



Plenary sitting

A9-0115/2020

10.6.2020

*****II**

RECOMMENDATION FOR SECOND READING

on the Council position at first reading with a view to the adoption of a regulation of the European Parliament and of the Council amending Regulation (EC) No 561/2006 as regards minimum requirements on maximum daily and weekly driving times, minimum breaks and daily and weekly rest periods and Regulation (EU) No 165/2014 as regards positioning by means of tachographs (05114/1/2020 – C9-0104/2020 – 2017/0122(COD))

Committee on Transport and Tourism

Rapporteur: Henna Virkkunen

Symbols for procedures

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

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

Amendments to a draft act

Amendments by Parliament set out in two columns

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

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

Amendments by Parliament in the form of a consolidated text

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

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

CONTENTS

	Page
DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION	4
SHORT JUSTIFICATION	6
PROCEDURE – COMMITTEE RESPONSIBLE	9
FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE	10

DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the Council position at first reading with a view to the adoption of a regulation of the European Parliament and of the Council amending Regulation (EC) No 561/2006 as regards minimum requirements on maximum daily and weekly driving times, minimum breaks and daily and weekly rest periods and Regulation (EU) No 165/2014 as regards positioning by means of tachographs
(05114/1/2020 – C9-0104/2020 – 2017/0122(COD))**

(Ordinary legislative procedure: second reading)

The European Parliament,

- having regard to the Council position at first reading (05114/1/2020 – C9-0104/2020),
 - having regard to the opinion of the European Economic and Social Committee of 18 January 2018¹,
 - having regard to the opinion of the Committee of the Regions of 1 February 2018²,
 - having regard to the opinion of the Commission (COM(2020)0151),
 - having regard to its position at first reading³ on the Commission proposal to Parliament and the Council (COM(2017)0277),
 - having regard to Article 294(7) of the Treaty on the Functioning of the European Union,
 - having regard to the provisional agreement approved by the committee responsible under Rule 74(4) of its Rules of Procedure,
 - having regard to Rule 67 of its Rules of Procedure,
 - having regard to the recommendation for second reading of the Committee on Transport and Tourism (A9-0115/2020),
1. Approves the Council position at first reading;
 2. Notes that the act is adopted in accordance with the Council position;
 3. Instructs its President to sign the act with the President of the Council, in accordance with Article 297(1) of the Treaty on the Functioning of the European Union;
 4. Instructs its Secretary-General to sign the act, once it has been verified that all the procedures have been duly completed, and, in agreement with the Secretary-General of

¹ OJ C 197, 8.6.2018, p. 45.

² OJ C 176, 23.5.2018, p. 57.

³ Texts adopted of 4.4.2019, P8_TA(2019)0340.

the Council, to arrange for its publication in the *Official Journal of the European Union*;

5. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

SHORT JUSTIFICATION

1. Social legislation in international road transport

The road transport sector is an important part of common transport policy, employing over 11 million people and accounted for almost half of total goods transport activities in the EU. The social legislation in the road transport field has three complementary goals: (1) to enhance road safety, (2) to prevent the competition distortion, and (3) to improve drivers' working conditions.

Regulation (EC) No 561/2006 lays down rules applicable to driving times, breaks and rest periods for drivers engaged in the carriage of goods and passengers by road. The implementation process of this Regulation revealed several challenges. These include diverging enforcement practice applied across the different EU Member States, clarity of the text of the regulation, broad discretion of the Member States and various exemptions allowed by the regulation. These challenges influence harmonisation of road transport, as well as legal certainty, and they limit the fulfilment of the regulation's goal.

In order to deal with those challenges, the Commission adopted a set of legislative proposals covering social and internal market aspects of road transport in the EU, as part of the 'Europe on the Move' package for clean, competitive and connected mobility on 31 May 2017. The purpose of this package was to ensure fair competition, simplify existing rules, whilst preserving the internal market and ensuring the rights of workers in road sector.

2. The Commission proposal

The general objective of the proposal amending Regulations (EC) No 561/2006 on driving time and rest periods and (EU) No 165/2014 on tachographs was to clarify certain provisions and adapt some rules to the changing needs of the sector and to step up smart enforcement of the social rules in road transport.

To attain the general objective, the Commission, inter alia, proposed to

- allow for more flexibility in the organization of the drivers' weekly rest periods, so that drivers can take two consecutive reduced weekly rests within a period of four weeks and benefit from an accumulated weekly rest.
- clarify that drivers cannot take a weekly rest of 45 hours or more in a vehicle, and that the employer is obliged to provide the driver with adequate accommodation with appropriate sleeping and hygiene facilities, if drivers are not able to take these weekly rests at a private place of their choice. This was intended to improve the working conditions of drivers and to ensure good conditions for their rest.
- oblige transport undertakings to organise the drivers' work in such a way that they are able to return to their home for a weekly rest at least once within three consecutive weeks. This was intended to prevent a situation where drivers are working abroad for long periods, without the possibility to return home regularly.
- improve the features of 'smart' tachographs to make it possible to more precisely position

vehicles used for cross-border transport operations, and to add an obligation on drivers to record in a tachograph the position of their vehicle after having crossed a border, at the earliest suitable stopping place.

3. Interinstitutional negotiations

Following the adoption of the Parliament first reading position on 4 April 2019, interinstitutional negotiations (aimed at an early second reading agreement) took place from October to December 2019 under the Finnish Presidency of the Council. After four rounds of trilogues, some of them jointly, the Parliament's negotiating team reached a provisional agreement with the Council Presidency during the last trilogue that took place on 11 - 12 December 2019.

The text of the provisional agreement was presented to the Committee on Transport and Tourism (TRAN) and confirmed on 21 January 2020. On the basis of the Committee's approval, the Chair of the TRAN Committee, in her letter to the Chair of the Committee of Permanent Representatives (COREPER I), indicated that she would recommend to the Plenary to approve the Council's position without amendments, provided that it is in conformity with the provisional agreement reached between the two institutions. Following legal-linguistic verification, the Council on 7 April 2020 (by written procedure) formally adopted its position in accordance with the provisional agreement.

4. Main elements of the agreement

The overall agreement that the European Parliament reached with the Council and the Commission intends to improve further the current EU social and internal market rules for road transport. In particular, the following was achieved:

- On organisation of the weekly rest periods, the agreement upholds the Commission's objective of providing further flexibility for long-distance freight transport, while ensuring that drivers return home regularly for a long rest period. This possibility is provided as an exception from the current rule allowing for taking a reduced weekly rest every second week. It is limited to drivers engaged in international freight transport, and subject to certain conditions, i.e. the two consecutive reduced rest periods shall be taken outside the Member State of establishment, the consecutive reduced rest periods shall be compensated before the following regular rest period and the driver shall be able to return home every 3 weeks.

- On regular return of the driver, the agreement specifies that the companies should organize the work of drivers in a way that the drivers are able to go back to the employer's operational centre where the driver is normally based or to the drivers' place of residence within each period of four consecutive weeks. A recital clarifies that "drivers are free to choose where to spend their rest period". The interval is reduced to three weeks in case the driver has taken two consecutive reduced weekly rests. The international drivers could benefit from this provision, as it helps in preventing a situation where drivers are working abroad for long periods, without the possibility to return home to their families.

- Further flexibility is allowed for by the introduced possibility of exceeding the daily and weekly driving times in exceptional circumstances, to be able to reach the employer's

operational centre or the driver's place of residence for taking a weekly rest. Under such exceptional circumstances, either the driver could exceed the driving time up to one hour, or up to two hours if a break of 30 minutes was taken prior to the additional driving. Flexibility is enhanced also by allowing the driver to use 8 hour or longer train and ferry journeys for regular weekly rests, provided the driver has access to a sleeper cabin.

- The agreement upholds banning regular weekly rests in the vehicle. It goes even further in striving to guarantee appropriate resting conditions for drivers by mandating the Commission to come up with detailed provisions concerning safe and secure parking areas, i.e. the level of service and the procedure for the certification of these parking areas.

- New element is the inclusion of the operators of light commercial vehicles, exceeding 2,5 tonnes, into the scope of these Regulations. As this requirement includes only vehicles for professional use and operating in international transport, it would apply to operations where a level-playing field is required. It will further increase road safety for this type of vehicles involved in international transport for hire and reward.

- In order to achieve effective and efficient enforcement of the new social and internal market rules, the agreement introduces a new generation of “smart” tachographs for more precise positioning of vehicles used for cross-border transport operations, in order to ensure proper enforcement of the new rules. It also asks for an ambitious, but realistic timeline for the introduction of this new technology. The schedule is provided for both the new vehicles (two years from the date of adoption of the technical specifications) and the existing fleet (retrofit three years from the date of adoption of the technical specifications for all vehicles equipped with a tachograph other than the smart tachograph version 1; retrofit four years from the date of adoption of the technical specifications for all vehicles equipped with a smart tachograph version 1).

5. Recommendation

As Council's first reading position is in conformity with the provisional agreement reached during the interinstitutional negotiations, the Rapporteur recommends endorsing it without amendments.

PROCEDURE – COMMITTEE RESPONSIBLE

Title	Amending Regulation (EC) No 561/2006 as regards on minimum requirements on maximum daily and weekly driving times, minimum breaks and daily and weekly rest periods and Regulation (EU) 165/2014 as regards positioning by means of tachographs
References	05114/1/2020 – C9-0104/2020 – 2017/0122(COD)
Date of Parliament’s first reading – P number	4.4.2019 T8-0340/2019
Commission proposal	COM(2017)0277 - C8-0167/2017
Receipt of Council position at first reading announced in plenary	17.4.2020
Committee responsible Date announced in plenary	TRAN 17.4.2020
Rapporteurs Date appointed	Henna Virkkunen 18.7.2019
Previous rapporteurs	Henna Virkkunen
Discussed in committee	28.4.2020
Date adopted	8.6.2020
Result of final vote	+: 33 –: 15 0: 1
Members present for the final vote	Magdalena Adamowicz, Andris Ameriks, José Ramón Bauzá Díaz, Izaskun Bilbao Barandica, Marco Campomenosi, Ciarán Cuffe, Jakop G. Dalunde, Johan Danielsson, Andor Deli, Karima Delli, Anna Deparnay-Grunenberg, Ismail Ertug, Gheorghe Falcă, Giuseppe Ferrandino, Mario Furore, Søren Gade, Isabel García Muñoz, Elsi Katainen, Kateřina Konečná, Elena Kountoura, Julie Lechanteux, Bogusław Liberadzki, Peter Lundgren, Benoît Lutgen, Elżbieta Katarzyna Łukacijewska, Marian-Jean Marinescu, Tilly Metz, Giuseppe Milazzo, Cláudia Monteiro de Aguiar, Caroline Nagtegaal, Jan-Christoph Oetjen, Philippe Olivier, Rovana Plumb, Tomasz Piotr Poręba, Dominique Riquet, Dorien Rookmaker, Massimiliano Salini, Sven Schulze, Vera Tax, Barbara Thaler, István Ujhelyi, Petar Vitanov, Elissavet Vozemberg-Vrionidi, Lucia Vuolo, Roberts Ziļe, Kosma Złotowski
Substitutes present for the final vote	Leila Chaibi, Roman Haider, Henna Virkkunen
Date tabled	10.6.2020

FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

33	+
ECR	Peter Lundgren
GUE/NGL	Leila Chaibi, Kateřina Konečná, Elena Kountoura
ID	Marco Campomenosi, Roman Haider, Julie Lechanteux, Philippe Olivier, Lucia Vuolo
NI	Mario Furore
PPE	Benoît Lutgen, Giuseppe Milazzo, Massimiliano Salini, Sven Schulze, Henna Virkkunen, Elissavet Vozemberg-Vrionidi
Renew	José Ramón Bauzá Díaz, Izaskun Bilbao Barandica, Søren Gade, Elsi Katainen, Caroline Nagtegaal, Jan-Christoph Oetjen, Dominique Riquet
S&D	Johan Danielsson, Ismail Ertug, Giuseppe Ferrandino, Isabel García Muñoz, Vera Tax
Verts/ALE	Ciarán Cuffe, Jakop G. Dalunde, Karima Delli, Anna Deparnay-Grunenberg, Tilly Metz

15	-
ECR	Tomasz Piotr Poręba, Roberts Zīle, Kosma Złotowski
NI	Dorian Rookmaker
PPE	Magdalena Adamowicz, Andor Deli, Gheorghe Falcă, Marian-Jean Marinescu, Barbara Thaler, Elżbieta Katarzyna Łukacijewska
S&D	Andris Ameriks, Bogusław Liberadzki, Rovana Plumb, István Ujhelyi, Petar Vitanov

1	0
PPE	Cláudia Monteiro de Aguiar

Key to symbols:

+ : in favour

- : against

0 : abstention