

EUROOPA PARLAMENT

2004



2009

Istungidokument

LÕPLIK
A6-0006/2006

24.1.2006

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RAPORT

Lepituskomitees heaks kiidetud ühine tekst Euroopa Parlamendi ja nõukogu teatavate autovedusid käsitlevate sotsiaalõigusnormide ühtlustamist käsitleva määruse vastuvõtmiseks, millega muudetakse nõukogu määruseid (EMÜ) nr 3821/85 ja (EÜ) nr 2135/98 ning tunnistatakse kehtetuks määrus (EMÜ) nr 3820/85
(PE-CONS 3671/2005 – C6-0416/2005 – 2001/0241(COD))

Euroopa Parlamendi delegatsioon lepituskomitees

Delegatsiooni juht: Alejo Vidal-Quadras Roca
Raportöör: Helmuth Markov

Kasutatud tähised

- * nõuandemenetlus
antud häälte enamus
- **I koostöömenetlus (esimene lugemine)
antud häälte enamus
- **II koostöömenetlus (teine lugemine)
antud häälte enamus ühise seisukoha heakskiitmiseks, parlamendi liikmete hääleteenamus ühise seisukoha tagasilükkamiseks või muutmiseks
- *** nõusolekumenetlus
parlamendi liikmete hääleteenamus, v.a EÜ asutamislepingu artiklites 105, 107, 161 ja 300 ning ELi lepingu artiklis 7 toodud juhtudel
- ***I kaasotsustamismenetlus (esimene lugemine)
antud häälte enamus
- ***II kaasotsustamismenetlus (teine lugemine)
antud häälte enamus ühise seisukoha heakskiitmiseks, parlamendi liikmete hääleteenamus ühise seisukoha tagasilükkamiseks või muutmiseks
- ***III kaasotsustamismenetlus (kolmas lugemine)
antud häälte enamus ühise teksti heakskiitmiseks

(Antud menetlus põhineb komisjoni esitatud õiguslikul alusel.)

SISUKORD

lehekülg

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EUROOPA PARLAMENDI ÕIGUSLOOMEGA SEOTUD RESOLUTSIOONI PROJEKT

lepituskomitees heaks kiidetud ühise teksti kohta Euroopa Parlamendi ja nõukogu teatavate autovedusid käsitlevate sotsiaalõigusnormide ühtlustamist käsitleva määrase vastuvõtmiseks, millega muudetakse nõukogu määruseid (EMÜ) nr 3821/85 ja (EÜ) nr 2135/98 ning tunnistatakse kehtetuks määrus (EMÜ) nr 3820/85 (PE-CONS 3671/2005 – C6-0416/2005 – 2001/0241(COD))

(Kaasotsustamismenetlus: kolmas lugemine)

Euroopa Parlament,

- võttes arvesse lepituskomitees heaks kiidetud ühist teksti ja asjaspuutuvat komisjoni avaldust (PE-CONS 3671/2005 – C6-0416/2005);
- võttes arvesse esimese lugemise seisukohta¹ Euroopa Parlamendile ja nõukogule esitatud komisjoni ettepaneku (KOM(2001)0573)² küsimuses;
- võttes arvesse komisjoni muudetud ettepanekut (KOM(2003)0490)³;
- võttes arvesse teise lugemise⁴ seisukohta nõukogu ühise seisukoha küsimuses⁵;
- võttes arvesse komisjoni arvamust Euroopa Parlamendi ühise seisukoha muudatuste kohta (KOM(2005)0301)⁶;
- võttes arvesse EÜ asutamislepingu artikli 251 lõiget 5;
- võttes arvesse kodukorra artiklit 65;
- võttes arvesse raportit, mille esitas Euroopa Parlamendi delegatsioon lepituskomitees (A6-0006/2006),
 1. kiidab ühise teksti heaks ja juhib tähelepanu komisjoni sellekohasele avaldusele;
 2. teeb presidendile ülesandeks allkirjastada õigusakt koos nõukogu eesistujaga vastavalt EÜ asutamislepingu artikli 254 lõikele 1;
 3. teeb parlamendi peasekretäri ülesandeks allkirjastada õigusakt pärast kontrollimist, et kõik menetlused viidi läbi nõuetekohaselt, ja korraldada nõukogu peasekretäri nõusolekul selle avaldamine koos komisjoni sellekohase avaldusega Euroopa Liidu Teatajas;
 4. teeb presidendile ülesandeks edastada käesolev õigusloomega seotud resolutsioon

¹ ELT C 38 E, 12.2.2004, lk 17.

² EÜT C 51 E, 26.2.2002, lk 234.

³ ELTs seni avaldamata.

⁴ Vastu võetud tekst, 13.4.2005, P6_TA(2005)0122.

⁵ ELT C 63 E, 15.3.2005, lk 11.

⁶ ELTs seni avaldamata.

nõukogule ja komisjonile.

EXPLANATORY STATEMENT

Background

On 12 October 2001 the European Commission submitted a proposal for a European Parliament and Council Regulation on the harmonisation of certain social legislation relating to road transport. Its aim is to update, clarify and simplify the current legislation in force, namely Regulation 3820/85/EEC, with regard to driving and resting times and breaks for professional drivers engaged in the carriage of goods and passengers by road. The proposal also seeks to amend Regulation 3821/85/EEC with a view to laying down the technical details for the introduction of digital tachographs.

Following Parliament's first reading on 14 January 2003 the Council adopted its common position on 9 December 2004 accepting in whole or in part an important number of Parliament's first reading amendments. Parliament concluded its second reading on 6 April 2005 adopting a total of 43 amendments to the Council common position. The Council informed Parliament with letter from 9 September 2005 that it could not accept all of Parliament's amendments and that conciliation was necessary. The conciliation was then formally opened on 12 October 2005.

The Conciliation procedure

The Parliament delegation held its constituent meeting on 10 May 2005 in Strasbourg. Mr Vidal Quadras (Vice-President and chair of the delegation), Mr Costa (chair of the Transport Committee), Mr Markov (rapporteur), Mr Grosch and Mr Piecyk were given a mandate by the delegation to negotiate with the Council.

Four trialogues were held between 5 July and 22 November 2005, followed by subsequent meetings of the EP Delegation, which led to the reaching of agreement on 33 amendments, subject to an overall agreement. The Conciliation Committee met then in the evening of 6 December in the Council with a view to solving the outstanding issues. After several hours of deliberations an overall agreement was reached in the early hours of the next day, which was confirmed by the EP delegation with 14 votes in favour and 4 against.

The main elements of the agreement reached in conciliation can be summarised as follows:

1. Digital tachographs

Already at an early stage of the negotiations Parliament and Council had reached agreement on one of the main features of the new legislation, namely the mandatory introduction of digital recording equipment ('tachographs'), which are difficult to falsify. The agreement states that 20 days after publication in the EU Official Journal of the Regulation (expected for the beginning of April 2006, thus the new rules should enter into force from early May 2006) all new vehicles, i.e. vehicles put into service for the first time, should be fitted with digital tachographs and drivers carry a smart card.

2. Breaks and rest periods

With a view to increasing road safety drivers will take in the future breaks more regularly. The agreement reached stipulates that after a driving period of 4,5 hours drivers shall take a compulsory break of at least 45 minutes, unless they take a rest period. This break, however, can be replaced by a break of at least 15 minutes followed by another of at least 30 minutes, distributed over the driving period in such a way as to comply with the general rule of at least 45 minutes break for every 4,5 hours of driving.

On rest periods Parliament and Council finally agreed that 'regular daily rest period' should mean any uninterrupted period of rest of at least 11 hours, which alternatively may be taken in two periods, the first of at least 3 hours and the second of at least 9 hours. Parliament argued for 12 hours, but it eventually conceded to the Council position with a view to facilitating the reaching of an overall agreement.

Moreover, to the driver's benefit has also been agreed that any time a driver spends travelling to a location to take charge of a vehicle or to return from that location, when the vehicle is neither at his home nor at the employer's operational centre where the driver is normally based, shall not be counted as rest or break unless the driver is in a ferry or train and has access to resting facilities like a bunk or a couchette.

3. Definition of 'driving time' and of 'other work'

On Parliament's insistence the Council finally accepted to include a new definition on 'driving time', which not only takes account of the relevant case law of the ECJ but in connection with the agreement reached on the definition of 'other work' also actively contributes to greater road safety. It counts namely to 'other work' also the time a driver spends driving a vehicle outside the scope of the Regulation (e.g. his personal car) to and from a vehicle falling within the scope of the Regulation, which is not at his home or at the employer's operational centre where the driver is normally based.

Given that the maximum weekly working time of 60 hours as laid down in the Working Time Directive 2002/15/EC on persons performing mobile road transport activities should also be respected, this has a result that drivers' fatigue caused from other driving than driving the truck, bus or coach covered by the Regulation is also taken into account, thus effectively contributing to greater road safety.

4. The AETR agreement

Regarding the territorial scope of the Regulation vis-à-vis the European Agreement concerning the Work of Crews of Vehicles engaged in International Road Transport ('AETR') the two sides agreed that due to the international engagements of the EU vehicles registered in a third country, which is not a contracting party of the AETR, will have to comply with the rules of the latter and not with those of the Regulation when they travel on EU territory.

It was, however, also agreed that the AETR provisions should be aligned with those of the Regulation so that the latter can apply, through the AETR, to such vehicles for any part of the

journey made within the Community. In a joint statement the Commission and Member States also commit themselves to make every effort to achieve this goal within 2 years of the entry into force of the Regulation; should this not be the case the Commission will propose appropriate action to address the situation.

5. Driver's hours

At an earlier stage of the codecision procedure the two institutions had already reached agreement that the maximum daily driving time shall not exceed 9 hours (or 10 hours not more than twice during the week), whereas the maximum driving time for one week has been set at 56 hours or at 90 hours as a accumulated driving time during any two consecutive weeks. Ambiguity in the wording of the current legislation makes it possible to drive for up to 74 hours in a week. In any event the maximum weekly working time as laid down in Directive 2002/15/EC (for instance driving time plus time for loading and unloading), which is limited to 60 hours per week, has to be respected.

Conclusion

The overall agreement reached with the Council can be regarded as very positive for Parliament as the new Regulation clearly strengthens and improves social legislation for drivers engaged in road transport activities (driving and resting times and breaks), lays down the rules for the introduction of digital tachographs and in overall contributes significantly to greater road safety in Europe.

The Parliament delegation to the Conciliation Committee therefore recommends that the House approve the joint text at third reading.

MENETLUS

Pealkiri	Lepituskomitees heaks kiidetud ühine tekst Euroopa Parlamendi ja nõukogu teatavate autovedusid käsitlevate sotsiaalõigusnormide ühtlustamist käsitleva määrase vastuvõtmiseks, millega muudetakse nõukogu määraseid (EMÜ) nr 3821/85 ja (EÜ) nr 2135/98 ning tunnistatakse kehtetuks määrus (EMÜ) nr 3820/85	
Viited	PE-CONS 3671/2005– C6-0416/2005 – 2001/0241(COD)	
Õiguslik alus	art 251 lg 5 ja art 71 (EÜ)	
Menetlusalus	art 65	
Delegatsiooni juht: asejuht	Alejo Vidal-Quadras Roca	
Vastutava komisjoni esimees	Paolo Costa	TRAN
Raportöör(id)	Helmuth Markov	
Komisjoni ettepanek	Ettepanek võtta vastu Euroopa Parlamendi ja nõukogu määrus teatavate autovedusid käsitlevate sotsiaalõigusnormide ühtlustamise kohta – KOM(2001)0573 – C5-0485/2001	
EP 1. lugemise kuupäev – P5	14.1.2003	P5-TA(2003)0008
Komisjoni muudetud ettepanek	KOM(2003)0490	
Nõukogu ühine seisukoht istungil teada andmise kuupäev	11337/2/2004 – C6-0250/2004 16.12.2004	
Komisjoni seisukoht (art 251 lg 2 teise lõigu kolmas taane)	KOM(2004)0817	
EP 1. lugemise kuupäev – P5	13.4.2005	P6-TA(2005)0122
Komisjoni arvamus (art 251 lg 2 kolmanda alalõigu punkt c)	KOM(2005)0301	
Nõukogu 2. lugemiselt saabunud teksti kätesaamise kuupäev	17.5.2005	
EP muudatustega mittenõustumist käsitleva nõukogu kirja kuupäev	9.9.2005	
Lepituskomitee koosolekud	12.10.2005	6.12.2005
EP delegatsiooni hääletuse kuupäev	6.12.2005	
Hääletuse tulemused	poolt: vastu: erapooletuid:	14 4
Kohal olnud liikmed	Mathieu Grosch, Françoise Grossetête, Georg Jarzembowski, Anne E. Jensen, Dieter-Lebrecht Koch, Eva Lichtenberger, Helmuth Markov, Willi Piecyk, Gilles Savary, Dirk Sterckx, Gary Titley, Alejo Vidal-Quadras Roca, Corien Wortmann-Kool	
Kohal olnud asendusliikmed	Inés Ayala Sender, Den Dover, Roland Gewalt, Ewa Hedkvist Petersen	
Kohal olnud asendusliikmed (art 178 lg 2)	Zita Pleštinská	
Lepituskomitee kokkulekke saavutamise kuupäev	6.12.2005	
Kuupäev, mil mõlemad esimehed tuvastasid ühisteksti heakskiitmise ning edastasid selle parlamentile ja nõukogule	8.12.2005	

Esitamise kuupäev – A6

24.1.2006

A6-0006/2006

TÄHTAEGADE PIKENDAMINE

Nõukogu teise lugemise tähtaja pikendamine	jah
Komitee kokkukutsumise tähtaja pikendamine taotlev institutsioon - kuupäev	ei
Komitee töö tähtaja pikendamine taotlev institutsioon - kuupäev	jah nõukogu – 17.11.2005
Õigusakti vastuvõtmise tähtaja pikendamine taotlev institutsioon - kuupäev	jah Euroopa Parlament - 15.12.2005