activities and speed*** shall not be communicated.

*Amendment*

3. The data exchanged during communication shall be limited to the data necessary for the purpose of targeted roadside checks ***and may include driver activities, sensor fault, errors in motion data, driving without a driving card, vehicle registration number, speed and weight of the vehicle.*** Data concerning the identity of the driver shall not be

communicated.

Or. en

**Amendment 196**  
**Saïd El Khadraoui**

**Proposal for a regulation**

**Article 1 – point 1**

Council Regulation No 3821/85

Article 5 – paragraph 3

*Text proposed by the Commission*

3. The data exchanged during communication shall be limited to the data necessary for the purpose of targeted roadside checks. Data concerning the identity of the driver, *driver activities* and speed shall not be communicated.

*Amendment*

3. The data exchanged during communication shall be limited to the data necessary for the purpose of targeted roadside checks. *Such data shall relate to the following events or data recorded by the tachograph:*

- *The latest security breach attempt*
- *The longest power supply interruption*
- *Sensor fault*
- *Motion data error*
- *Vehicle motion conflict*
- *Driving without a valid card*
- *Card insertion while driving*
- *Time adjustment data*
- *Calibration data including the dates of the two latest calibrations*
- *Vehicle Registration Number*
- *Driver activities*

Data concerning the identity of the driver and speed shall not be communicated.

Or. en

**Amendment 197**

**Jim Higgins, Dominique Riquet, Dominique Vlasto, Michel Dantin, Georges Bach,**

**Christine De Veyrac, Dieter-Lebrecht Koch, Jacqueline Foster**

**Proposal for a regulation**

**Article 1 – point 1**

Council Regulation (EEC) No 3821/85

Article 5 – paragraph 3

*Text proposed by the Commission*

3. The data exchanged during communication shall be limited to the data necessary for the purpose of targeted roadside checks. Data concerning the identity of the driver, **driver activities and speed** shall not be communicated.

*Amendment*

3. The data exchanged during communication shall be limited to the data necessary for the purpose of targeted roadside checks. **It should include driver activities and speed.** Data concerning the identity of the driver shall not be communicated.

Or. en

*Justification*

*Speed should be communicated in order to build up a story of the characteristics of drivers whose information is being remotely communicated. Enforcement officers have to make a decision in a matter of seconds as to whether a truck should be stopped or not. The name shall not be communicated to the remote device to limit potential discrimination. The enforcement officer will have full access to the name and identity of the driver once a decision is taken to stop the vehicle for further checks.*

**Amendment 198**

**Peter van Dalen**

**Proposal for a regulation**

**Article 1 – point 1**

Council Regulation (EEC) No 3821/85

Article 5 – paragraph 3

*Text proposed by the Commission*

3. The data exchanged during communication shall be limited to the data necessary for the purpose of targeted roadside checks. Data concerning the identity of the driver, driver activities and speed shall not be communicated.

*Amendment*

3. The data exchanged during communication shall be limited to the data necessary for the purpose of targeted roadside checks. Data concerning the identity **and nationality** of the driver, driver activities and speed shall not be communicated.



**Amendment 199**  
**Dieter-Lebrecht Koch**

**Proposal for a regulation**  
**Article 1 – point 1**  
Council Regulation (EEC) No 3821/85  
Article 5 – paragraph 4

*Text proposed by the Commission*

4. The data exchanged shall be used for the sole purpose of controlling compliance with this Regulation and Regulation (EC) No 561/2006. ***It shall not be transmitted to entities other than control authorities.***

*Amendment*

4. The data exchanged shall be used for the sole purpose of controlling compliance with this Regulation and Regulation (EC) No 561/2006. ***It is essential that the transport undertaking be allowed access to the data exchanged.***

Or. de

**Amendment 200**  
**Olga Sehnalová**

**Proposal for a regulation**  
**Article 1 – point 1**  
Council Regulation (EEC) No 3821/85  
**Article 5 – paragraph 5**

*Text proposed by the Commission*

5. The data may only be stored by the control authorities for the duration of a roadside check, and shall be deleted at the latest two hours after this has concluded.

*Amendment*

5. The data may only be stored by the control authorities for the duration of a roadside check, and shall be deleted at the latest two hours after this has concluded, ***provided that no offence has been detected. The deletion shall apply to the personal data of the driver, whereas the vehicle identification and other technical parameters may be used subsequently in drafting statistics for the needs of national control authorities or of the European Commission.***

Or. cs

**Amendment 201**  
**Hubert Pirker**

**Proposal for a regulation**

**Article 1 – point 1**

Council Regulation (EEC) 3821/85

Article 5 – paragraph 7

*Text proposed by the Commission*

7. The competent control authority, on the basis of the data exchanged, may decide to carry out a check on the vehicle and the recording equipment.

*Amendment*

7. The competent control authority, on the basis of the data exchanged, may decide to carry out a check on the vehicle and the recording equipment. ***Fines or periodic penalty payments may, however, only be imposed on the driver or transport undertaking after the competent control authorities have carried out a physical check.***

Or. de

*Justification*

*The use of remote data communications to carry out checks constitutes an innovative and efficient feature of this regulation. It enables carriers acting lawfully to avoid unnecessary, time-consuming roadside checks. However, the possibility of accessing data remotely should on no account lead to fines being imposed solely on the basis of data so accessed.*

**Amendment 202**

**Jim Higgins, Georges Bach, Christine De Veyrac, Jacqueline Foster, Eva Lichtenberger**

**Proposal for a regulation**

**Article 1 – point 1**

Council Regulation (EEC) No 3821/85

Article 5 – paragraph 7

*Text proposed by the Commission*

7. The competent control authority, on the basis of the data exchanged, may decide to carry out a check on the vehicle and the recording equipment.

*Amendment*

7. The competent control authority, on the basis of the data exchanged, may decide to carry out a check on the vehicle and the recording equipment. ***This roadside filtering must also be complemented by***

*random enforcement checks, regardless of the reading on the roadside unit, to combat possible manipulation of the signal by certain transport undertakings. This may be aided by the establishment of a European wide database, or national databases, which would track the compliance record of transport undertakings, on the basis of physical checks carried out by enforcement officers.*

Or. en

#### *Justification*

*In time, certain drivers will find a way to circumvent the new technology, in particular the signal which is communicated remotely may, in the future be tampered with. We must therefore explicitly state that a system which would be based purely on filtering system based on remote communication might mean that those determined to circumvent the latest technology would never be stopped for a physical check.*

#### **Amendment 203**

**Ádám Kósa**

#### **Proposal for a regulation**

##### **Article 1 – point 1**

Council Regulation (EEC) No 3821/85

Article 5 – paragraph 7 a (new)

*Text proposed by the Commission*

*Amendment*

***7a. In establishing compliance with the law, the competent control authority may not rely solely upon data communication, and penalties may be imposed in respect of a malfunctioning recording device only if it is shown that the driver deliberately operated it incorrectly.***

Or. hu

**Amendment 204**  
**Anna Rosbach**

**Proposal for a regulation**

**Article 1 – point 1**

Council Regulation (EEC) No 3821/85

Article 5 – paragraph 8

*Text proposed by the Commission*

8. The Commission shall be empowered to adopt delegated acts in accordance with Article 39 concerning the **supplementing** of **Annex IB** with the detailed **technical** specifications necessary to enable remote communication between the **recording equipment** and the competent control authorities as set out in this Article.

*Amendment*

8. The Commission shall be empowered to adopt delegated acts in accordance with Article 39 concerning the **development** of the detailed specifications necessary to enable remote communication between the **external or internal device connected with the tachograph** and the competent control authorities as set out in this Article.

Or. en

*Justification*

*Promoting a single technology will affect other competing solutions and hamper innovation in the long-term. It is the responsibility of the industry to select the best technical solutions that supply the requested data in order to comply with the objectives of this Regulation. GNSS technology and remote communication are still in a fast development phase. Making these devices mandatory to be fitted within the Tachograph mixes technologies with different lifecycles and may duplicate functions on-board the vehicle, thus bring additional costs. It would also distort the internal market as provider of alternative, secure solutions and would have a clear competitive disadvantage. The Regulation should therefore be technology neutral.*

**Amendment 205**

**Michel Dantin, Dominique Riquet, Dominique Vlasto**

**Proposal for a regulation**

**Article 1 – point 1**

Council Regulation (EEC) No 3821/85

Article 6 – paragraph 1

*Text proposed by the Commission*

1. The recording equipment referred to in Annex IB **shall** be interoperable with the

*Amendment*

1. The recording equipment referred to in Annex IB **should** be interoperable with the

intelligent transport systems applications as defined in Article 4 of Directive 2010/40/EU of the European Parliament and of the Council on the framework for the deployment of Intelligent Transport Systems in the field of road transport and for interfaces with other modes of transport.

intelligent transport systems applications as defined in Article 4 of Directive 2010/40/EU of the European Parliament and of the Council on the framework for the deployment of Intelligent Transport Systems in the field of road transport and for interfaces with other modes of transport.

Or. fr

*Justification*

*The requirement for ITS applications to be interoperable with the tachograph by means of interfaces for which we do not yet know the specifications or the time needed for their implementation needs to be made more flexible.*

**Amendment 206**

**Silvia-Adriana Țicău**

**Proposal for a regulation**

**Article 1 – point 1**

Council Regulation (EEC) No 3821/85

Article 6 – paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***1 a. Only data recorded by the tachograph that is strictly necessary for processing in an intelligent transport system (ITS) application may be accessible. Data recorded by the tachograph may be transmitted to ITS applications provided that the following conditions are met:***

***(a) the interface does not affect the authenticity and the integrity of the data of the tachograph;***

***(b) the external device connected to the interface has access to personal data, including geopositioning data, only after the verifiable consent of the driver to which the data relates.***

Or. en

## Amendment 207

Michel Dantin, Dominique Riquet, Dominique Vlasto

### Proposal for a regulation

#### Article 1 – point 1

Council Regulation (EEC) No 3821/85

Article 6 – paragraph 2

#### *Text proposed by the Commission*

2. For the purpose of paragraph 1, **vehicles put into service for the first time [48 months after the entry into force of this Regulation] shall be fitted with recording equipment equipped with a** harmonised interface allowing the data recorded or produced to be used for intelligent transport systems applications.

#### *Amendment*

2. For the purpose of paragraph 1, **the Commission shall submit an impact assessment on the deployment of the technical specifications referred to in this article, with a view to proposing a directive on the incorporation into the tachograph** of a harmonised interface allowing the data recorded or produced to be used **by a specified set of** intelligent transport systems applications, **in order to help drivers to comply with social security legislation, while ensuring that the primary functions of the tachograph are retained and that the data are protected.**

Or. fr

#### *Justification*

*More details need to be provided on the envisaged ITS applications, the choice of interface and the way in which it would exchange tachograph data. The Commission should deal with these items in an impact assessment with a view to a directive specifically concerning the introduction of a harmonised interface to permit the exchange of data between the tachograph and a defined set of ITS applications.*

## Amendment 208

Anna Rosbach

### Proposal for a regulation

#### Article 1 – point 1

Council Regulation (EEC) No 3821/85

Article 6 – paragraph 2

*Text proposed by the Commission*

2. For the purpose of paragraph 1, vehicles put into service for the first time **[48** months after the entry into force of this **Regulation]** shall be fitted with **recording equipment** equipped **with a** harmonised interface allowing the data recorded **or produced** to be used for intelligent transport systems **applications**.

*Amendment*

2. For the purpose of paragraph 1, vehicles put into service for the first time **36** months after the entry into force of **the technical specifications referred to in** this **Article** shall be fitted with **a tachograph** equipped **or connected to a** harmonised interface allowing the data recorded to be used for intelligent transport systems **application**.

Or. en

**Amendment 209**  
**Jacqueline Foster**

**Proposal for a regulation**  
**Article 1 – point 1**  
Council Regulation (EEC) No 3821/85  
Article 6 – paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

**2 a. Any data that can be transmitted or collected in or out of the tachograph whether wirelessly or electronically, whether forming part of a legal requirement or not, should be in the form of a publically available specification. Upon request the specification of the data should be made available immediately from the equipment manufacturer to any third party.**

Or. en

**Amendment 210**  
**Thomas Ulmer**

**Proposal for a regulation**  
**Article 1 – point 1**  
Council Regulation (EEC) No 3821/85  
Article 6 – paragraph 3

*Text proposed by the Commission*

3. The Commission shall be empowered to adopt delegated acts in accordance with Article 39 concerning the supplementing of Annex IB with the specifications of the interface, ***access rights*** and the list of data which may be accessed.

*Amendment*

3. The Commission shall be empowered to adopt delegated acts in accordance with Article 39 concerning the supplementing of Annex IB with the specifications of the interface and the list of data which may be accessed.

Or. de

**Amendment 211**

**Silvia-Adriana Țicău**

**Proposal for a regulation**

**Article 1 – point 1**

Council Regulation (EEC) No 3821/85

Article 6 a (new)

*Text proposed by the Commission*

*Amendment*

***Article 6 a***

***Competition and interoperability***

***To ensure fair competition on the internal market and to encourage the development of new applications and services based on data recorded by the tachograph, digital tachograph manufacturers shall make public the protocols used to transmit any data that can be transmitted out of the tachograph whether through the remote communication system or through the standardized interface, forming part of the legal requires of drivers hours legislation and tachograph regulations or not.***

Or. en

**Amendment 212**

**Christine De Veyrac, Jim Higgins**



**Proposal for a regulation**

**Article 1 – point 1**

Council Regulation (EEC) No 3821/85

Article 7 – paragraph 1

*Text proposed by the Commission*

1. Manufacturers or their agents shall submit an application for EU approval of a type of vehicle unit, motion sensor, model record sheet or tachograph card to the type approval authorities designated to that effect by each Member State.

*Amendment*

1. Manufacturers or their agents shall submit an application for EU approval of a type of vehicle unit, motion sensor, model record sheet or tachograph card to the type approval authorities designated to that effect by each Member State ***and recognised under the SOG-IS European mutual recognition agreement.***

Or. fr

*Justification*

*By calling on the skills of the certification centres recognised by the SOG-IS agreement it will be possible to provide an extra guarantee with a view to preventing fraud relating to the issuance of tachograph type approval certificates.*

**Amendment 213**

**Michel Dantin, Dominique Riquet, Dominique Vlasto**

**Proposal for a regulation**

**Article 1 – point 1**

Council Regulation (EEC) No 3821/85

Article 7 – paragraph 1

*Text proposed by the Commission*

1. Manufacturers or their agents shall submit an application for EU approval of a type of vehicle unit, motion sensor, model record sheet ***or*** tachograph card to the type approval authorities designated to that effect by each Member State.

*Amendment*

1. Manufacturers or their agents shall submit an application for EU approval of a type of vehicle unit, motion sensor, model record sheet, tachograph card ***or data interpretation software used by the competent control authorities,*** to the type approval authorities designated to that effect by each Member State ***whose certification conditions are recognised by the management committee of the SOG-IS European mutual recognition agreement.***

*The Commission shall consult the management committee of the SOG-IS agreement before any decision is made to recognise a certification body from a third country.*

Or. fr

*Justification*

*In order to guarantee an equivalent level of certification conditions and procedures throughout the EU, the Member States should comply with the SOG-IS European mutual recognition agreement, whose Management Committee should be consulted by the Commission when it interacts with third countries.*

**Amendment 214**  
**Eva Lichtenberger**

**Proposal for a regulation**

**Article 1 – point 1**

Council Regulation (EEC) No 3821/85

Article 7 – paragraph 1

*Text proposed by the Commission*

1. Manufacturers or their agents shall submit an application for EU approval of a type of vehicle unit, motion sensor, model record sheet or tachograph card to the type approval authorities designated to that effect by each Member State.

*Amendment*

1. Manufacturers or their agents shall submit an application for EU approval of a type of vehicle unit, **weight sensor**, motion sensor, model record sheet or tachograph card to the type approval authorities designated to that effect by each Member State.

Or. en

**Amendment 215**  
**Mathieu Grosch**

**Proposal for a regulation**

**Article 1 – point 1**

Council Regulation (EEC) No 3821/85

Article 7 – paragraph 3 a (new)

*Text proposed by the Commission*

*Amendment*

***3 a. The relevant specifications shall be determined by the Commission by 31 December 2014. It shall be authorised to adopt delegated acts pursuant to Article 39 to adjust this time limit if it can show at that date that no suitable equipment meeting the required specifications is yet available.***

Or. de

*Justification*

*This option for adjusting time limits is needed in the light of Parliament's experience with the 2006 legislation.*

#### **Amendment 216**

**Eva Lichtenberger, Georges Bach, Jim Higgins**

#### **Proposal for a regulation**

##### **Article 1 – point 1**

Council Regulation (EEC) No 3821/85

Article 8 a (new)

*Text proposed by the Commission*

*Amendment*

##### ***Article 8 a***

***The Commission is to carry out an Impact Assessment on the feasibility of merging all of the cards used by professional drivers, in particular the driver card with the driver licence, within 24 months of the entry into force of this regulation. The Commission shall examine the technical solutions available, and card compatibility issues, in order to reduce the amount of card fraud currently taking place. The Commission shall communicate its findings to the European Parliament within 30 months of the entry into force of this regulation.***

**Amendment 217**  
**Eva Lichtenberger**

**Proposal for a regulation**  
**Article 1 – point 1**

Council Regulation (EEC) No 3821/85  
Article 15 – paragraph 1

*Text proposed by the Commission*

1. Manufacturers shall design, test and review vehicle units, motion sensors and tachograph cards put into production so as to detect vulnerabilities arising at all phases of the product life-cycle, and prevent or mitigate their possible exploitation.

*Amendment*

1. Manufacturers shall design, test and review vehicle units, motion sensors, ***weight sensors*** and tachograph cards put into production so as to detect vulnerabilities arising at all phases of the product life-cycle, and prevent or mitigate their possible exploitation.

Or. en

**Amendment 218**  
**Olga Sehnalová**

**Proposal for a regulation**  
**Article 1 – point 1**

Council Regulation (EEC) No 3821/85  
Article 17 – paragraph 4

*Text proposed by the Commission*

4. For the purpose of certifying that the installation of the ***recording equipment*** took place in accordance with the requirements of this Regulation, an installation plaque affixed as provided in Annexes I and IB shall be used.

*Amendment*

4. For the purpose of certifying that the installation of the ***tachograph*** took place in accordance with the requirements of this Regulation, an installation plaque affixed as provided in Annexes I and IB shall be used. ***Furthermore, the European Commission must add rules on the position of such plaques in buses and coaches.***

Or. cs

### *Justification*

*Currently, Commission Regulation (EU) No 1266/2009 only specifies the position of the plaque in heavy goods vehicles. It is therefore necessary to specify the location of the installation plaque in buses and coaches as well.*

#### **Amendment 219**

**Gesine Meissner**

#### **Proposal for a regulation Article 1 – point 1**

Council Regulation (EEC) No 3821/85

Article 19 – paragraph 4

*Text proposed by the Commission*

*Amendment*

***(4) Member States shall take appropriate measures to prevent conflicts of interests between fitters or workshops and road transport undertakings. In particular, if a transport undertaking is also operating as an approved fitter or workshop, it shall not be allowed to install and calibrate recording equipment in its own vehicles.*** ***deleted***

Or. de

### *Justification*

*There is at present no evidence of fitters manipulating recording equipment they have repaired, serviced or installed in their own workshops or in their own vehicles to the advantage of their own firm. Accordingly, installation, servicing and repair workshops should not be prohibited from working on control equipment in their firm's own lorries.*

#### **Amendment 220**

**Markus Ferber**

#### **Proposal for a regulation**

#### **Article 1 – point 1**

Council Regulation (EEC) No 3821/85

Article 19 – paragraph 4

*Text proposed by the Commission*

*Amendment*

**(4) Member States shall take appropriate measures to prevent conflicts of interests between fitters or workshops and road transport undertakings. In particular, if a transport undertaking is also operating as an approved fitter or workshop, it shall not be allowed to install and calibrate recording equipment in its own vehicles.** *deleted*

Or. de

**Amendment 221  
Mathieu Grosch**

**Proposal for a regulation**

**Article 1 – point 1**

Council Regulation (EEC) No 3821/85

Article 19 – paragraph 4

*Text proposed by the Commission*

*Amendment*

**(4) Member States shall take appropriate measures to prevent conflicts of interests between fitters or workshops and road transport undertakings. In particular, if a transport undertaking is also operating as an approved fitter or workshop, it shall not be allowed to install and calibrate recording equipment in its own vehicles.** *deleted*

Or. de

*Justification*

*Only when fitters can be shown to have manipulated equipment should they be banned from installing, repairing or servicing it. We need to avoid condemning in advance all workshops that are also transport undertakings, as this article does.*

**Amendment 222  
Philip Bradbourn**

**Proposal for a regulation**

**Article 1 – point 1**

Council Regulation (EEC) No 3821/85

Article 19 – paragraph 4

*Text proposed by the Commission*

4. Member States shall take appropriate measures to prevent conflicts of interests between fitters or workshops and road transport undertakings. In particular, ***if a transport undertaking is also operating as an approved fitter or workshop, it shall not be allowed to install and calibrate recording equipment in its own vehicles.***

*Amendment*

4. Member States ***and their competent authorities*** shall take appropriate measures to prevent conflicts of interests between fitters or workshops and road transport undertakings. In particular, ***in case of serious risk of conflict of interest, additional specific measures*** shall be ***taken to ensure that the fitter or the workshop complies with this Regulation.***

Or. en

**Amendment 223**

**Dominique Riquet, Michel Dantin, Dominique Vlasto**

**Proposal for a regulation**

**Article 1 – point 1**

Council Regulation (EEC) No 3821/85

Article 19 – paragraph 4

*Text proposed by the Commission*

4. Member States shall take appropriate measures to prevent conflicts of interests between fitters or workshops and road transport undertakings. ***In particular, if a transport undertaking is also operating as an approved fitter or workshop, it shall not be allowed to install and calibrate recording equipment in its own vehicles.***

*Amendment*

4. Member States shall take appropriate measures to prevent conflicts of interests between fitters or workshops and road transport undertakings. ***For example, a transport undertaking must not also be allowed to operate as an approved fitter or workshop for recording equipment.***

Or. fr

*Justification*

*The most effective way of avoiding any conflicts of interest is to ensure complete separation between transport undertakings and those which install or check recording equipment.*

## Amendment 224

Jim Higgins, Georges Bach, Dieter-Lebrecht Koch, Carlo Fidanza, Jacqueline Foster

### Proposal for a regulation

#### Article 1 – point 1

Council Regulation (EEC) No 3821/85

Article 19 – paragraph 4

#### *Text proposed by the Commission*

4. Member States **shall** take appropriate measures to prevent conflicts of interests between fitters or workshops and road transport undertakings. In particular, **if** a transport undertaking **is** also operating as an approved fitter or workshop, **it shall not be allowed to install and calibrate** recording equipment in **its** own vehicles.

#### *Amendment*

4. Member States **can** take appropriate measures to prevent conflicts of interests between fitters or workshops and road transport undertakings, **if member states deem it necessary**. In particular, **Member States may decide to prohibit the practice of** a transport undertaking also operating as an approved fitter or workshop and **thus prevent them from installing and calibrating** recording equipment in **their** own vehicles.

Or. en

#### *Justification*

*There should not be an obligation on Member States to separate workshops from transport operators nor should it be obliged to allow the practice of workshops owned by transport operators. These workshops are subject to checks, and are generally part of large reputable companies. Member states have strict rules on overseeing the operation of the workshops, to be reinforced further by the present regulation with 20 per cent of workshops to be inspected annually.*

## Amendment 225

Peter van Dalen

### Proposal for a regulation

#### Article 1 – point 1

Council Regulation (EEC) No 3821/85

Article 19 – paragraph 4

#### *Text proposed by the Commission*

4. Member States shall take appropriate

#### *Amendment*

4. Member States shall take appropriate



measures to prevent conflicts of interests between fitters or workshops and road transport undertakings. ***In particular, if a transport undertaking is also operating as an approved fitter or workshop, it shall not be allowed to install and calibrate recording equipment in its own vehicles.***

measures to prevent conflicts of interests between fitters or workshops and road transport undertakings ***so that the requirements of this Regulation are fully complied with.***

Or. nl

**Amendment 226**  
**Corien Wortmann-Kool**

**Proposal for a regulation**  
**Article 1 – point 1**  
Council Regulation (EEC) No 3821/85  
Article 19 – paragraph 4

*Text proposed by the Commission*

4. Member States shall take appropriate measures to prevent conflicts of interests between fitters or workshops and road transport undertakings. In particular, ***if a transport undertaking is also operating as an approved fitter or workshop, it shall not be allowed to install and calibrate recording equipment in its own vehicles.***

*Amendment*

4. Member States ***and their competent authorities*** shall take appropriate measures to prevent conflicts of interests between fitters or workshops and road transport undertakings. In particular, ***in case of serious risk of conflict of interest, additional specific measures*** shall be taken to ensure that the fitter or the workshop complies with this Regulation.

Or. en

**Amendment 227**  
**Anne E. Jensen**

**Proposal for a regulation**  
**Article 1 – point 1**  
Council Regulation (EEC) No 3821/85  
Article 19 – paragraph 4

*Text proposed by the Commission*

4. Member States shall take appropriate measures to prevent conflicts of interests

*Amendment*

4. Member States shall take appropriate measures to prevent conflicts of interests

between fitters or workshops and road transport undertakings. ***In particular, if a transport undertaking is also operating as an approved fitter or workshop, it shall not be allowed to install and calibrate recording equipment in its own vehicles.***

between fitters or workshops and road transport undertakings.

Or. en

#### *Justification*

*Article 19.2.c already requires Member States to ensure that fitters and workshops are of good repute. Failing to prove this good repute can lead to a withdrawal of their authorisation. This offers a sufficient guarantee against conflicts of interest.*

#### **Amendment 228** **Olga Sehnalová**

##### **Proposal for a regulation**

##### **Article 1 – point 1**

Council Regulation (EEC) No 3821/85

Article 19 – paragraph 6

#### *Text proposed by the Commission*

6. Member States shall withdraw approval, either temporarily or permanently, from fitters and workshops failing to meet their obligations under this Regulation.

#### *Amendment*

6. Member States shall withdraw approval either temporarily or permanently, from fitters and workshops failing to meet their obligations under this Regulation. ***In the event that they repeatedly fail to meet their obligations under this Regulation, the European Commission shall impose a lump-sum penalty on the offending workshops.***

Or. cs

#### *Justification*

*In cases of repeated failure to meet obligations, a lump-sum penalty should first and foremost be imposed on the offending workshops. In the event of failures on the part of the fitters, a settlement shall be reached between those fitters and the responsible workshop under applicable national law. The purpose of introducing lump-sum financial penalties against workshops is to exert preventative pressure on fitters and to minimise the workshops'*

*incentive to knowingly fail to meet their obligations or to allow infringements to occur.*

**Amendment 229**  
**Eva Lichtenberger**

**Proposal for a regulation**

**Article 1 – point 1**

Council Regulation (EEC) No 3821/85

Article 19 – paragraph 6 a (new)

*Text proposed by the Commission*

*Amendment*

***6 a. Member States shall monitor and prosecute the increasing offer of fraudulent installation and the installation of manipulation devices for recording equipment on the internet.***

***Member States shall inform the Commission of their activities in this regard; the Commission shall then make the information available to all other EU control authorities in order to make the newest practises in fraudulent installation and manipulation known to all of them.***

Or. en

**Amendment 230**  
**Ádám Kósa**

**Proposal for a regulation**

**Article 1 – point 1**

Council Regulation (EEC) No 3821/85

Article 21 – paragraph 1

*Text proposed by the Commission*

*Amendment*

(1) The driver card shall be issued, at the request of the driver by the competent authority of the Member State where the driver has his normal residence. It shall be issued within ***one month*** of the request being *received* by the competent authority.

(1) The driver card shall be issued, at the request of the driver by the competent authority of the Member State where the driver has his normal residence. It shall be issued within ***15 days*** of the request being *received* by the competent authority.

**Amendment 231**  
**Jörg Leichtfried**

**Proposal for a regulation**  
**Article 1 – point 1**

Council Regulation (EEC) No 3821/85  
Article 21 – paragraph 1

*Text proposed by the Commission*

(1) The driver card shall be issued, at the request of the driver by the competent authority of the Member State where the driver has his normal residence. It shall be issued within ***one month*** of the request being *received* by the competent authority.

*Amendment*

(1) The driver card shall be issued, at the request of the driver by the competent authority of the Member State where the driver has his normal residence. It shall be issued within ***15 calendar days*** of the request being *received* by the competent authority.

Or. de

*Justification*

*The period for issuing the driver card (one month after the application) is far too long. A time limit of 15 calendar days should be set here too by analogy with Articles 23 and 24.*

**Amendment 232**  
**Silvia-Adriana Țicău**

**Proposal for a regulation**  
**Article 1 – point 1**

Council Regulation (EEC) No 3821/85  
Article 21 – paragraph 1

*Text proposed by the Commission*

1. The driver card shall be issued, at the request of the driver by the competent authority of the Member State where the driver has his normal residence. It shall be issued within ***one month*** of the request being received by the competent authority.

*Amendment*

1. The driver card shall be issued, at the request of the driver by the competent authority of the Member State where the driver has his normal residence. It shall be issued within ***15 days*** of the request being received by the competent authority.

*Justification*

*There is no reason why any driver card cannot be issued within 15 days when this can be done for card renewals. The existing one month deadline for new card represents an unnecessary barrier to driver's right to work.*

**Amendment 233**

**Ádám Kósa**

**Proposal for a regulation**

**Article 1 – point 1**

Council Regulation (EEC) No 3821/85

Article 26 – paragraph 1

*Text proposed by the Commission*

– Driving licence number and country of issue of the driving licence (if applicable)

*Amendment*

– Driving licence number ***valid at time of issue***, and country of issue of the driving licence (if applicable)

*Justification*

*It is not necessary to apply for a new tachograph card on the expiry of the driving licence, so it may sometimes happen that the data on the card does not tally with the identification number of the current driving licence.*

**Amendment 234**

**Philip Bradbourn**

**Proposal for a regulation**

**Article 1 – point 1**

Council Regulation (EEC) No 3821/85

Article 27

*Text proposed by the Commission*

*Amendment*

***Article 27***

***deleted***

***Integration of driver cards with driving***

*licences*

*Driver cards shall be issued in accordance with the provisions of this Chapter until 18 January 2018. With effect from 19 January 2018, driver cards shall be incorporated into driving licences and issued, renewed, exchanged and replaced in accordance with the provisions of Directive 2006/126/EC.*

Or. en

**Amendment 235**  
**Peter van Dalen**

**Proposal for a regulation**  
**Article 1 – point 1**  
Council Regulation (EEC) No 3821/85  
Article 27

*Text proposed by the Commission*

*Amendment*

*Article 27*

*deleted*

*Integration of driver cards with driving  
licences*

*Driver cards shall be issued in accordance with the provisions of this Chapter until 18 January 2018. With effect from 19 January 2018, driver cards shall be incorporated into driving licences and issued, renewed, exchanged and replaced in accordance with the provisions of Directive 2006/126/EC.*

Or. nl

**Amendment 236**  
**Phil Bennion**

**Proposal for a regulation**  
**Article 1 – point 1**  
Council Regulation (EEC) No 3821/85  
Article 27 – title

*Text proposed by the Commission*

*Amendment*

***Integration of driver cards with driving  
licences***

***deleted***

Or. en

**Amendment 237**

**Corien Wortmann-Kool**

**Proposal for a regulation**

**Article 1 – point 1**

Council Regulation (EEC) No 3821/85

Article 27

*Text proposed by the Commission*

*Amendment*

***Article 27***

***deleted***

***Integration of driver cards with driving  
licences***

***Driver cards shall be issued in accordance  
with the provisions of this Chapter until  
18 January 2018. With effect from 19  
January 2018, driver cards shall be  
incorporated into driving licences and  
issued, renewed, exchanged and replaced  
in accordance with the provisions of  
Directive 2006/126/EC.***

Or. en

**Amendment 238**

**Michel Dantin, Dominique Riquet, Dominique Vlasto**

**Proposal for a regulation**

**Article 1 – point 1**

Council Regulation (EEC) No 3821/85

Article 27

*Text proposed by the Commission*

*Amendment*

***Driver cards shall be issued in accordance***

***Within 24 months from the entry into***

*with the provisions of this Chapter until 18 January 2018. With effect from 19 January 2018, driver cards shall be incorporated into driving licences and issued, renewed, exchanged and replaced in accordance with the provisions of Directive 2006/126/EC.*

*force of this Regulation, the Commission shall submit an impact assessment to determine the optimum provisions for merging the driver card with any other card it considers useful, including the driving licence, taking account of the administrative burden and cost of such a procedure for all interested parties, while ensuring the protection of the driver's personal data. The Commission shall forward the outcome of this assessment to the European Parliament within 30 months from the entry into force of this regulation.*

Or. fr

#### *Justification*

*We need to await the outcome of a specific impact assessment on merging the driving licence with other cards held by the driver, including the driver card, in order to ensure that this takes place under the best possible conditions in Europe, with a view to guaranteeing the driver's personal details.*

#### **Amendment 239** **Gesine Meissner**

**Proposal for a regulation** **Article 1 – point 1**  
Council Regulation (EEC) No 3821/85  
Article 27

#### *Text proposed by the Commission*

Driver cards shall be issued in accordance with the provisions of this Chapter *until 18 January 2018. With effect from 19 January 2018, driver cards shall be incorporated into driving licences and issued, renewed, exchanged and replaced in accordance with the provisions of Directive 2006/126/EC.*

#### *Amendment*

Driver cards shall be issued in accordance with the provisions of this Chapter. *The Commission shall present as soon as possible and no later than 1st January 2016 an impact assessment of the integration of driving licences and driver cards. This impact assessment should at least take into account the technical compatibilities, data protection, management of the different data bases. This impact assessment should also take into consideration the merging*



*of the various certifications of the drivers  
in one single driver card.*

Or. xm

**Amendment 240**  
**Phil Bennion**

**Proposal for a regulation**

**Article 1 – point 1**

Council Regulation (EEC) No 3821/85

Article 27

*Text proposed by the Commission*

Driver cards shall be issued in accordance with the provisions of this Chapter ***until 18 January 2018. With effect from 19 January 2018, driver cards shall be incorporated into driving licences and issued, renewed, exchanged and replaced in accordance with the provisions of Directive 2006/126/EC.***

*Amendment*

Driver cards shall be issued in accordance with the provisions of this Chapter.

Or. en

**Amendment 241**  
**Carlo Fidanza, Jim Higgins, Jacqueline Foster, Georges Bach, Dieter-Lebrecht Koch**

**Proposal for a regulation**

**Article 1 – point 1**

Council Regulation (EEC) No 3821/85

Article 27

*Text proposed by the Commission*

***Driver cards shall be issued in accordance with the provisions of this Chapter until 18 January 2018. With effect from 19 January 2018, driver cards shall be incorporated into driving licences and issued, renewed, exchanged and replaced in accordance with the provisions of Directive 2006/126/EC.***

*Amendment*

***The Commission is to carry out an Impact Assessment on the feasibility of merging all of the cards used by professional drivers, in particular the driver card with the driver licence, within 24 months of the entry into force of this regulation. The Commission shall examine the technical solutions available, and card compatibility***

*issues, in order to reduce the amount of card fraud currently taking place. The Commission shall communicate its findings to the European Parliament within 30 months of the entry into force of this regulation.*

Or. en

**Amendment 242**

**Eva Lichtenberger, Georges Bach, Jim Higgins, Carlo Fidanza**

**Proposal for a regulation**

**Article 1 – point 1**

Council Regulation (EEC) No 3821/85

Article 27

*Text proposed by the Commission*

*Driver cards shall be issued in accordance with the provisions of this Chapter until 18 January 2018. With effect from 19 January 2018, driver cards shall be incorporated into driving licences and issued, renewed, exchanged and replaced in accordance with the provisions of Directive 2006/126/EC.*

*Amendment*

*The Commission is to carry out an Impact Assessment on the feasibility of merging all of the cards used by professional drivers, in particular the driver card with the driver licence, within 24 months of the entry into force of this regulation. The Commission shall examine the technical solutions available, and card compatibility issues, in order to reduce the amount of card fraud currently taking place. The Commission shall communicate its findings to the European Parliament within 30 months of the entry into force of this regulation.*

Or. en

**Amendment 243**

**Ádám Kósa**

**Proposal for a regulation**

**Article 1 – point 1**

Council Regulation (EEC) No 3821/85

Article 27 – paragraph 2

*Text proposed by the Commission*

*Amendment*

***It shall be ensured that loss of the combined driving licence and driver card does not automatically entail the loss of the driving licence, but that the driver shall be allowed five working days to obtain the issue of a replacement certificate for the driving licence.***

Or. hu

**Amendment 244**  
**Eva Lichtenberger**

**Proposal for a regulation**  
**Article 1 – point 1**  
Council Regulation (EEC) No 3821/85  
Article 28 – paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***1 a. The tachograph shall not have an automatic switch once the vehicle's engine and/or the ignition is switched off. The driver shall manually record his activity.***

Or. en

**Amendment 245**  
**Georges Bach**

**Proposal for a regulation**  
**Article 1 – point 1**  
Council Regulation (EEC) No 3821/85  
Article 28 1 a (new)

*Text proposed by the Commission*

*Amendment*

***1 a. The digital tachograph shall not be set in a way that it automatically switches to a specific indication when the vehicle's***

*engine or ignition is switched off. The driver should be able to choose manually a category, depending on his activity or rest after the switch off.*

Or. en

*Justification*

*The actual regulation does not provide a legal provision to stipulate what the tachograph should indicate when the engine of the vehicle is switched off. The current wide-spread practice is that the tachograph switches automatically onto "break", without informing the driver about this automatic setting.*

**Amendment 246**  
**Eva Lichtenberger**

**Proposal for a regulation**

**Article 1 – point 1**

Council Regulation (EEC) No 3821/85

Article 28 – paragraph 4 a (new)

*Text proposed by the Commission*

*Amendment*

***4 a. Member States shall monitor and prosecute the increasing offer of fraudulent installation and the installation of manipulation devices for recording equipment on the internet.***

Or. en

**Amendment 247**

**Christine De Veyrac, Dominique Vlasto, Michel Dantin, Jim Higgins, Carlo Fidanza**

**Proposal for a regulation**

**Article 1 – point 1**

Council Regulation (EEC) No 3821/85

Article 29 – paragraph –1 (new)

*Text proposed by the Commission*

*Amendment*

***-1. The transport undertaking shall:***

*(a) provide the drivers it employs or who are put at its disposal with the necessary training and instruction on the proper operation of tachographs, and shall ensure that these drivers are aware of the potential penalties in the event of failure to comply with this regulation;*

*(b) make regular checks to ensure that the drivers it employs or who are put at its disposal make correct use of the tachograph; and*

*(c) not give to drivers it employs or who are put at its disposal any direct or indirect incentives that could encourage them to commit offences.*

Or. fr

*Justification*

*The transport undertaking must inform drivers of the potential penalties for infringing this regulation so that they can be made aware of changes to legislation concerning the use of tachographs.*

**Amendment 248**

**Elisabeth Jeggle, Thomas Ulmer**

**Proposal for a regulation**

**Article 1 – point 1**

Council Regulation (EEC) No 3821/85

Article 29 – paragraph -1 (new)

*Text proposed by the Commission*

*Amendment*

***(-1) The transport undertaking shall:***

***(1) give to drivers it employs or who are put at its disposal the necessary training and instructions as regards the correct functioning of the tachographs;***

***(2) make regular checks to ensure that the drivers it employs or who are put at its disposal make a correct use of the tachographs and;***

*(3) not give to drivers it employs or who are put at its disposal any direct or indirect incentives that could encourage the misuse of the recording equipment. Such incentives may take the form of working instructions that are binding at the level of the undertaking.*

*(-2) The driver shall*

*(1) avail himself of the training opportunities made available to him by the undertaking,*

*(2) submit his driving licence and driver card for regular inspections by the undertaking to check its validity, detect any manipulation and withdraw it where appropriate,*

*(3) be liable in the event that he can be shown to have infringed the undertaking's own work instructions.*

Or. de

**Amendment 249**  
**Thomas Ulmer**

**Proposal for a regulation** **Article 1 – point 1**  
Council Regulation (EEC) No 3821/85  
Article 29 – paragraph 3

*Text proposed by the Commission*

(3) A transport undertaking shall be liable for infringements against this Regulation committed by drivers of the undertaking. Without prejudice to the right of Member States to hold transport undertakings fully liable, Member States may consider any evidence that the transport undertaking cannot reasonably be held responsible for the infringement committed.

*Amendment*

(3) A transport undertaking shall **not** be liable for infringements against this Regulation committed **deliberately or negligently** by drivers of the undertaking. Without prejudice to the right of Member States to hold transport undertakings fully liable, Member States may consider any evidence that the transport undertaking cannot reasonably be held responsible for the infringement committed.

Or. de

### *Justification*

*Liability for deliberate or negligent conduct by the driver must lie with the driver himself. The transport undertaking must not bear sole, comprehensive liability for infringements.*

#### **Amendment 250**

**Hubert Pirker**

#### **Proposal for a regulation**

##### **Article 1 – point 1**

Council Regulation (EEC) No 3821/85

Article 29 – paragraph 3

#### *Text proposed by the Commission*

(3) A transport undertaking shall be liable for infringements against this Regulation committed by drivers of the undertaking. Without prejudice to the right of Member States to hold transport undertakings fully liable, Member States may *consider any evidence that the transport undertaking cannot reasonably be held responsible for the infringement committed.*

#### *Amendment*

(3) A transport undertaking shall be liable for infringements against this Regulation committed by drivers of the undertaking. Without prejudice to the right of Member States to hold transport undertakings fully liable, Member States may *make this liability of the transport undertaking dependent on an infringement of the requirements set out in Article 10(2) of Regulation (EC) No 561/2006 concerning Regulation (EEC) No. 3281/85.*

Or. de

### *Justification*

*If the transport undertaking has organised the work of its drivers in such a way that they can comply with the provisions of this regulation, the transport undertaking should not be held liable.*

#### **Amendment 251**

**Gesine Meissner**

#### **Proposal for a regulation**

##### **Article 1 – point 1**

Council Regulation (EEC) No 3821/85

Article 29 – paragraph 3

*Text proposed by the Commission*

*Amendment*

(3) A transport undertaking ***shall be liable*** for infringements ***against this Regulation*** committed by drivers ***of the undertaking***. ***Without prejudice to the right of Member States to hold transport undertakings fully liable, Member States may consider any evidence that the transport undertaking cannot reasonably be held responsible for the infringement committed.***

(3) A transport undertaking ***can only be held responsible*** for infringements committed by ***its*** drivers ***if it can be proven that these are due to negligent arrangements.***

Or. de

*Justification*

*The suggested wording takes account of the presumption of innocence until there is evidence to the contrary, as set out in criminal law. It should not be at the discretion of the Member States to decide whether exonerating evidence may be submitted by undertakings.*

## **Amendment 252**

**Ádám Kósa**

### **Proposal for a regulation**

#### **Article 1 – point 1**

Council Regulation (EEC) No 3821/85

Article 29 – paragraph 3

*Text proposed by the Commission*

*Amendment*

(3) A transport undertaking ***shall*** be liable for infringements ***against this Regulation*** committed by drivers of the undertaking. ***Without prejudice to the right of Member States to hold transport undertakings fully liable, Member States may consider any evidence that the transport undertaking cannot reasonably be held responsible for the infringement committed.***

(3) A transport undertaking ***may only be made*** liable for infringements committed by drivers of the undertaking ***where it has infringed the provisions of paragraph (2) above or of Article 10 (1) or (2) of Regulation 561/2006/EC.***

Or. hu



**Amendment 253**  
**Dieter-Lebrecht Koch**

**Proposal for a regulation**

**Article 1 – point 1**

Council Regulation (EEC) No 3821/85

Article 29 – paragraph 3

*Text proposed by the Commission*

(3) A transport undertaking shall be liable for infringements against this Regulation committed by drivers of the undertaking. Without prejudice to the right of Member States to hold transport undertakings fully liable, Member States may consider any evidence that the transport undertaking cannot reasonably be held responsible for the infringement committed.

*Amendment*

(3) A transport undertaking shall **not** be liable for infringements against this Regulation committed **intentionally or with gross negligence** by drivers of the undertaking. Without prejudice to the right of Member States to hold transport undertakings fully liable, Member States may consider any evidence that the transport undertaking cannot reasonably be held responsible for the infringement committed.

Or. de

*Justification*

*The transport undertaking should not have sole and full liability for infringements. Liability for intentional or grossly negligent actions by the driver must remain within the driver's field of liability. Liability in the case of temporary work can also only lie with the transport undertaking if the driver is subject to the direct authority of that undertaking. There can be no liability for drivers of subcontractors that are not under direct instruction by transport undertakings.*

**Amendment 254**  
**Mara Bizzotto**

**Proposal for a regulation**

**Article 1 – point 1**

Council Regulation (EEC) No 3821/85

Article 29 – paragraph 3

*Text proposed by the Commission*

3. A transport undertaking shall be liable for **infringements against** this Regulation

*Amendment*

3. A transport undertaking, **consignor, freight forwarder, tour operator,**

***committed by drivers of the undertaking.***

Without prejudice to the right of Member States to hold transport undertakings fully liable, Member States may consider any evidence that the transport undertaking cannot reasonably be held responsible for the infringement committed.

***contractor and driver employment agency***

shall be liable for ***contractually agreed transport time schedules not respecting*** this Regulation. Without prejudice to the right of Member States to hold transport undertakings fully liable, Member States may consider any evidence that the transport undertaking cannot reasonably be held responsible for the infringement committed.

Or. en

### *Justification*

*The EC proposal and Ticau's report focus on road transport companies only for infringements to the Regulation. Road hauler is just one link of the supply chain, where there are also cases of instructions given to the carrier by the contractor which do not make the undertaking able to comply with social rules for a number of reasons (just-in-time principle, weak contractual power etc). A clear and full co-responsibility principle, legally binding for the whole supply chain is of paramount importance for ensuring road safety at all possible levels in the EU.*

## **Amendment 255**

**Markus Ferber**

### **Proposal for a regulation**

#### **Article 1 – point 1**

Council Regulation (EEC) No 3821/85

Article 29 – paragraph 3

#### *Text proposed by the Commission*

(3) A transport undertaking shall be liable for infringements against this Regulation committed by drivers of the undertaking. Without prejudice to the right of Member States to hold transport undertakings fully liable, Member States may consider any evidence that the transport undertaking cannot reasonably be held responsible for the infringement committed.

#### *Amendment*

(3) A transport undertaking shall ***not*** be liable for infringements against this Regulation committed ***intentionally or with gross negligence*** by drivers of the undertaking. Without prejudice to the right of Member States to hold transport undertakings fully liable, Member States may consider any evidence that the transport undertaking cannot reasonably be held responsible for the infringement committed.

**Amendment 256**  
**Anne E. Jensen**

**Proposal for a regulation**  
**Article 1 – point 1**

Council Regulation (EEC) No 3821/85  
Article 29 – paragraph 3

*Text proposed by the Commission*

3. A transport undertaking ***shall*** be liable for infringements against this Regulation committed by drivers of the undertaking. Without prejudice to the right of Member States to hold transport undertakings fully liable, Member States may consider any evidence that the transport undertaking cannot reasonably be held responsible for the infringement committed.

*Amendment*

3. A transport undertaking ***may*** be liable for infringements against this Regulation committed by drivers of the undertaking. Without prejudice to the right of Member States to hold transport undertakings fully liable, Member States may consider any evidence that the transport undertaking cannot reasonably be held responsible for the infringement committed.

Or. en

*Justification*

*The second sentence of article 29.3 already foresees that Member States have the right to consider transport undertakings as fully liable for their drivers' wrong-doing. However, from a business and social perspective, it is not advisable to systematically consider that the driver is not liable for tachograph manipulations while the undertakings would always be liable.*

**Amendment 257**  
**Carlo Fidanza**

**Proposal for a regulation**  
**Article 1 – point 1**

Council Regulation (EEC) No 3821/85  
Article 29 – paragraph 3

*Text proposed by the Commission*

3. A transport undertaking shall be liable for ***infringements against*** this Regulation ***committed by drivers of the undertaking.***

*Amendment*

3. A transport undertaking, ***consignor, freight forwarder, tour operator, contractor and driver employment agency***

Without prejudice to the right of Member States to hold transport undertakings fully liable, Member States may consider any evidence that the transport undertaking cannot reasonably be held responsible for the infringement committed.

shall be liable for ***contractually agreed transport time schedules not respecting*** this Regulation. Without prejudice to the right of Member States to hold transport undertakings fully liable, Member States may consider any evidence that the transport undertaking cannot reasonably be held responsible for the infringement committed.

Or. en

**Amendment 258**  
**Giommaria Uggias**

**Proposal for a regulation**

**Article 1 – point 1**

Council Regulation (EEC) No 3821/85

Article 29 – paragraph 3

*Text proposed by the Commission*

3. A transport undertaking shall be liable for ***infringements against*** this Regulation ***committed by drivers of the undertaking***. Without prejudice to the right of Member States to hold transport undertakings fully liable, Member States may consider any evidence that the transport undertaking cannot reasonably be held responsible for the infringement committed.

*Amendment*

3. A transport undertaking, ***consignor, freight forwarder, tour operator, contractor and driver employment agency*** shall be liable for ***contractually agreed transport time schedules not respecting*** this Regulation. Without prejudice to the right of Member States to hold transport undertakings fully liable, Member States may consider any evidence that the transport undertaking cannot reasonably be held responsible for the infringement committed.

Or. en

**Amendment 259**  
**Elisabeth Jeggle**

**Proposal for a regulation**

**Article 1 – point 1**

Council Regulation (EEC) No 3821/85

Article 29 – paragraph 3

*Text proposed by the Commission*

(3) A transport undertaking shall be liable for infringements against this Regulation committed by drivers of the undertaking. Without prejudice to the right of Member States to hold transport undertakings fully liable, Member States **may** consider any evidence that the transport undertaking cannot reasonably be held responsible for the infringement committed.

*Amendment*

(3) A transport undertaking shall be liable for infringements against this Regulation committed by drivers of the undertaking. Without prejudice to the right of Member States to hold transport undertakings fully liable, Member States **must** consider any evidence that the transport undertaking cannot reasonably be held responsible for the infringement committed.

Or. de

**Amendment 260**  
**Debora Serracchiani**

**Proposal for a regulation**

**Article 1 – point 1**

Council Regulation (EEC) No 3821/85

Article 29 – paragraph 3

*Text proposed by the Commission*

3. A transport undertaking shall be liable for ***infringements against*** this Regulation ***committed by drivers of the undertaking***. Without prejudice to the right of Member States to hold transport undertakings fully liable, Member States may consider any evidence that the transport undertaking cannot reasonably be held responsible for the infringement committed.

*Amendment*

3. A transport undertaking, ***consignor, freight forwarder, tour operator, contractor and driver employment agency*** shall be liable for ***contractually agreed transport time schedules not respecting*** this Regulation. Without prejudice to the right of Member States to hold transport undertakings fully liable, Member States may consider any evidence that the transport undertaking cannot reasonably be held responsible for the infringement committed.

Or. en

*Justification*

*Road hauler is just one link of the supply chain, where there are also cases of instructions given to the carrier by the contractor which do not make the undertaking able to comply with social rules for a number of reasons (just-in-time principle, weak contractual power etc).A*

*clear and full co-responsibility principle, legally binding for the whole supply chain is of paramount importance for ensuring road safety at all possible levels in the EU*

## **Amendment 261**

**Hubert Pirker**

### **Proposal for a regulation**

#### **Article 1 – point 1**

Council Regulation (EEC) No 3821/85

Article 30 – paragraph 1

#### *Text proposed by the Commission*

(1) Drivers shall use the record sheets or driver cards every day on which they are driving, starting from the moment they take over the vehicle. The record sheet or driver card shall not be withdrawn ***before the end*** of the ***daily working*** period unless its withdrawal is otherwise authorised. No record sheet or driver card may be used to cover a period longer than that for which it is intended.

#### *Amendment*

(1) Drivers shall use the record sheets or driver cards every day on which they are driving, starting from the moment they take over the vehicle. The record sheet or driver card shall not be withdrawn ***until the beginning*** of the ***rest*** period unless its withdrawal is otherwise authorised. No record sheet or driver card may be used to cover a period longer than that for which it is intended.

Or. de

#### *Justification*

*This amendment means there is no need to define the daily working period and clears up any ambiguities. A Regulation that governs driving and rest periods rather than total working hours should focus on regulating the former.*

## **Amendment 262**

**Phil Bennion**

### **Proposal for a regulation**

#### **Article 1 – point 1**

Council Regulation (EEC) No 3821/85

Article 30 – paragraph 1

#### *Text proposed by the Commission*

1. Drivers shall use the record sheets or driver cards every day on which they are

#### *Amendment*

1. Drivers shall use the record sheets or driver cards every day on which they are

driving, starting from the moment they take over the vehicle. The record sheet or driver card shall not be withdrawn before the end of the daily **working** period unless its withdrawal is otherwise authorised. No record sheet or driver card may be used to cover a period longer than that for which it is intended.

driving, starting from the moment they take over the vehicle. The record sheet or driver card shall not be withdrawn before the end of the daily **control** period unless its withdrawal is otherwise authorised. No record sheet or driver card may be used to cover a period longer than that for which it is intended.

Or. en

**Amendment 263**  
**Eva Lichtenberger**

**Proposal for a regulation**

**Article 1 – point 1**

Council Regulation (EEC) No 3821/85

Article 30 – paragraph 3 – subparagraph 2

*Text proposed by the Commission*

*Amendment*

***For control purposes, periods of time for which no activity has been recorded shall be regarded as rest or break. Drivers are not obliged to record daily and weekly rest periods when having been away from the vehicle.***

***deleted***

Or. en

*Justification*

*Periods of time for which no activity has been recorded are not automatically rest times. The acceptance of such a notion leads to a distorted view. Rest periods need to be clearly marked as such.*

**Amendment 264**  
**Peter van Dalen**

**Proposal for a regulation**

**Article 1 – point 1**

Council Regulation (EEC) No 3821/85

Article 30 – paragraph 3 – subparagraph 2

*Text proposed by the Commission*

For control purposes, periods of time for which no activity has been recorded shall be regarded as rest or break. ***Drivers are not obliged to record daily and weekly rest periods when having been*** away from the vehicle.

*Amendment*

For control purposes, periods of time for which no activity has been recorded shall be regarded as rest or break. ***Member States shall not impose on drivers the presentation of forms attesting their activities while being*** away from the vehicle.

Or. en

**Amendment 265**

**Corien Wortmann-Kool**

**Proposal for a regulation**

**Article 1 – point 1**

Council Regulation (EEC) No 3821/85

Article 30– paragraph 3 – subparagraph 2

*Text proposed by the Commission*

For control purposes, periods of time for which no activity has been recorded shall be regarded as rest or break. ***Drivers are not obliged to record daily and weekly rest periods when having been*** away from the vehicle.

*Amendment*

For control purposes, periods of time for which no activity has been recorded shall be regarded as rest or break. ***Member States shall not impose on drivers the presentation of forms attesting their activities while being*** away from the vehicle.

Or. en

**Amendment 266**

**Phil Bennion**

**Proposal for a regulation**

**Article 1 – point 1**

Council Regulation No 3821/85

Article 30 – paragraph 3 – subparagraph 2

*Text proposed by the Commission*

For control purposes, periods of time for

*Amendment*

For control purposes, periods of time for



which no activity has been recorded shall be regarded as rest or break. ***Drivers are not obliged to record daily and weekly rest periods when having been away from the vehicle.***

which no activity has been recorded shall be regarded as rest or break.

Or. en

**Amendment 267**  
**Silvia-Adriana Țicău**

**Proposal for a regulation**

**Article 1 – point 1**

Council Regulation (EEC) No 3821/85

Article 30 – paragraph 3 – subparagraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

***2 a. Member States shall not impose on drivers the presentation of forms attesting their activities while being away from the vehicle.***

Or. en

**Amendment 268**  
**Thomas Ulmer**

**Proposal for a regulation**

**Article 1 – point 1**

Council Regulation (EC) No 561/2006 Article 8, paragraph 6, in conjunction with Article 4(h)

Article 2 – paragraph 2 (new)

*Text proposed by the Commission*

*Amendment*

***Over a 4-week period, a total weekly rest period of 140 hours must be observed, with the minimum weekly rest period being 24 hours per week. Any shortfall in rest periods must be made up within this 4-week period.***

Or. de

### *Justification*

*A 24-hour rest period provides sufficient time for the driver to recover physically and mentally, and thus takes due account of road safety. The recuperative effect of two reduced rest periods is greater, as periods of tension are followed more often by periods of relaxation. In addition, a continuous rest period which drivers can spend wherever they choose is better in allowing drivers the freedom to arrange their private life.*

#### **Amendment 269**

**Thomas Ulmer**

#### **Proposal for a regulation**

##### **Article 1 – point 1**

Council Regulation (EC) No 561/2006 Article 8, paragraph 2, in conjunction with Article 4(g)  
Article 2 – paragraph 4 (new)

*Text proposed by the Commission*

*Amendment*

***(1a) The 12-day rule should also be applied nationally and not just be restricted to one single trip. Prior to and following a trip lasting longer than 6 times 24 hours, one regular 45-hour weekly rest period should be observed. A total weekly rest period of 140 hours must be observed within a 4-week period.***

Or. de

### *Justification*

*The condition of spending 24 hours abroad disadvantages domestic tourism. It is also problematic that the rule only applies to single trips that last longer than six days (single service). This means that a driver must take a break after a 3-day journey before making another trip lasting 4 days, whereas another driver may complete a 12-day journey without observing a weekly rest period. The long rest periods before and after a journey make arrangements difficult when there is a shortage of drivers.*

#### **Amendment 270**

**Thomas Ulmer**

#### **Proposal for a regulation**

##### **Article 2 – point 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***(1a) After a driving period of four and a half hours a driver shall take a break of not less than 45 minutes. This break can, however, be replaced by a number of shorter breaks of at least 15 minutes.***

Or. de

**Amendment 271**  
**Olga Sehnalová**

**Proposal for a regulation**

**Article 1 – point 1**

Council Regulation (EEC) No 3821/85  
Article 32 – paragraph 3

*Text proposed by the Commission*

*Amendment*

3. ***An authorised*** inspecting officer may check compliance with Regulation (EC) No 561/2006 by analysis of the record sheets, of the displayed ***or*** printed data which have been recorded by the ***recording equipment*** or by the driver card or, failing this, by analysis of any other supporting document that justifies non-compliance with a provision, such as those laid down in Articles 24(2) and 33(2) of this Regulation.

3. ***A certified*** inspecting officer may check compliance with Regulation (EC) No 561/2006 by analysis of the record sheets, of the displayed, printed ***or downloaded*** data which have been recorded by the ***tachograph*** or by the driver card or, failing this, by analysis of any other supporting document that justifies non-compliance with a provision, such as those laid down in Articles 24(2) and 33(2) of this Regulation.

Or. cs

*Justification*

*Justification does not apply to English version.*

**Amendment 272**  
**Jim Higgins, Dieter-Lebrecht Koch, Carlo Fidanza**

**Proposal for a regulation**

**Article 1 – point 1**

Council Regulation (EEC) No 3821/85

Article 32 – paragraph 3 a (new)

*Text proposed by the Commission*

*Amendment*

***3 a. The Commission is to carry out a study of enforcement regimes in all the Member States, within 18 months of the first Enforcement Officer Certificates being awarded, to establish how many certified officers there are in each state.***

***Thereafter, Member States must report to the Commission on an annual basis, detailing the training received by officers, and the numbers of active Enforcement Officers who have obtained the European Certificate.***

Or. en

*Justification*

*There is a lack of information on enforcement regimes across the EU. Certain states consider all police officers at enforcement officers, even if they have little or no training on tachograph machines. In states where there are special designated officers, the numbers vary hugely. Without this information, enforcement of this regulation will not be uniform.*

**Amendment 273**

**Peter van Dalen**

**Proposal for a regulation**

**Article 1 – point 1**

Council Regulation (EEC) No 3821/85

Article 32 – paragraph 3 a (new)

*Text proposed by the Commission*

*Amendment*

***3a. During roadside checks, an authorised inspecting officer may only impose penalties for infringements of Regulation (EC) No 561/2006 committed during the period since the last weekly rest period. Data on the past 28 days shall be used***

*only to check whether a driver has complied with the requirements of Article 6(2) and (3) of Regulation (EC) No 561/2006.*

Or. nl

**Amendment 274**  
**Thomas Ulmer**

**Proposal for a regulation**  
**Article 1 – point 1**

Council Regulation (EEC) No 3821/85  
Article 33 – paragraph 1 – subparagraph 2

*Text proposed by the Commission*

If the vehicle is unable to return to the premises within a period of one week calculated from the day of the breakdown or of the discovery of defective operation, the repair shall be carried out en route.

*Amendment*

If the vehicle is unable to return to the premises within a period of one week calculated from the day of the breakdown or of the discovery of defective operation, the repair shall be carried out en route.  
***This should not be at an uneconomically high cost to the undertaking.***

Or. de

**Amendment 275**  
**Thomas Ulmer**

**Proposal for a regulation**  
**Article 1 – point 1**

Council Regulation (EEC) No 3821/85  
Article 33 – paragraph 1 – subparagraph 3

*Text proposed by the Commission*

Measures taken by Member States pursuant to Article 37 may give the competent authorities power to prohibit the use of the vehicle in cases where breakdown or faulty operation has not been remedied as provided in the first and the second subparagraphs.

*Amendment*

Measures taken by Member States pursuant to Article 37 may give the competent authorities power to prohibit the use of the vehicle in cases where breakdown or faulty operation has not been remedied as provided in the first and the second subparagraphs. ***The Commission will***

***check here that national and foreign vehicles are treated in the same way in order to eliminate discrimination.***

Or. de

*Justification*

*In the past, foreign drivers have been discriminated against during administrative controls and national drivers given preferential treatment. This practice should be ruled out.*

**Amendment 276**  
**Eva Lichtenberger**

**Proposal for a regulation**  
**Article 1 – point 1**  
Council Regulation (EEC) No 3821/85  
Article 35 – paragraph 1

*Text proposed by the Commission*

1. Member States shall ensure that control officers are appropriately trained for the analysis of the data recorded and the control of the recording equipment.

*Amendment*

1. Member States shall ensure that control officers are appropriately trained for the analysis of the data recorded and the control of the recording equipment.  
***Member States shall make available appropriate resources for the training of law enforcement staff.***

Or. en

*Justification*

*The regulation has so far not been enforced to a sufficient degree. Furthermore, fraud and misuse is measurably increasing. Therefore, correct enforcement needs the provision of appropriate resources.*

**Amendment 277**  
**Thomas Ulmer**

**Proposal for a regulation**  
**Article 1 – point 1**

Council Regulation (EEC) No 3821/85  
Article 35 – paragraph 3 a (new)

*Text proposed by the Commission*

*Amendment*

***3a. If a Member State fails to train its control officers, automatic sanctions in the form of cuts in regional aid shall enter into force.***

Or. de

*Justification*

*There is often no interest in transposing treaties or ensuring timely implementation.*

**Amendment 278**  
**Ádám Kósa**

**Proposal for a regulation**

**Article 1 – point 1**

Council Regulation (EEC) No 3821/85  
Article 35, paragraph . 1

*Text proposed by the Commission*

*Amendment*

(1) Member States shall ensure that control officers are appropriately trained for the analysis of the data recorded and the control of the recording equipment.

(1) Member States shall ensure that control officers ***may only carry out control activities if they*** are appropriately trained for the analysis of the data recorded and the control of the recording equipment.

Or. hu

**Amendment 279**  
**Jim Higgins, Carlo Fidanza, Dieter-Lebrecht Koch**

**Proposal for a regulation**

**Article 1 – point 1**

Council Regulation (EEC) No 3821/85  
Article 35 – paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***1 a. The Commission is to investigate the establishment a common system of training of enforcement officers within 24 months of the application of this regulation, so as to ensure that there are certain training specifications set out before officers are awarded a European Enforcement Certificate.***

Or. en

**Amendment 280**

**Dominique Vlasto, Christine De Veyrac, Dominique Riquet, Michel Dantin**

**Proposal for a regulation**

**Article 1 – point 1**

Council Regulation (EEC) No 3821/85

Article 35 – paragraph 3

*Text proposed by the Commission*

*Amendment*

3. The Commission shall adopt decisions on the methodology for the initial and continuing training of control officers, ***including on techniques to target controls and to detect manipulation devices and fraud.*** Those implementing acts shall be adopted in accordance with the ***advisory*** procedure referred to in ***Article 40(2).***

3. The Commission shall adopt decisions on the methodology for the initial and continuing training of control officers ***on the basis of minimum harmonised requirements as set out in paragraph 3a.*** Those implementing acts shall be adopted in accordance with the ***examination*** procedure referred to in ***Article 40(3).***

Or. fr

*Justification*

*The regulation must ensure that the conditions are met for a minimum level of competence on the part of the control officers.*

**Amendment 281**

**Ádám Kósa**



## **Proposal for a regulation**

### **Article 1 – point 1**

Council Regulation (EEC) No 3821/85

Article 35 – paragraph 3

#### *Text proposed by the Commission*

(3) The Commission shall adopt decisions on the methodology for the initial and continuing training of control officers, including on techniques to target controls and to detect manipulation devices and fraud. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 40(2).

#### *Amendment*

(3) The Commission shall adopt decisions on the methodology for the initial and continuing training of control officers, including on techniques to target controls and to detect manipulation devices and fraud ***with a view also to securing – on the basis of guidelines aimed at the uniform application of Regulation 561/2006/EC – the uniform EU-wide analysis of tachograph data.*** Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 40(2).

Or. hu

## **Amendment 282**

**Corien Wortmann-Kool**

## **Proposal for a regulation**

### **Article 1 – point 1**

Council Regulation (EEC) No 3821/85

Article 35 – paragraph 3

#### *Text proposed by the Commission*

3. The Commission shall adopt decisions on the methodology for the initial and continuing training of control officers, including on techniques to target controls and to detect manipulation devices and fraud. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 40(2).

#### *Amendment*

3. The Commission shall adopt decisions on the methodology for the initial and continuing training of control officers, ***on the correct enforcement of Regulations 561/2006/EC and 3821/85/EC based on commonly and previously agreed guidelines concerning the uniform application of these legislative acts by all Member States as well as on*** including on techniques to target controls and to detect manipulation devices and fraud. Those implementing acts shall be adopted in accordance with the advisory procedure

referred to in Article 40(2).

Or. en

*Justification*

*The European Commission should adopt a harmonized and commonly methodology for training of control officers. We need to avoid that Member States come up with their own methodology for training of control officers.*

**Amendment 283**

**Dominique Vlasto, Christine De Veyrac, Dominique Riquet, Michel Dantin**

**Proposal for a regulation**

**Article 1 – point 1**

Council Regulation (EEC) No 3821/85

Article 35 – paragraph 3 a (new)

*Text proposed by the Commission*

*Amendment*

***3a. Control officers shall undertake a training course lasting at least one year on EU social security legislation in the road transport sector and on this Regulation, covering in particular:***

- requirements for and principles governing the use of the tachograph,***
- data protection and privacy requirements,***
- use of all control tools for the collection and interpretation of data,***
- techniques for targeting controls and detecting fraud and manipulation devices,***
- procedures for the inspection of workshops and fitters,***
- checking compliance of equipment with type-approved models.***

***This training, provided by the competent national authorities, shall be subject to mutual recognition by the Member States, shall certify that officers possess the appropriate skills to perform effectively***

*their inspection duties defined in this Regulation and in particular in Article 34a thereof, and shall be supplemented by continuous training courses with particular reference to the adjustment of legislation in line with technical progress.*

*The Commission shall publish, within 24 months from the entry into force of this Regulation, a study on the number of officers who have received this training and are performing the control duties defined in this regulation in each Member State, and on the possibility of EU certification for the training of control officers (defining the content of the certification, the deadline for its entry into force and the authority which will be made responsible for such certification).*

Or. fr

*Justification*

*The regulation must ensure that the conditions are met for a minimum level of competence on the part of the control officers.*

**Amendment 284**  
**Eva Lichtenberger**

**Proposal for a regulation**  
**Article 1 – point 1 (new)**  
Council Regulation (EEC) No 3821/85  
Article 35 – paragraph 3 a (new)

*Text proposed by the Commission*

*Amendment*

**3 a. The Commission shall facilitate the exchange of best practise on training and invite training staff to meetings to that purpose at least once a year.**

Or. en

### *Justification*

*There are new types of fraud detected all the time in different member states; spreading knowledge also amongst training staff will improve the problem of controllers that are ignorant of certain types of fraud.*

#### **Amendment 285** **Eva Lichtenberger**

##### **Proposal for a regulation**

##### **Article 1 – point 1**

Council Regulation (EEC) No 3821/85

Article 36 – paragraph 2

##### *Text proposed by the Commission*

Within the framework of this mutual assistance, the competent authorities of the Member States shall in particular regularly send to each other all available information concerning infringements to this Regulation related to fitters and workshops, and any penalties imposed for such infringements.

##### *Amendment*

Within the framework of this mutual assistance, the competent authorities of the Member States shall in particular regularly send to each other all available information concerning infringements to this Regulation related to fitters and workshops, ***types of manipulation practises***, and any penalties imposed for such infringements.

Or. en

#### **Amendment 286** **Eva Lichtenberger**

##### **Proposal for a regulation**

##### **Article 1 – point 1**

Council Regulation (EEC) No 3821/85

Article 36 a (new)

##### *Text proposed by the Commission*

##### *Amendment*

##### ***Article 36 a***

##### ***Telephone Hotline***

***The Commission shall install a website and an EU wide hotline telephone number that can be called free of charge and anonymously by drivers or any other***

*concerned stakeholder wishing to report fraud that falls under the scope of this regulation.*

Or. en

*Justification*

*Police in all Member States report that drivers call them to request checks, in particular when they are overcome with fatigue but have received instructions to continue driving. Helping to prevent such activity will greatly improve road safety.*

**Amendment 287**  
**Philip Bradbourn**

**Proposal for a regulation**

**Article 1 – point 1**

Council Regulation (EEC) No 3821/85

Article 37 – paragraph 1

*Text proposed by the Commission*

1. Member States shall lay down rules on penalties applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. Those penalties shall be effective, proportionate, dissuasive and non-discriminatory. *In the case of workshops which have infringed the provisions of this Regulation, this may include the cancellation of approval and withdrawal of the workshop card.*

*Amendment*

1. Member States shall, *in accordance with national constitutional arrangements*, lay down rules on penalties applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. Those penalties shall be effective, proportionate, dissuasive and non-discriminatory *and in compliance with the categories of infringements as defined in Directive 2006/22/EC.*

Or. en

**Amendment 288**  
**Philip Bradbourn**

**Proposal for a regulation**

**Article 1 – point 1**

Council Regulation (EEC) No 3821/85

Article 37 – paragraph 2

*Text proposed by the Commission*

*Amendment*

**2. No infringement of this Regulation shall be subjected to more than one penalty or procedure.**

**deleted**

Or. en

#### **Amendment 289**

**Peter van Dalen**

#### **Proposal for a regulation**

##### **Article 1 – point 1**

Council Regulation (EEC) No 3821/85

Article 37 – paragraph 2

*Text proposed by the Commission*

*Amendment*

2. No infringement of this Regulation shall be subjected to more than one penalty or procedure.

2. No infringement of this Regulation shall be subjected to more than one penalty or procedure. ***In order to ensure this, national enforcement authorities shall recognise one another's documents showing that a penalty has been imposed.***

Or. nl

#### **Amendment 290**

**Silvia-Adriana Țicău**

#### **Proposal for a regulation**

##### **Article 1 – point 1**

Council Regulation (EEC) No 3821/85

Article 37 – paragraph 2

*Text proposed by the Commission*

*Amendment*

2. No infringement of this Regulation shall be subjected to more than one penalty or procedure.

2. No infringement of this Regulation shall be subjected to more than one penalty or procedure. ***For any infringement of this Regulation, of Regulation 561/2006 and of the Regulation 3821/1985 both the undertaking and the involved driver or***

*drivers shall be liable.*

Or. en

**Amendment 291**  
**Philip Bradbourn**

**Proposal for a regulation**

**Article 1 – point 1**

Council Regulation (EEC) No 3821/85

Article 37 – paragraph 3

*Text proposed by the Commission*

*Amendment*

***3. The sanctions laid down by Member States for very serious infringements as defined in Directive 2009/5/EC shall be of the highest categories applicable in the Member State for infringements of road transport legislation.***

***deleted***

Or. en

**Amendment 292**  
**Silvia-Adriana Țicău**

**Proposal for a regulation**

**Article 1 – point 1**

Council Regulation (EEC) No 3821/85

Article 37 – paragraph 3 a (new)

*Text proposed by the Commission*

*Amendment*

***3 a. After the date referred in Art. 4, paragraph 1, the undertakings found that infringed the this Regulation, Regulation 561/2006 and Regulation 3821/1985 shall be obliged, in six months time, to retrofit their fleet in order to equip it with digital tachograph fitted with smart recording equipment referred in Art. 4, paragraph 1.***

Or. en

**Amendment 293**  
**Eva Lichtenberger**

**Proposal for a regulation**

**Article 1 – point 1**

Council Regulation (EEC) No 3821/85

Article 37 – paragraph 4 a (new)

*Text proposed by the Commission*

*Amendment*

***4 a. The Commission shall compile this information in a catalogue of sanctions with a view of encourage Member States to a more harmonised sanction regime. For example, currently, only few Member States use the withdrawal of the driving license or lorry immobilisation as a sanction, although the deterrent effect against fraud and misuse is very apparent.***

Or. en

**Amendment 294**  
**Thomas Ulmer**

**Proposal for a regulation**

**Article 1 – point 1**

Council Regulation (EEC) No 3821/85

Article 39 – paragraph 1

*Text proposed by the Commission*

*Amendment*

(1) The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

(1) The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article. ***The delegated acts may not cover the fields of data protection and privacy rights.***

Or. de

**Amendment 295**  
**Corien Wortmann-Kool**



**Proposal for a regulation**

**Article 1 – point 1**

Council Regulation (EEC) No 3821/85

Article 40 – paragraph 3 a (new)

*Text proposed by the Commission*

*Amendment*

***3 a. Stakeholders, representatives of vehicle manufacturers, tachograph manufacturers and social partners, shall be invited to participate at meetings of the Committee as observers***

Or. en

**Amendment 296**

**Corien Wortmann-Kool**

**Proposal for a regulation**

**Article 1 – point 1**

Council Regulation (EEC) No 3821/85

Article 41 – paragraph 1

*Text proposed by the Commission*

*Amendment*

1. A Tachograph Forum shall be set up in order to support dialogue on technical matters concerning the recording equipment among Member States' experts, and experts from third countries which are using the recording equipment under the European agreement concerning the work of crews of vehicles engaged in international road transport (AETR).

1. A Tachograph Forum shall be set up in order to support dialogue ***and reach consensus*** on technical matters ***and necessary adaptations to be made*** concerning the recording equipment among Member States' experts, and experts from third countries which are using the recording equipment under the European agreement concerning the work of crews of vehicles engaged in international road transport (AETR).

Or. en

**Amendment 297**

**Christine De Veyrac**

**Proposal for a regulation**  
**Article 2 – point 1**  
Regulation (EC) 561/2006  
**Article 13**

*Text proposed by the Commission*

*Amendment*

**Regulation (EC) No 561/2006 is amended as follows:** **deleted**

***The distance of ‘50 km’ referred to in points (d), (f) and (p) of Article 13(1) is replaced by ‘100 km’.***

Or. fr

*Justification*

*The revision of the current provisions as proposed by the Commission would increase the risks of fraud and thus reduce road safety. If these measures were made more flexible it would be at the cost of safety for drivers and other road users, which is in no way the aim of the revision of this regulation.*

**Amendment 298**  
**Jörg Leichtfried**

**Proposal for a regulation**  
**Article 2 – point 1**  
Regulation (EC) No 561/2006  
**Article 13**

*Text proposed by the Commission*

*Amendment*

**Article 2** **deleted**

**Regulation (EC) No 561/2006 is amended as follows:**

***The distance of ‘50 km’ referred to in points (d), (f) and (p) of Article 13(1) is replaced by ‘100 km’.***

Or. de

### *Justification*

*Extending the maximum distances from 50 km to 100 km for the exemptions under Article 13 of Council Regulation (EC) No 561/2006, which can be set nationally within a certain radius from the base of the undertaking, is not appropriate from a transport and competition policy perspective and also has a negative impact on effective control.*

#### **Amendment 299**

**Luis de Grandes Pascual**

#### **Proposal for a regulation**

##### **Article 2 – point 1**

Regulation (EC) 561/2006

##### **Article 13**

*Text proposed by the Commission*

*Amendment*

##### *Article 2*

*deleted*

*Regulation (EC) No 561/2006 is amended as follows:*

*The distance of ‘50 km’ referred to in points (d), (f) and (p) of Article 13(1) is replaced by ‘100 km’.*

Or. es

#### **Amendment 300**

**Thomas Ulmer**

#### **Proposal for a regulation**

##### **Article 2 – point 1**

Regulation (EC) No 561/2006

##### **Article 4 (o) (new)**

*Text proposed by the Commission*

*Amendment*

*Article 4 of Regulation (EC) No 561/2006 is amended as follows:*

*(oa) ‘Multi-manning’ also refers to the situation where the second driver of a bus is not on board the vehicle during the first and last 2-hour periods of a journey.*

*Justification*

*Bus drivers will be given the opportunity to spend longer rest periods outside the bus. This serves road safety purposes as it provides a better balance between work and leisure.*

**Amendment 301**

**Jörg Leichtfried**

**Proposal for a regulation**

**Article 2 – point 1**

Regulation (EC) No 561/2006

**Article 13**

*Text proposed by the Commission*

*Amendment*

**Regulation (EC) No 561/2006 is amended as follows:** **deleted**

***The distance of ‘50 km’ referred to in points (d), (f) and (p) of Article 13(1) is replaced by ‘100 km’.***

*Justification*

*Extending the maximum distances from 50 km to 100 km for the exemptions under Article 13 of Council Regulation (EC) No 561/2006, which can be set nationally within a certain radius from the base of the undertaking, is not appropriate from a transport and competition policy perspective and also has a negative impact on effective control.*

**Amendment 302**

**Roberts Zile**

**Proposal for a regulation**

**Article 2 – point 1**

Regulation (EC) 561/2006

Chapter II – Article 9(1)

*Text proposed by the Commission*

*Amendment*

***- Chapter II, Article 9(1), of the Regulation shall be replaced by the***

*following:*

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

Or. lv

*Justification*

*It is increasingly common to transport vehicles by ferry or train on journeys lasting closer to 24 hours than to 11 hours. The opportunities for drivers to rest while a vehicle is being transported in this way are of incomparably higher quality (as regards safety, comfort and variety of options) than in a lorry cab during a road journey. Therefore it should be made possible for the driver to take a daily rest period or a reduced weekly rest period in such cases.*

**Amendment 303**

**Silvia-Adriana Țicău**

**Proposal for a regulation**

**Article 2 – point 1**

Regulation (EC) 561/2006

Article 13 – paragraph 1 – letter d

*Text proposed by the Commission*

*Amendment*

*(1) Article 13, paragraph 1, letter d, first line is modified as follows:*

*- for the purpose of delivering postal items. If recourse to the exception is made, these vehicles shall only be used within a 50 kilometre radius of the base of the undertaking and on condition that driving the vehicle does not constitute the driver's main activity.*

Or. en

**Amendment 304**  
**Roberts Zile**

**Proposal for a regulation**  
**Article 2 – point 1**  
Regulation (EC) 561/2006  
Chapter II – Article 9 – new point 1(a)

*Text proposed by the Commission*

*Amendment*

***- The following new point 1(a) shall be inserted in Chapter II, Article 9, of the Regulation:***

***By way of derogation from Article 8, a driver may interrupt a daily rest period or a reduced weekly rest period spent in the vehicle not more than twice to perform other activities not exceeding one hour in total in order to move the vehicle in border-crossing, customs, loading or unloading areas.***

Or. lv

*Justification*

*The insertion is necessary because at the eastern external borders of the EU vehicles are often compelled to wait in a queue for as long as 10 hours. In reality drivers use this time to rest, but have to interrupt their rest briefly a number of times in order to move their vehicle on in the queue. This activity cannot be regarded as ‘driving’, as the driver would then again have to take a rest immediately after crossing the border or even interrupt his driving before crossing it, thus losing his place in the queue, because he was compelled to take a break.*

**Amendment 305**  
**Markus Ferber**

**Proposal for a regulation**  
**Article 2 – point 1**  
Regulation (EC) No 561/2006  
Article 13 – paragraph 1

*Text proposed by the Commission*

*Amendment*

***In Article 13, paragraph 1, points (d) and (f) the maximum permissible mass of ‘7.5 t’ is replaced by ‘12 t’.***

Or. de

**Amendment 306**  
**Dieter-Lebrecht Koch**

**Proposal for a regulation**  
**Article 2 – point 1**  
Regulation (EC) 561/2006  
Article 13 – point d

*Text proposed by the Commission*

*Amendment*

***(d) vehicles or combinations of vehicles with a maximum permissible mass not exceeding 7,5 tonnes used:***  
***- that are used for the purpose of delivering postal items. If recourse to the exception is made, these vehicles shall only be used within a 200 kilometre radius of the base of the undertaking and on condition that driving the vehicle does not constitute the driver's main activity.***

Or. en

*Justification*

*The exception applies only to the universal service providers. Other transport companies such as smaller transport companies, which handle parcel delivery as sub-contractor are alone affected by the requirement to record driving times and rest periods. This leads to a distortion of competition for all other postal service providers.*

**Amendment 307**  
**Dieter-Lebrecht Koch**

**Proposal for a regulation**  
**Article 2 – point 1**  
Regulation (EC) No 561/2006  
Article 8 – paragraph 6a

*Text proposed by the Commission*

*Amendment*

*By way of derogation from paragraph 6, a driver engaged in the 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:*

- a) the driver takes one regular weekly rest period after the use of the derogation;*
- b) a total weekly rest period of 140 hours is observed within a 4-week period.*

Or. de

*Justification*

*The current rule (Regulation (EC) No 561/2006, Article 8, paragraph 6a) makes it compulsory to spend 24 hours abroad, and limiting this to international transport disadvantages domestic tourism. There is no positive impact on road safety, as it is irrelevant whether the journey is made nationally or abroad. This constraint should therefore be rejected.*

**Amendment 308**  
**Mathieu Grosch**

**Proposal for a regulation**  
**Article 2 – point 1**  
Regulation (EC) No 561/2006  
Article 13 – paragraph -1 (new)

*Text proposed by the Commission*

*Amendment*

*A new paragraph is added before Article*



***13(1) of Regulation 561/2006:***

***(-1 new) Member States must allow derogations from Articles 5 to 9 for vehicles or combinations of vehicles used for carrying materials, equipment or machinery for the driver's use in the course of his work, and which are used only within a 150 kilometre radius from the base of the undertaking and only on the condition that driving the vehicle does not constitute the driver's main activity.***

Or. de

*Justification*

*Handicraft businesses, market traders and other small and medium-sized enterprises whose main activity does not involve driving heavy goods vehicles, but do still need to transport their equipment, should be exempted from the Regulation provided that the driving involved is within a 150 km radius. This provision should apply in all Member States, thus providing clarity for all concerned.*

**Amendment 309**  
**Inés Ayala Sender**

**Proposal for a regulation**  
**Article 2 – point -1 (new)**  
Regulation (EC) 561/2006  
Article 3

*Text proposed by the Commission*

*Amendment*

***-1) In Article 3, point (a) is deleted.***

Or. es

*Justification*

*Regulation 561/2006 introduced an exemption for buses on regular services where the route covered does not exceed 50 km. Experience has shown that this exemption has led to fraud by companies that combine long-distance services with short distances. In order to improve road safety and achieve a 50% reduction in the number of casualties by 2020, it is therefore necessary to make the scope of the tachograph apply to all passenger buses.*

**Amendment 310**

**Gesine Meissner**

**Proposal for a regulation**

**Article 2 – paragraph 1 a (new)**

Regulation (EC) 561/2006

Art. 13 – Abs. 1, h

*Text proposed by the Commission*

*Amendment*

***The wording "road maintenance and control" in point (h) of Article 13(1) should be replaced by "road construction, maintenance and control".***

Or. en

*Justification*

*This would allow a more precise definition for the vehicles that are exempt.*

**Amendment 311**

**Eva Lichtenberger, Georges Bach**

**Proposal for a regulation**

**Article 2 – point 1 a (new)**

Regulation (EC) No 561/2006

Article 2

*Text proposed by the Commission*

*Amendment*

***Article 2***

***1. This Regulation shall apply to the carriage by road:***

***(a) of goods where the maximum permissible mass of the vehicle, including any trailer, or semi-trailer, exceeds 1,5 tonnes, or***

***(b) of passengers by vehicles which are constructed or permanently adapted for carrying more than nine persons***

*including the driver, and are intended for that purpose.*

Or. en

**Amendment 312**  
**Dieter-Lebrecht Koch**

**Proposal for a regulation**  
**Article 2 – paragraph 1 b (new)**  
Regulation (EC) No 561/2006  
Article 13 c a (new)

*Text proposed by the Commission*

*Amendment*

*Civil defence, fire and rescue service vehicles, regardless of whether these are State or non-State services*

Or. de

**Amendment 313**  
**Markus Ferber**

**Proposal for a regulation**  
**Article 2 – paragraph 1 b (new)**  
Regulation (EC) No 561/2006  
Article 8 – paragraph 6

*Text proposed by the Commission*

*Amendment*

*Regulation (EC) No 561/2006 is amended as follows:*

*The following section is added to Article 8, paragraph 6:*

*By way of derogation, the following rule is admissible for the carriage of passengers:*

*Over a 4-week period, a total weekly rest period of 140 hours must be observed, with the minimum weekly rest period being 24 hours per week. Any shortfall in rest periods must be made up within this*

*4-week period.*

Or. de

**Amendment 314**  
**Eva Lichtenberger**

**Proposal for a regulation**  
**Article 2 – paragraph 1 b (new)**  
Regulation (EC) 561/2006  
Article 13 (3)

*Text proposed by the Commission*

*Amendment*

*3. Provided that the objectives set out in Article 1 are not prejudiced and adequate protection for drivers is provided, a Member State may, after approval by the Commission, grant on its own territory minor exemptions from this Regulation for vehicles used in predefined areas with a population density of less than five persons per square kilometre, in the following cases:*

- regular domestic passenger services, where their schedule is confirmed by the authorities and*
- domestic road haulage operations for own account or for hire or reward, which have no impact on the single market and are needed to maintain certain sectors of industry in the territory concerned and where the exempting provisions of this Regulation impose a limiting radius of up to 50 km.*

*Carriage by road under this exemption may include a journey to an area with a population density of five persons or more per square kilometre only in order to end or start the journey. Any such measures shall be proportionate in nature and scope.*

Or. en

**Amendment 315**  
**Markus Ferber**

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

*Text proposed by the Commission*

*Amendment*

***Regulation (EC) No 561/2006 is amended as follows:***

***The following section is added to Article 8, paragraph 6a:***

***By way of derogation, the following rule is admissible for the carriage of passengers:***

***The 12-day rule should also be applied nationally and not just be restricted to one single trip.***

***Prior to and following a trip lasting longer than 6 times 24 hours, one regular 45-hour weekly rest period should be observed. A total weekly rest period of 140 hours must be observed within a 4-week period.***

Or. de

**Amendment 316**  
**Markus Ferber**

**Proposal for a regulation**  
**Article 2 – paragraph 1 d (new)**  
Regulation (EC) No 561/2006  
Article 8 – paragraph 2

*Text proposed by the Commission*

*Amendment*

***Regulation (EC) No 561/2006 is amended as follows:***

***The following section is added to Article 8, paragraph 2:***

*By way of derogation, the following rule is admissible for the carriage of passengers:*

*The reference period within which a new daily rest period has to be taken can be extended to 27 hours on the following condition:*

*Within a period of 27 hours after the end of a previous daily rest period or weekly rest period a driver must take a new daily rest period.*

*Daily rest periods must in this case last at least 11 consecutive hours.*

*Three times a week, the daily rest period may be divided into up to three segments, whereby the total daily rest period must amount to 14 hours and at least one of the segments must last no less than 9 hours.*

Or. de

**Amendment 317**

**Markus Ferber**

**Proposal for a regulation**

**Article 2 – paragraph 1 e (new)**

Regulation (EC) No 561/2006

Article 7 – paragraph 2

*Text proposed by the Commission*

*Amendment*

*Regulation (EC) No 561/2006 is amended as follows:*

*The following section is added to Article 7, paragraph 2:*

*By way of derogation, the following rule is admissible for the carriage of passengers:*

*After a driving period of four and a half hours a driver shall take a break of not less than 45 minutes. This break can, however, be replaced by a number of*

*breaks of at least 15 minutes.*

Or. de

**Amendment 318**

**Dominique Riquet, Isabelle Durant, Michel Dantin, Dominique Vlasto**

**Proposal for a regulation**

**Article 2 – paragraph 2**

Regulation (EC) 561/2006

Article 2

*Text proposed by the Commission*

*Amendment*

*The distance of ‘50 km’ referred to in points (d), (f) and (p) of Article 13(1) is replaced by ‘100 km’.*

*deleted*

Or. fr

*Justification*

*Road safety requirements do not allow the 50 km distance to be called into question.*

**Amendment 319**

**Eva Lichtenberger, Dominique Riquet, Isabelle Durant, Michel Dantin, Georges Bach**

**Proposal for a regulation**

**Article 2 – paragraph 2**

Regulation (EC) No 561/2006

Article 2

*Text proposed by the Commission*

*Amendment*

*The distance of ‘50 km’ referred to in points (d), (f) and (p) of Article 13(1) is replaced by ‘100 km’.*

*deleted*

Or. en

*Justification*

*Concerns about road safety should prevent the 50 km radius to be questioned.*

**Amendment 320**

**Saïd El Khadraoui, Silvia-Adriana Țicău**

**Proposal for a regulation**

**Article 2 – paragraph 2**

Regulation (EC) No 561/2006

Article 13 – paragraph 1 – point (d), (f), (p)

*Text proposed by the Commission*

*Amendment*

***The distance of ‘50 km’ referred to in points (d), (f) and (p) of Article 13(1) is replaced by ‘100 km’.***

***deleted***

Or. en

**Amendment 321**

**Inés Ayala Sender**

**Proposal for a regulation**

**Article 2 – paragraph 2**

Regulation (EC) 561/2006

Article 13 – paragraph 1 – point (d), (f), (p)

*Text proposed by the Commission*

*Amendment*

***The distance of ‘50 km’ referred to in points (d), (f) and (p) of Article 13(1) is replaced by ‘100 km’.***

***deleted***

Or. es

*Justification*

*The Commission argues that it is necessary to increase the distance to 100 km on the grounds of simplifying bureaucracy and supposed cost savings. This measure would, however, make road safety worse for other road users who are the main victims of accidents involving heavy vehicles.*

**Amendment 322**

**Thomas Ulmer**



**Proposal for a regulation**

**Article 2 – paragraph 2**

Regulation (EC) No 561/2006

Article 13 – paragraph 1 – points d, f, p

*Text proposed by the Commission*

The distance of ‘50 km’ referred to in points (d), (f) and (p) of Article 13(1) is replaced by ‘**100** km’.

*Amendment*

The distance of ‘50 km’ referred to in points (d), (f) and (p) of Article 13(1) is replaced by ‘**200** km’.

Or. de

**Amendment 323**

**Ismail Ertug, Knut Fleckenstein**

**Proposal for a regulation**

**Article 2 – paragraph 2**

Regulation (EC) No 561/2006

Article 13 – paragraph 1 – points d, f, p

*Text proposed by the Commission*

The distance of ‘50 km’ referred to in points (d), (f) and (p) of Article 13(1) is replaced by ‘**100** km’.

*Amendment*

The distance of ‘50 km’ referred to in points (d), (f) and (p) of Article 13(1) is replaced by ‘**150** km’.

Or. de

**Amendment 324**

**Gesine Meissner**

**Proposal for a regulation**

**Article 2 – paragraph 2**

Regulation (EC) No 561/2006

Article 13 – paragraph 1 – points d, f, p

*Text proposed by the Commission*

The distance of ‘50 km’ referred to in points (d), (f) and (p) of Article 13(1) is replaced by ‘**100** km’.

*Amendment*

The distance of ‘50 km’ referred to in points (d), (f) and (p) of Article 13(1) is replaced by ‘**150** km’.

Or. de

**Amendment 325**  
**Hubert Pirker**

**Proposal for a regulation**

**Article 2 – paragraph 2**

Regulation (EC) No 561/2006

Article 13 – paragraph 1 – points d, f, p

*Text proposed by the Commission*

The distance of ‘50 km’ referred to in points (d), (f) and (p) of Article 13(1) is replaced by ‘**100** km’.

*Amendment*

- The distance of ‘50 km’ referred to in points (d), (f) and (p) of Article 13(1) is replaced by ‘**150** km’.

Or. de

*Justification*

*In order to reduce the administrative burden and simplify the situation for SMEs, the so-called ‘tradesmen’s rule’ needs to be adapted. Driving a vehicle does not constitute the main activity of handicraft businesses, but use of the means of transport is merely ancillary to exercising the profession in question. In order to ensure the competitiveness of SMEs, provision should be made for exemptions from the obligation to use a tachograph for these undertakings.*

**Amendment 326**  
**Anna Rosbach**

**Proposal for a regulation**

**Article 2 – paragraph 2**

Council Regulation (EEC) No 561/2006

Article 13(1) – (d), (f), (p)

*Text proposed by the Commission*

The distance of ‘50 km’ referred to in points (d), (f) and (p) of Article 13(1) is replaced by ‘**100** km’.

*Amendment*

The distance of ‘50 km’ referred to in points (d), (f) and (p) of Article 13(1) is replaced by ‘**150** km’.

Or. en

**Amendment 327**

**Dieter-Lebrecht Koch, Christian Ehler, Peter Jahr, Werner Kuhn, Horst Schnellhardt, Hermann Winkler, Joachim Zeller**

**Proposal for a regulation**

**Article 2 – paragraph 2**

Regulation (EC) No 561/2006

Article 13 – paragraph 1 – points d, f und p

*Text proposed by the Commission*

The distance of ‘50 km’ referred to in points (d), (f) and (p) of Article 13(1) is replaced by ‘**100** km’.

*Amendment*

The distance of ‘50 km’ referred to in points (d), (f) and (p) of Article 13(1) is replaced by ‘**200** km’.

Or. de

**Amendment 328**

**Markus Ferber**

**Proposal for a regulation**

**Article 2 – paragraph 2**

Regulation (EC) No 561/2006

Article 13 – paragraph 1

*Text proposed by the Commission*

The distance of ‘50 km’ referred to in points (d), (f) and (p) of Article 13(1) is replaced by ‘**100** km’.

*Amendment*

The distance of ‘50 km’ referred to in points (d), (f) and (p) of Article 13(1) is replaced by ‘**250** km’.

Or. de

**Amendment 329**

**Martin Kastler**

**Proposal for a regulation**

**Article 2 – paragraph 2**

Regulation (EC) No 561/2006

Article 13 – paragraph 1

*Text proposed by the Commission*

The distance of ‘50 km’ referred to in

*Amendment*

The distance of ‘50 km’ referred to in

points (d), (f) and (p) of Article 13(1) is replaced by '**100 km**'.

points (d), (f) and (p) of Article 13(1) is replaced by '**150 km**'.

Or. de

### **Amendment 330**

**Mathieu Grosch**

#### **Proposal for a regulation**

##### **Article 2 – paragraph 2**

Regulation (EC) No 561/2006

Article 13 – paragraph 1

#### *Text proposed by the Commission*

The distance of '50 km' referred to in points (d), (f) and (p) of Article 13(1) is replaced by '100 km'.

#### *Amendment*

The distance *of* '**100 km**' *or* '50 km' referred to in points (**b**), d), (f) and (p) of Article 13(1) is replaced by '**150 km**'.

Or. de

### **Amendment 331**

**Anja Weisgerber, Hermann Winkler**

#### **Proposal for a regulation**

##### **Article 2 – paragraph 2**

Regulation (EC) No 561/2006

Article 13 – paragraph 1

#### *Text proposed by the Commission*

The distance of '50 km' referred to in points (d), (f) and (p) of Article 13(1) is replaced by '**100 km**'.

#### *Amendment*

The distance of '50 km' referred to in points (d), (f) and (p) of Article 13(1) is replaced by '**200 km**'.

Or. de

#### *Justification*

*The Regulation is intended to contribute to road safety by preventing exhaustion in long-distance and professional drivers. For regionally active businesses such as handicraft businesses, on the other hand, driving is of lesser importance as they deliver the vast majority of their products or provide services within a radius of 200 km of their centre of operation.*

*The cost of purchasing tachographs, driver cards and software amounts to several thousand euros, which is disproportionate.*

## **Amendment 332**

**Hubert Pirker**

### **Proposal for a regulation**

#### **Article 2 – paragraph 2 a (new)**

Regulation (EC) No 561/2006

Article 13 – paragraph 1 – point q (new)

*Text proposed by the Commission*

*Amendment*

**- The following new point (q) is added to Article 13(1):**

**‘vehicles used in construction traffic for the supply and delivery of building materials’.**

Or. de

### *Justification*

*It is at times practically impossible for construction traffic to be in full compliance with the driving and rest time regulations (large number of brief stops, vehicle must be moved during pauses in driving, delivery of ‘perishable goods’ such as concrete and asphalt, etc.). This amendment allows Member States to take the specific practical circumstances that exist in the field of construction traffic into account.*

## **Amendment 333**

**Säïd El Khadraoui, Silvia-Adriana Țicău**

### **Proposal for a regulation**

#### **Article 2 – paragraph 2 a (new)**

Regulation (EC) No 561/2006

Article 2 paragraph 1 point (a)

*Text proposed by the Commission*

*Amendment*

**Article 2 (1) point (a) is replaced by: "by all vehicles or combination of vehicles used for commercial carriage of goods"**

**Amendment 334**  
**Dieter-Lebrecht Koch**

**Proposal for a regulation**  
**Article 2 – paragraph 2 a (new)**  
Regulation (EC) No 561/2006  
Article 13 – point h

*Text proposed by the Commission*

*Amendment*

***h) vehicles used in connection with sewerage, flood protection, water, gas and electricity maintenance services, road construction, maintenance and control, door-to-door household refuse collection and disposal, telegraph and telephone services, radio and television broadcasting, and the detection of radio or television transmitters or receivers;***

Or. de

*Justification*

*Road construction vehicles should also be exempted from the obligation to use a tachograph, alongside road maintenance and control vehicles, because the same firms use the same vehicles to carry out the same activities for the same contractors.*

**Amendment 335**  
**Martin Kastler**

**Proposal for a regulation**  
**Article 2 – paragraph 2 a (new)**  
Regulation (EC) No 561/2006  
Article 13 – paragraph 1

*Text proposed by the Commission*

*Amendment*

***In Article 13, paragraph 1, point (d) the wording ‘with a maximum permissible mass not exceeding 7.5 tonnes’ is deleted.***

**Amendment 336**  
**Gesine Meissner**

**Proposal for a regulation**  
**Article 2 – paragraph 2 a (new)**  
Regulation (EC) No 561/2006  
Article 8 – paragraph 2

*Text proposed by the Commission*

*Amendment*

***The following section is added to Article 8, paragraph 2:***

***By way of derogation, the following rule is admissible for the carriage of passengers:***

***The reference period within which a new daily rest period has to be taken can be extended to 27 hours on the following condition:***

***Within a period of 27 hours after the end of a previous daily rest period or weekly rest period a driver must take a new daily rest period.***

***Daily rest periods must in this case last at least 11 consecutive hours.***

***Three times a week, the daily rest period may be divided into up to three segments, whereby the total daily rest period must amount to 14 hours and at least one of the segments must last no less than 9 hours.***

Or. de

*Justification*

*Only a small proportion of the typical bus journey nowadays is made up of working hours (driving time or other activities) or on-call time. The bulk of shift time takes the form of pauses and waiting time. It would therefore be useful to offer the possibility of extending the reference period for the daily rest period and greater flexibility in dividing up the daily rest period.*

**Amendment 337**  
**Mathieu Grosch**

**Proposal for a regulation**  
**Article 2 – paragraph 2 a (new)**  
Regulation (EC) No 561/2006  
Article 13 – paragraph 1– point (d)

*Text proposed by the Commission*

*Amendment*

***The content of Article 13, paragraph 1, point (d) of Regulation 561/2006 is replaced by:***

***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 and for carrying materials, equipment or machinery for the driver's use in the course of his work, with these vehicles only being used within a 150 kilometre radius from the base of the undertaking, and on condition that driving the vehicles does not constitute the driver's main activity;***

Or. de

*Justification*

*Adaptation necessary on account of amendment to Article 13 paragraph -1 (new) of Regulation 561/2006.*

**Amendment 338**  
**Anja Weisgerber, Hermann Winkler**



**Proposal for a regulation**  
**Article 2 – paragraph 2 a (new)**  
Regulation (EC) No 561/2006  
Article 13 – paragraph 1

*Text proposed by the Commission*

*Amendment*

***Regulation (EC) No 561/2006 is amended  
as follows:***

***In Article 13, paragraph 1, points (d) and  
(f) the maximum permissible mass of ‘7.5  
t’ is replaced by ‘12 t’.***

Or. de

*Justification*

*The Regulation is intended to contribute to road safety by preventing exhaustion in long-distance and professional drivers in particular. For regionally active businesses, on the other hand, driving is of lesser importance. Since the cost of purchasing tachographs, driver cards and software can amount to several thousand euros, it is essential to raise the weight limit in order to ease the burden on SMEs.*

**Amendment 339**  
**Dieter-Lebrecht Koch**

**Proposal for a regulation**  
**Article 2 – paragraph 2 b (new)**  
Regulation (EC) No 561/2006  
Article 13 – paragraph 1 – point (l)

*Text proposed by the Commission*

*Amendment*

***vehicles used for milk collection from  
farms and/or the return to farms of milk  
containers or the delivery of milk products  
intended for animal feed.***

Or. de

**Amendment 340**  
**Gesine Meissner**

**Proposal for a regulation**  
**Article 2 – paragraph 2 b (new)**  
Regulation (EC) No 561/2006  
Article 8 - paragraph 6

*Text proposed by the Commission*

*Amendment*

***The following section is added to Article 8, paragraph 6:***

***By way of derogation, the following rule is admissible for the carriage of passengers:***

***Over a 4-week period, a total weekly rest period of 140 hours must be observed, with the minimum weekly rest period being 24 hours per week. Any shortfall in rest periods must be made up within this 4-week period.***

Or. de

*Justification*

*The existing rules do not provide the necessary flexibility for drivers, passengers and bus companies. A 24-hour rest period provides sufficient time for drivers to recover physically and mentally and gives them the opportunity to spend a longer uninterrupted rest period at home.*

**Amendment 341**  
**Dieter-Lebrecht Koch**

**Proposal for a regulation**  
**Article 2 – paragraph 2 c (new)**  
Regulation (EC) No 561/2006  
Article 13 – paragraph 1 – point (q) (new)

*Text proposed by the Commission*

*Amendment*

***q) vehicles used on condition that driving them does not constitute the driver's main activity.***

Or. de

**Amendment 342**  
**Eva Lichtenberger**

**Proposal for a regulation**  
**Article 2 – point 1 a (new)**  
Regulation (EC) 561/2006  
Article 13 – paragraph 1

*Text proposed by the Commission*

*Amendment*

**Article 13**

***1. Member States may exempt the vehicles mentioned below from the application of this Regulation:***

***(a) vehicles owned or hired, without a driver, by public authorities to undertake carriage by road which do not compete with private transport undertakings;***

***(b) vehicles used or hired, without a driver, by agricultural, horticultural, forestry, farming or fishery undertakings for carrying goods as part of their own entrepreneurial activity within a radius of up to 50 km from the base of the undertaking;***

***(c) agricultural tractors and forestry tractors used for agricultural or forestry activities, within a radius of up to 50 km from the base of the undertaking which owns, hires or leases the vehicle;***

***(d) vehicles or combinations of vehicles with a maximum permissible mass not exceeding 7,5 tonnes used for carrying materials, equipment or machinery for the driver's use in the course of his work. These vehicles shall be used only within a 50 kilometre radius from the base of the undertaking, and on condition that driving the vehicles does not constitute the driver's main activity;***

***(e) vehicles operating exclusively on islands not exceeding 2300 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;*

*(f) vehicles used for the carriage of goods within a 50 km radius from the base of the undertaking and propelled by means of natural or liquefied gas or electricity, the maximum permissible mass of which, including the mass of a trailer or semi-trailer, does not exceed 7,5 tonnes;*

*(g) vehicles used for driving instruction and examination with a view to obtaining a driving licence or a certificate of professional competence, provided that they are not being used for the commercial carriage of goods or passengers;*

*(h) vehicles used in connection with sewerage, flood protection, water, gas and electricity maintenance services, road maintenance and control, door-to-door household refuse collection and disposal, telegraph and telephone services, radio and television broadcasting, and the detection of radio or television transmitters or receivers;*

*(i) specialised vehicles transporting circus and funfair equipment;*

*(j) specially fitted mobile project vehicles, the primary purpose of which is use as an educational facility when stationary;*

*(k) vehicles used for milk collection from farms and the return to farms of milk containers or milk products intended for animal feed;*

*(l) specialised vehicles transporting money and/or valuables;*

*(m) vehicles used exclusively on roads inside hub facilities such as ports, interports and railway terminals;*

Or. en

