P8_TA(2019)0340

Daily and weekly driving times, minimum breaks and rest periods and positioning by means of tachographs


(Ordinary legislative procedure: first reading)

The European Parliament,

– having regard to the Commission proposal to Parliament and the Council (COM(2017)0277),

– having regard to Article 294(2) and Article 91(1) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0167/2017),

– having regard to Article 294(3) of the Treaty on the Functioning of the European Union,

– having regard to the opinion of the European Economic and Social Committee of 18 January 2018¹,

– having regard to the opinion of the Committee of the Regions of 1 February 2018²,

– having regard to Rule 59 of its Rules of Procedure,

– having regard to the report of the Committee on Transport and Tourism and the opinion of the Committee on Employment and Social Affairs (A8-0205/2018),

1. Adopts its position at first reading hereinafter set out;

¹ OJ C 197, 8.6.2018, p. 45.
² OJ C 176, 23.5.2018, p. 57.
2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;

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

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 91(1) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee¹,

Having regard to the opinion of the Committee of the Regions²,

Acting in accordance with the ordinary legislative procedure³,

---

¹ OJ C 197, 8.6.2018, p. 45.
² OJ C 176, 23.5.2018, p. 57.
Whereas:

(1) Good working conditions for drivers and fair business conditions for road transport undertakings are of paramount importance to creating a safe, efficient and socially accountable and non-discriminatory road transport sector, which is able to attract qualified workers. To facilitate that process it is essential that the Union social rules in road transport are clear, proportionate, fit for purpose, easy to apply and to enforce and implemented in an effective and consistent manner throughout the Union. [Am. 346]
Having evaluated the effectiveness and efficiency of the implementation of the existing set of Union social rules in road transport, and in particular Regulation (EC) No 561/2006 of the European Parliament and of the Council, certain deficiencies were identified in the existing implementation of the legal framework. Unclear and unsuitable rules on weekly rest, resting facilities, breaks in multi-manning and the absence of rules on the return of drivers to their home or to another location of their choice, lead to diverging interpretations and enforcement practices in the Member States. Several Member States recently adopted unilateral measures further increasing legal uncertainty and unequal treatment of drivers and operators. On the other hand, the maximum driving periods per day and per week, as set out in Regulation (EC) No 561/2006, are effective in improving the social conditions of road drivers and road safety in general and therefore steps should be taken to ensure that they are respected. [Am. 347]

---

(2a) **It is in the interests of road safety and enforcement that all drivers should be fully aware of both the rules on driving and rest times and the availability of rest facilities. Therefore, it is appropriate for Member States to work to produce guidance that presents this Regulation in a clear and simple manner, gives useful information on parking and rest facilities and underlines the importance combating fatigue.** [Am. 348]

(2b) **It is in the interests of road safety to encourage transport undertakings to adopt a safety culture which includes safety policies and procedures issued by senior management, the commitment to implementing safety policy shown by the line management and the willingness to comply with safety rules shown by the workforce. There should be a clear focus on road transport safety issues, including fatigue, liability, journey planning, rostering, performance-based pay and ‘just in time’ management.** [Am. 349]

(3) The ex-post evaluation of Regulation (EC) No 561/2006 confirmed that inconsistent and ineffective enforcement of the Union social rules was mainly due to unclear rules, inefficient and unequal use of the control tools and insufficient administrative cooperation between the Member States, *increasing the fragmentation of the European internal market.* [Am. 350]
(4) Clear, suitable and evenly enforced rules are also crucial for achieving the policy objectives of improving working conditions for drivers, and in particular ensuring undistorted and fair competition between operators and contributing to road safety for all road users. [Am. 351]

(4a) Any national rules applied to road transport must be proportionate as well as justified and must not hinder or make less attractive the exercise of fundamental freedoms guaranteed by the Treaty, such as the free movement of goods and the freedom to provide services in order to maintain or even increase the competitiveness of the European Union. [Am. 352]

(4b) In order to ensure a European wide-level playing field in road transport, this Regulation should apply to all vehicles exceeding 2,4 tonnes engaged in international transport. [Am. 353/rev]

(5) The existing requirement on breaks turned out to be unsuitable and impractical for drivers in a team. Therefore, it is appropriate to adapt the requirement on recording breaks to the specificity of the transport operations carried out by drivers driving in a team.
(5a) Transporting goods is fundamentally different from transporting people. Coach drivers are in close contact with their passengers and should be in a position to take breaks with greater flexibility without extending driving periods or shortening rest periods and breaks. [Am. 354]

(6) Drivers engaged in long-distance international transport operations spend long periods away from their home. The current requirements on the regular weekly rest unnecessarily prolong those periods. It is thus desirable to adapt the provision on the regular weekly rest in such a way that it is easier for drivers to carry out transport operations in compliance with the rules and to reach their home or a destination of their choosing for a regular weekly rest, and be fully compensated for all reduced weekly rest periods. It is also necessary to provide that operators organise the work of drivers in such a way that these periods away from home are not excessively long. When a driver chooses to spend this rest period at home, the transport undertaking should provide the driver with the means to return. [Am. 355]
Where the work of a driver predictably includes activities for the employer other than his/her professional driving tasks, such as loading / unloading, finding parking space, maintaining the vehicle, route preparation etc, the time he/she needs to perform these tasks should be taken into account when determining both his/her working time, the possibility for adequate rest and pay. [Am. 356]

In order to safeguard working conditions of the drivers at places of loading and unloading, owners and operators of such facilities should provide the driver with the access to hygienic facilities. [Am. 357]
Rapid technological progress is resulting in the development of autonomous driving systems with increasing levels of sophistication. In the future, those systems could allow for a differentiated usage of vehicles the manoeuvring of which does not involve a driver. This could lead to new operational possibilities, such as truck platooning. As a result, existing legislation, including rules on driving and resting times, will need to be adapted, for which progress at the UNECE Working Party level is essential. The Commission shall come forward with an evaluation report of the use of autonomous driving systems in the Member States, accompanied, if appropriate, by a legislative proposal to take into account the benefits of autonomous driving technologies. The intention of this legislation is to guarantee road safety, a level-playing field and proper working conditions, whilst enabling the EU to pioneer new innovative technologies and practices.

[Am. 358]
There are differences among Member States in the interpretation and implementation of the weekly rest requirements as regards the place where the weekly rest should be taken. In order to ensure good working conditions and the safety of drivers, it is therefore appropriate to clarify that requirement to ensure that drivers are provided with adequate quality and gender friendly accommodation or another location as chosen by the driver and paid for by the employer for their regular weekly rest periods if they are taken away from home. Member States should ensure the availability of sufficient secure parking areas that are adapted to the needs of the drivers. [Am. 359]

Dedicated Parking areas should have all of the facilities necessary for good resting conditions, that is to say sanitary, culinary, security and others. [Am. 360]

Adequate resting facilities are crucial for improving drivers working conditions in the sector and maintaining road safety. As rest in the cabin is characteristic for the transport sector and in certain cases desirable from a comfort and suitability perspective, drivers should be allowed to take their rest in their vehicle, if the vehicle is equipped with suitable sleeping facilities. Therefore the creation of dedicated parking areas should not be disproportionately hindered or obstructed by Member States. [Am. 361]
(7c) The revised TEN-T guidelines foresee the development of parking area’s on motorways approximately every 100 km to provide parking space for commercial road users with an appropriate level of safety and security and therefore Member States should be encouraged to implement the TEN-T guidelines and sufficiently support and invest in safe and suitably adapted parking areas. [Am. 362]

(7d) In order to provide good quality affordable rest facilities, the Commission and Member States should encourage the establishment of social, commercial, public and other enterprises for the operation of dedicated parking areas. [Am. 363]

(8) Drivers are often faced with unforeseen circumstances which make it impossible to reach a desired destination for taking a weekly rest without violating Union rules. It is desirable to make it easier for drivers to cope with those circumstances and enable them to reach their destination for a weekly rest without breaching the requirements on maximum driving times.

(8a) Many road transport operations within the Union involve transport by ferry or by rail for part of the journey. Clear, appropriate provisions regarding rest periods and breaks should therefore be laid down for such operations. [Am. 364]
(9) To reduce and prevent diverging enforcement practices and to further enhance the effectiveness and efficiency of cross-border enforcement it is crucial to establish clear rules for regular administrative cooperation between Member States.

(9a) In order to guarantee effective enforcement, it is essential that the competent authorities, when carrying out roadside checks should be able to ascertain that driving times and rest periods have been properly observed on the day of the check and over the preceding 56 days. [Am. 365]

(9b) In order to ensure that rules are clear, easy to understand and enforceable, information must be made accessible to the drivers. This should be achieved through the coordination of the Commission. Drivers should also receive information on rest areas and secure parking to allow for better planning of journeys. Furthermore, through the Commission's coordination a free telephone hotline should be installed to alert control services in case undue pressure is put on drivers, fraud or illegal behaviour. [Am. 366]
Article 6 of Regulation (EC) No 1071/2009 obliges Member States to apply common classification of infringements when assessing good repute. Member States should take all measures necessary to ensure that national rules on penalties applicable to infringements of Regulation (EC) No 561/2006 and Regulation (EU) No 165/2014 are implemented in an effective, proportionate and dissuasive manner. Further steps are needed to ensure that all penalties applied by Member States are non-discriminatory and proportionate to the seriousness of infringement. [Am. 367]

In order to ensure uniform conditions for the implementation of Regulation (EC) No 561/2006 implementing powers should be conferred on the Commission in order to clarify any of the provisions of that Regulation and to establish common approaches on their application and enforcement. Those powers should be exercised in accordance with Regulation (EU) No 182/20115.

---

(11) To enhance cost-effectiveness of enforcement of the social rules the potential of the current and future smart tachograph systems should be fully exploited mandatory in international transport. Therefore the functionalities of the tachograph should be improved to allow for more precise positioning, in particular during international transport operations. [Am. 368]

(11a) The rapid development of new technologies and digitalisation throughout the Union economy and the need for a level playing field among companies in international road transport make it necessary to shorten the transitional period for the installation of the smart tachograph in registered vehicles. The smart tachograph will contribute to simplified controls and thus facilitate the work of national authorities. [Am. 369]

(11b) Taking into account the wide-spread use of smartphones and the continuous development of their functionalities, and in view of the deployment of Galileo, which offers increasing opportunities for real time localisation, which many mobile already use, the Commission should explore the possibility of developing and certifying a mobile application that offers the same benefits as those offered by the smart tachograph, at the same associated costs. [Am. 370]
In order to guarantee appropriate health and safety standards for drivers, it is necessary to establish or upgrade secure parking areas, adequate sanitary facilities and quality accommodation. A sufficient network of parking areas should exist within the Union. [Am. 371]


Acknowledges that transporting goods is different from transporting people. Coach drivers are in close contact with their passengers and should be given more suitable conditions within the framework of this Regulation without extending driving times or shortening rest periods and breaks. Therefore, the Commission shall evaluate if specific rules for this sector can be adopted, especially for occasional services as defined in Article 2 paragraph 1 point 4 of Regulation (EC) No 1073/2009 of the European Parliament and the Council of 21 October 2009 on common rules for access to the international market for coach and bus services, [Am. 372]

HAVE ADOPTED THIS REGULATION:

---

Article 1

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

(-1) in Article 2(1), the following point is inserted:

"(-aa) of goods in international transport operations, where the maximum permissible mass of the vehicle, including any trailer, or semi-trailer, exceeds 2,4 tonnes; or"; [Am. 373]

(-1a) in Article 3, point (aa) is replaced by the following:

“(aa) 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, or delivering goods which have been produced on a craft basis in the undertaking employing the driver and which are used only within a 150 km radius from the base of the undertaking and on the condition that driving the vehicle does not constitute the driver’s main activity;”; [Am. 374]
(1) in Article 3, the following point (h) is replaced by the following:

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

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

“(ha) light commercial vehicles that are used for the transport of goods, where the transport is not effected for hire or reward, but on the own account of the company or the driver, and where driving does not constitute the main activity of the person driving the vehicle;”; [Am. 375]

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

"(r) 'non-commercial carriage' means any carriage by road, other than carriage for hire or reward or for own account, for which no remuneration is received and which does not generate any income or turnover.”; [Am. 376]

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

“(ra) ‘home’ means the registered residence of the driver in a Member State.”; [Am. 377]
(2b) in Article 5, paragraph 1 is replaced by the following:

“1. The minimum age for drivers shall be 18 years.”; [Am. 378]

(3) in Article 6(5), the first sentence is replaced by the following:

"A driver shall record as other work any time spent as described in Article 4(e) as well as any time spent driving a vehicle used for commercial operations not falling within the scope of this Regulation, and shall record any periods of availability, as defined in Article 3(b) of Directive 2002/15/EC, in accordance with Article 34(5)(b)(iii) of Regulation (EU) No 165/2014. This record shall be entered either manually on a record sheet, a printout or by use of manual input facilities on recording equipment."

(4) in Article 7, the following third paragraph is added:

"A driver engaged in multi-manning may decide to take a break of 45 minutes in a vehicle driven by another driver provided that the driver taking the break is not involved in assisting the driver driving the vehicle.";
(5) Article 8 is amended as follows:

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

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

(a) four regular weekly rest periods, or

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

For the purposes of point (b), the reduced weekly rest periods shall be compensated by an equivalent period of rest taken en bloc before the end of the third week following the week in question. [Am. 379]"

(b) paragraph 7 is replaced by the following:

"7. Any rest period taken as compensation for a reduced weekly rest period shall immediately precede or follow be attached to a regular weekly rest period of at least 45 hours."; [Am. 381]
(c) the following paragraphs are inserted:

"8a. The regular weekly rest periods and any weekly rest of more than 45 hours taken in compensation for previous reduced weekly rest shall not be taken in a vehicle. They shall be taken in a suitable quality and gender friendly accommodation, outside the cabin, with adequate sleeping and sanitary sanitary and sleeping facilities; for the driver. That accommodation shall be: [Am. 382]

(a) either provided by or paid for by the employer; or [Am. 383]

(b) at the driver’s home or at another private location chosen by the driver. [Am. 384]
8b. A transport undertaking shall organise the work of drivers in such a way that the drivers are able to spend at least one regular weekly rest period or a weekly rest of more than 45 hours taken in compensation for reduced weekly rest at home within or another location of the driver's choosing before the end of each period of three four consecutive weeks. The driver shall inform the transport undertaking in writing no later than two weeks before such rest period, if it will be taken in a place other than the driver’s home. When a driver chooses to take this rest at home, the transport undertaking shall provide the driver with the necessary means to return home. The undertaking shall document how it fulfils this obligation and shall keep the documentation at its premises in order to present it on request of control authorities. [Am. 385]

The driver shall declare that a regular weekly rest period or a weekly rest of more than 45 hours taken in compensation for a reduced weekly rest, has been taken in a location of driver’s choice. The declaration shall be kept at the premises of undertaking.”; [Am. 386]
(ca) the following paragraph is added:

“9a. The Commission shall no later than ... [two years after entry into force of this amending Regulation] evaluate and report to Parliament and Council if more adequate rules for drivers engaged in occasional services of carriage of passengers can be adopted, as defined in Article 2 paragraph 1 number 4 of Regulation (EC) No 1073/2009 of the European Parliament and the Council of 21 October 2009 on common rules for access to the international market for coach and bus services.”; [Am. 380]

(5a) the following Article is inserted:

"Article 8a

1. By ... [six months after the entry into force of this Regulation] Member States shall communicate to the Commission the locations of Dedicated Parking Areas (DPA) available on their territories and shall subsequently notify any changes to this information. The Commission shall list all publicly accessible DPA on a single official website that is regularly updated."
2. All parking areas that have at least the facilities and features set out in Annex 1 and which are published by the Commission in accordance with paragraph 2 may indicate at their entrance that they are DPA.

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

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

5. Member States shall encourage the creation of Dedicated Parking areas in line with the provisions set out in point (c) of Article 39(2) of the Regulation (EU) No 1315/2013.
The Commission shall, by 31 December 2020 at the latest, present a report to the European Parliament and the Council on the availability of suitable rest facilities for drivers and secured parking facilities. This report shall be accompanied by the draft regulation establishing standards and procedures for certification of DPA referred to in paragraph 4 of this Article. This report shall be updated annually on the basis of information gathered by the Commission under paragraph 5 and contain a list of proposed measures to increase the number and quality of suitable rest facilities for drivers and secured parking facilities." [Am. 387]

(6) in Article 9, paragraph 1 is replaced by the following:

"1. By way of derogation from Article 8, where a driver accompanies a vehicle which is transported by ferry or train, and takes a regular daily rest period or reduced weekly rest period, that period may be interrupted not more than twice by other activities not exceeding one hour in total. During that regular daily rest or reduced weekly rest period the driver shall have access to a sleeper cabin, bunk or couchette at their disposal."; [Am. 388]
(6a) in Article 9, the following paragraph is inserted:

"1a. The derogation in paragraph 1 may be extended to regular weekly rests when the ferry journey is 12 hours or more in duration. During that weekly rest period the driver shall have access to a sleeper cabin."; [Am. 389]

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

"1. A transport undertaking shall not give drivers it employs or who are put at its disposal any extra payment, even in the form of a bonus or wage supplement, related to distances travelled, the speed of delivery and/or the amount of goods carried if that payment encourages infringement of this Regulation."; [Am. 390]
in Article 12, the following paragraph is added:

"Provided that road safety is not thereby jeopardised, the driver may depart exceptionally from Article 8(2) and the second subparagraph of Article 8(6) and (2) after a rest of 30 minutes, so as to be able to reach a suitable accommodation as referred to in Article 8(8a) to take a daily or weekly rest there. Such a departure shall not result in exceeding daily or weekly driving times or shortening daily or weekly rest periods within two hours the employer's operational centre where the driver is normally based and where the driver’s regular weekly rest shall begin. The driver shall indicate the reason for such departure manually on the record sheet of the recording equipment or on a printout from the recording equipment or in the duty roster, at the latest on arrival at the suitable accommodation. This period of up to two hours shall be compensated by an equivalent period of rest taken en bloc with any rest period, by the end of the third week following the week in question."; [Am. 391]
(7a) in Article 13(1), point (d) is replaced by the following:

“(d) vehicles or combinations of vehicles with a maximum permissible mass not exceeding 7.5 tonnes used by universal service providers as defined in Article 2 (13) of Directive 97/67/EC of the European Parliament and of the Council of 15 December 1997 on common rules for the development of the internal market of Community postal services and the improvement of quality of service to deliver items as part of postal items as defined in Article 2(6) of Directive 97/67/EC.”; [Am. 392]

(7b) in Article 13(1), point (e) is replaced by the following:

"(e) vehicles operating exclusively on islands or regions isolated from the rest of the national territory not exceeding 2 300 square kilometres in area which are not connected to the rest of the national territory by a bridge, ford or tunnel open for use by motor vehicles, and which do not border another Member State;"; [Am. 393]
(7c) in Article 13(1), the following point is added:

"(pa) vehicles or combinations of vehicles with a maximum permissible mass not exceeding 44 tonnes employed by a construction undertaking up to a 100 km radius from the base of the undertaking, and on condition that driving the vehicles does not constitute the driver's main activity;"; [Am. 394]

(8) in Article 14, paragraph 2 is replaced by the following:

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

This information shall be published on a dedicated public website maintained by the Commission in all EU languages."; [Am. 395]
(9) Article 15 is replaced by the following:

"Article 15

Member States shall ensure that drivers of vehicles referred to in Article 3(a) are governed by national rules which provide adequate protection in terms of permitted driving times and mandatory breaks and rest periods. *It is in the interests of drivers’ working conditions, as well as road safety and enforcement that* Member States shall inform the Commission about the relevant national rules applicable to such drivers provide parking and rest areas, free from snow and ice in the wintertime, especially in the outermost and/or peripheral regions of the European Union."; [Am. 396]

(9a) in Article 17, the following paragraph is inserted:

"3a. The report shall include an evaluation of the use of autonomous driving systems in the Member States and the possibility for the driver to record the period during which an autonomous driving system is activated and shall be accompanied, if appropriate, by a legislative proposal to amend this Regulation, including the necessary requirements for the driver to record those data in the smart tachograph."; [Am. 397]
1. Member States shall lay down rules on penalties applicable to infringements of this Regulation and Regulation (EU) No 165/2014 and shall take all measures necessary to ensure that they are implemented. Those penalties shall be effective, and proportionate to the gravity as determined in accordance with the infringements, as indicated in Annex III to Directive 2006/22/EC of the European Parliament and of the Council, dissuasive and non-discriminatory. No infringement of this Regulation and of Regulation (EU) No 165/2014 shall be subjected to more than one penalty or procedure.

The Member States shall notify the Commission of those measures and the rules on penalties by the date specified in the second subparagraph of Article 29, notify the Commission of those rules and measures, along with the method and criteria chosen at national level for assessing their proportionality. The Member States shall notify without delay any subsequent amendment affecting them. The Commission shall inform Member States accordingly of those rules and measures, and of any amendments thereto.

---

This information shall be published on a dedicated public website maintained by the Commission in all EU languages, containing detailed information on such penalties applicable in EU Member States."; [Am. 398]

(11) Article 22 is amended as follows:

(a) paragraph 1 is replaced by the following:

"1. Member States shall work in close cooperation and provide each other with mutual assistance without undue delay in order to facilitate the consistent application of this Regulation and its effective enforcement, in line with the requirements set out in Article 8 of Directive 2006/22/EC.”;

(b) in paragraph 2, the following point (c) is added:

"(c) other specific information, including the risk rating of the undertaking, liable to have consequences for compliance with the provisions of this Regulation.";
(c) the following paragraphs are inserted:

"3a. For the purpose of the exchange of information within the framework of this Regulation, Member States shall use the bodies for intracommunity liaison designated pursuant to Article 7 of Directive 2006/22/EC.

"3b. Mutual administrative cooperation and assistance shall be provided free of charge."

(12) in Article 25, paragraph 2 is replaced by the following:

"2. In the cases referred to in paragraph 1 the Commission shall adopt implementing acts setting out common approaches for the implementation of this Regulation, in accordance with the advisory procedure referred to in Article 24(2)."; [Am. 399]
The following Annex is added:

"Minimum requirements for the parking areas

Part A: Service facilities

(1) Toilets with water taps, clean, in working condition and checked regularly:
   - up to 10 places, at least one toilet block with four toilets;
   - from 10 up to 25 places, at least one toilet block with eight toilets;
   - from 25 up to 50 places, at least two toilet blocks with 10 toilets each;
   - from 50 up to 75 places, at least two toilet blocks with 15 toilets each;
   - from 75 up to 125 places, at least four toilet blocks with 15 toilets each;
   - over 125 places, at least six toilet blocks with 15 toilets each.

(2) Showers clean, in working condition and checked regularly:
   - up to 10 places, at least one shower block with two showers;
   - from 25 up to 50 places, at least two shower blocks with five showers each;
– from 50 up to 75 places, at least two shower blocks with 10 showers each;
– from 75 up to 125 places, at least four shower blocks with 12 showers each;
– over 125 places, at least six shower blocks with 15 showers each.

(3) Adequate access to drinking water;
(4) Suitable cooking facilities, snack-bar or restaurant;
(5) Shop present with variety of food, beverages etc. at the site or nearby;
(6) Waste bins available in adequate amount and capacity;
(7) Shelter against rain or sun near parking area;
(8) Contingency plan/management available/emergency contacts known to the staff;
(9) Picnic tables with benches or alternatives available in reasonable amount;
(10) Dedicated Wi-Fi service;
(11) Cashless reservation, payment and invoice system;

(12) Indication system of slot availability both at the location and online;

(13) The facilities are gender friendly.

Part B: Security features

(1) A continuous separation of the parking area and its surroundings, such as fences or alternative barriers, which prevents casual entry and intentional unlawful entry or delays the entry;

(2) Only users of the truck parking area and truck parking area staff are to be given access to the parking;

(3) Digital recording (at least 25fps) in place. The system records either continuously or in motion detection mode;

(4) CCTV system that has the possibility to cover the whole fence ensuring that all activities near or at the fence can be clearly recorded (CCTV recording view);
(5) *Site surveillance by patrols or otherwise;*

(6) *Each crime incident shall be reported to the truck parking area staff and the police. If possible the vehicle has to be kept stationary pending instructions from police;*

(7) *Lighted driving and pedestrian lanes at all times;*

(8) *Pedestrian safety in the dedicated parking areas;*

(9) *Parking area surveillance through appropriate and proportionate security checks;*

(10) *Clearly indicated phone number(s) of emergency services.* [Am. 400]
Article 2

Regulation (EU) No 165/2014 is amended as follows:

(-1) *in article 1, paragraph 1 is replaced by the following:*


---

(-1a) in Article 2(2), the following point is inserted:

"(ha) ‘smart tachograph’ means a digital tachograph using a positioning service based on a satellite navigation system automatically determining its position in accordance with this Regulation;"; [Am. 402]

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

“4. No later than\textsuperscript{11} ... [3 years after the entry into force of this amending Regulation], the following vehicles shall be fitted with a smart tachograph:

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

(b) vehicles operating in a Member State other than their Member State of registration which are fitted with a digital tachograph complying with the specifications in Annex 1B to Council Regulation (EEC) No 3821/85 applicable until 30 September 2011; or

\textsuperscript{11} Assuming the entry into force of the road package in 2019, the Commission’s implementing act for smart tachograph version 2 by 2019/2020 (see Art. 11 below), applying thereafter a staggered approach to retrofitting.
(c) vehicles operating in a Member State other than their Member State of registration which are fitted with a digital tachograph complying with the specifications in Annex IB to Council Regulation (EEC) No 3821/85 applicable from 1 October 2011.”; [Am. 403]

(-1c) in Article 3, the following paragraph is inserted:

“4a. By... [4 years after the entry into force of this amending Regulation], vehicles operating in a Member State other than their Member State of registration which are fitted with a digital tachograph complying with Annex IB to Council Regulation (EEC) No 3821/85 applicable from 1 October 2012 shall be fitted with a smart tachograph.”; [Am. 404]

(-1d) in Article 3, the following paragraph is inserted:

“4b. By... [5 years after the entry into force of this amending Regulation], vehicles operating in a Member State other than their Member State of registration which are fitted with a smart tachograph complying with Annex IC to Commission Implementing Regulation (EU) 2016/79912 shall be fitted with a smart tachograph.”; [Am. 405]

---

in Article 4(2), after the third indent, the following indent is inserted:

“– have enough memory capacity to store all of the data required under this Regulation;”; [Am. 406]

In Article 7, paragraph 1 is replaced by the following:

in Article 7, the introductory part of paragraph 2 is replaced by the following:


(1) in Article 8(1), the second indent is replaced by the following:

"– every three hours of accumulated driving time and every time the vehicle crosses the border of a Member State; [Am. 409]

– every time the vehicle performs loading or unloading activities;"; [Am. 410]
(1a) in Article 8(1), the following subparagraph is inserted:

“In order to facilitate the verification of compliance by control authorities, the smart tachograph shall also record, if the vehicle has been employed for the carriage of goods or passengers, as required by Regulation (EC) No 561/2006.”; [Am. 411]

(1b) in Article 8(1), the following subparagraph is added:

“Vehicles registered for the first time from ... [24 months after the entry into force of this amending Regulation] shall be fitted with a tachograph in accordance with the second indent of the first subparagraph of Article 8(1) and the second subparagraph of Article 8(1) of this Regulation.”; [Am. 412]

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

“2. By ... [1 year after entry into force of this Regulation], Member States shall equip their control authorities to an appropriate extent with remote early detection equipment necessary to permit the data communication referred to in this Article, taking into account their specific enforcement requirements and strategies. Until that time, Member States may decide whether to equip their control authorities with such remote early detection equipment.”; [Am. 413/rev]
(1d) in Article 9, paragraph 3 is replaced by the following:

"3. The communication referred to in paragraph 1 shall be established with the tachograph only when so requested by the equipment of the control authorities. It shall be secured to ensure data integrity and authentication of the recording and control equipment. Access to the data communicated shall be restricted to control authorities authorised to check infringements of the Union legal acts set out in Article 7(1) and of this Regulation and to workshops in so far as it is necessary to verify the correct functioning of the tachograph."; [Am. 414]

(1e) in Article 11, paragraph 1 is replaced by the following:

"In order to ensure that smart tachographs comply with the principles and requirements set out in this Regulation, the Commission shall, by means of implementing acts, adopt detailed provisions necessary for the uniform application of Articles 8, 9 and 10, excluding any provisions which would provide for the recording of additional data by the tachograph."
By ... [12 months after the entry into force of this amending Regulation], the Commission shall adopt implementing acts laying down detailed rules for recording any border crossing of the vehicle referred to in the second indent of the first subparagraph of Article 8(1) and in the second subparagraph of Article 8(1).

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 42(3)."; [Am. 415]

(If) in Article 34(5), point b, point (iv) is replaced by the following:

"(iv) under the sign \[image\]: breaks, rest, annual leave or sick leave, under the sign "ferry/train": In addition to the sign \[image\]: the rest period spending on a ferry or train as required by Article 9 of Regulation (EC) No 561/2006."; [Am. 416]
in Article 34(7), the first subparagraph is replaced by the following:

"7. Where the tachograph is not able to automatically record the border crossing, the driver shall at the first possible and available stopping place enter in the digital tachograph the symbols of the countries in which the daily working period started and finished as well as where and when the driver has crossed a border in the vehicle on arrival at the suitable stopping place. The country’s code after crossing a border into a new country shall be entered under the heading BEGIN on the tachograph. Member States may require drivers of vehicles engaged in transport operations inside their territory to add more detailed geographic specifications to the country symbol, provided that those Member States have notified those detailed geographic specifications to the Commission before 1 April 1998."; [Am. 417]

in Article 34, the following paragraph is added:

"7a. Drivers shall be provided with training on how to correctly use a tachograph in order to achieve full use of the equipment. The driver must not be responsible for the cost of their training, which should be provided by their employer."; [Am. 418]
(2b) in Article 34, the following paragraph is added:

"7b. The maximum amount of control authorities should be trained on how to correctly read and monitor a tachograph."; [Am. 419]

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

"(i) the record sheets for the current day and those used by the driver in the previous 56 days,"; [Am. 420]

(2d) in Article 36(1), point (iii) is replaced by the following:

"(iii) any manual records and printouts made during the current day and the previous 56 days as required under this Regulation and Regulation (EC) No 561/2006."; [Am. 421]

(2e) in Article 36(2), point (ii) is replaced by the following:

"(ii) any manual records and printouts made during the current day and the previous 56 days as required under this Regulation and Regulation (EC) No 561/2006,"; [Am. 422]
Article 3

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at ..., 

*For the European Parliament*  
*The President*  

*For the Council*  
*The President*