**DRAFT REPORT**

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

(COM(2017)0277 – C8-0167/2017 – 2017/0122(COD))

Committee on Transport and Tourism

Rapporteur: Wim van de Camp
Symbols for procedures

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

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

Amendments to a draft act

Amendments by Parliament set out in two columns

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

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

Amendments by Parliament in the form of a consolidated text

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

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


(OOrdinary 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 xxxxx 2017\(^1\)
– after consulting the Committee of the Regions,
– having regard to Rule 59 of its Rules of Procedure,
– having regard to the report of the Committee on Transport and Tourism and the opinion of the Committee on Employment and Social Affairs (A8-0000/2018),

1. Adopts its position at first reading hereinafter set out;
2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Amendment 1

Proposal for a regulation
Recital 4 a (new)

\(^1\) OJ C, , p. 
(4a) In order to ensure a European wide-level playing field in road transport, this Regulation should apply to all vehicles engaged in international transport.

Or. en

Justification

The strict implementation of rules on driving and rest time are seen as addressing (some of) the rising concerns on possible unfair competition and market disruption arising from the wide deployment of vehicles below 3.5 tonnes in international transport.

Amendment 2

Proposal for a regulation
Recital 6

Text proposed by the Commission

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

Amendment

(6) Drivers engaged in long-distance international transport operations spend long periods away from their home. The current requirements on the regular weekly rest unnecessarily prolong those periods. It is thus desirable to adapt Union rules on regular weekly rest in order to make it easier for drivers both to carry out transport operations in compliance with the rules and to reach their home for a regular weekly rest, whilst being 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 and that drivers are given both the opportunity and the means to return home.

Or. en
Justification

The shortage of drivers may stem from the nomadic lifestyle they pursue. Going home should always be an available option, and transport companies and/or operators should always ensure the availability of that option.

Amendment 3
Proposal for a regulation
Recital 7 a (new)

Text proposed by the Commission

Amendment

(7a) Rest in the cabin is characteristic for the transport sector. A full separation of drivers and their vehicles is not desirable from a security and insurance perspective. It is therefore essential that Dedicated Parking areas, of various types, be created in order to enable drivers to take their rest in their vehicle, in line with the provisions set out in point (c) of Article 39(2) of the Regulation (EU) No 1315/2013.

Or. en

Amendment 4
Proposal for a regulation
Recital 7 b (new)

Text proposed by the Commission

Amendment

(7b) Dedicated Parking Certificates should lay down the requirements for Dedicated Parking areas. Those requirements should ensure that all of the facilities necessary for good resting conditions, that is to say sanitary, culinary, security and others, are present.

Or. en
Amendment 5

Proposal for a regulation
Recital 8

Text proposed by the Commission

(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.

Amendment

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

Or. en

Justification

It is a very common occurrence that drivers must take their rest away from home due to congestion or other external factors. This departure from the applicable rules will solely be used for allowing drivers to return home.

Amendment 6

Proposal for a regulation
Recital 9 a (new)

Text proposed by the Commission

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

Amendment

Or. en

Justification

The greatest impediment to the proper functioning of European Road Transport system is the
lack of effective means of enforcement, owing to the small number of enforcers and to outdated control systems. A key aspect that must be ensured is the ability of enforcers to acquire a comprehensive and verified oversight of all driving and rest times.

Amendment 7

Proposal for a regulation
Recital 9 b (new)

Text proposed by the Commission

Amendment

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

Amendment 8

Proposal for a regulation
Recital 9 c (new)

Text proposed by the Commission

Amendment

(9c) As a result of the new functions of smart tachograph and the TACHOnet messaging system, it is possible to use the recorded and stored data for the purpose of verifying compliance with social legislation in transport area, such as Regulation (EC) No 561/2006, Directive 2002/15/EC, and Council Directive 92/6/EEC. It is also possible to use the recorded and stored data for the
enforcement of rules on the market access and posting of drivers as laid down in Regulation (EC) No 1071/2009, Regulation (EC) No 1072/2009 and Directive [on posting of drivers]. Access to those data should therefore be extended to the relevant competent authorities responsible for enforcement of those Union acts, in order to improve the exchange of information and cooperation. Interoperable national databases created and managed in each Member State that support the activities of national relevant competent enforcement authorities will facilitate this cooperation.

Amendment 9
Proposal for a regulation
Recital 9 d (new)

Text proposed by the Commission

(9d) In order to ensure the interoperability of the national databases of the Member States on the data from the smart tachographs and to facilitate the exchange of information and cooperation between the competent authorities of the Member States that implement or enforce the Union legal acts listed in Article 7(1) of this Regulation, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of the setting of the standards laying down the characteristics of such databases and the conditions for their use. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the
Interinstitutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

Amendment 10
Proposal for a regulation
Recital 9 e (new)

Text proposed by the Commission

(9e) In order to ensure uniform conditions for the implementation of Regulation (EU) No 165/2014, implementing powers should be conferred on the Commission in order to set out a uniform format for transmitting the data from the smart tachograph to the national databases. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council.

Amendment 11
Proposal for a regulation
Recital 11

Text proposed by the Commission

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

Amendment

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

Justification

The greatest impediment to the proper functioning of European Road Transport system is the lack of effective means of enforcement, owing to the small number of enforcers and to outdated control systems. Smart tachographs therefore need to be fitted to vehicles operating internationally in order to let enforcers gain proper oversight of all driving and rest times.

Amendment 12
Proposal for a regulation
Article 1 – paragraph 1 – point -1 a (new)
Regulation (EC) No 561/2006
Article 2 – paragraph 1 – point aa (new)

Text proposed by the Commission

(-1a) in Article 2, paragraph 1, the following point (aa) is added (aa) of goods between two Member States irrespective of tonnage, or

Amendment

Or. en
Justification

The strict implementation of rules on driving and rest time are seen as addressing (some of) the rising concerns on possible unfair competition and market disruption arising from the wide deployment of vehicles below 3.5 tonnes in international transport.

Amendment 13

Proposal for a regulation
Article 1 – paragraph 1 – point 2
Regulation (EC) No 561/2006
Article 4 – paragraph 1 – point s (new)

Text proposed by the Commission

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

Or. en

Justification

Home’ remains an ill-defined concept that needs to be properly specified.

Amendment 14

Proposal for a regulation
Article 1 – paragraph 1 – point 5 – point a
Regulation (EC) No 561/2006
Article 8 – paragraph 6 – point b

Text proposed by the Commission

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

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

Or. en

Justification

Drivers and transport companies should retain the flexibility to take only one reduced weekly rest period.
Amendment 15

Proposal for a regulation
Article 1 – paragraph 1 – point 5 – point b
Regulation (EC) No 561/2006
Article 8 – paragraph 7

Text proposed by the Commission

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

Amendment

7. Any rest period taken as compensation for a reduced weekly rest period shall be attached to another rest period of at least 24 hours.;

Or. en

Amendment 16

Proposal for a regulation
Article 1 – paragraph 1 – point 5 – point b a (new)
Regulation (EC) No 561/2006
Article 8 – paragraph 8

Present text

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

Amendment

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

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

Or. en


Amendment 17

Proposal for a regulation
Article 1 – paragraph 1 – point 5 – point c
Regulation (EC) No 561/2006
Article 8 – paragraph 8 a

Text proposed by the Commission

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

Amendment

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

Justification

Reduced weekly rests are still up to 24 hours and in that time drivers should be provided with suitable accommodation for sufficient rest.

Amendment 18

Proposal for a regulation
Article 1 – paragraph 1 – point 5 – point c
Regulation (EC) No 561/2006
Article 8 – paragraph 8 a – point a

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 19

Proposal for a regulation
Article 1 – paragraph 1 – point 5 – point c
Regulation (EC) No 561/2006
Article 8 – paragraph 8 a – point b

Text proposed by the Commission

(b) at home or at another private

Amendment

(b) at the driver's home or at another

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location chosen by the driver.  
private location chosen by the driver.

Amendment 20

Proposal for a regulation
Article 1 – paragraph 1 – point 5 – point c (new)
Regulation (EC) No 561/2006
Article 8 – paragraph 8 a a (new)

Text proposed by the Commission

(5c) In Article 8, the following paragraph is inserted:

“8aa. Paragraph 8a of this Article shall not apply when the regular weekly rest periods, reduced weekly rest periods and any weekly rest of more than 45 hours taken in compensation for previous reduced weekly rest are taken in locations certified as complying with the requirements of Article 8a, provided that the vehicle is stationary and has suitable sleeping facilities for each driver.”;

Amendment

Justification

A complete ban on rest in the cabin is undesirable due to practical and insurance considerations that are characteristic for the road transport sector. It is therefore appropriate that drivers can take their rest in the cabin in certain appropriate locations.

Amendment 21

Proposal for a regulation
Article 1 – paragraph 1 – point 5 – point c
Regulation (EC) No 561/2006
Article 8 – paragraph 8 b

Text proposed by the Commission

8b. A transport undertaking shall organise the work of drivers in such a way

Amendment

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

that the drivers are able to spend at least one regular weekly rest period or a weekly rest of more than 45 hours taken in compensation for reduced weekly rest at home or another location of the driver's choosing after each period of four consecutive weeks. The driver shall inform the transport undertaking no later than one month 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 means to return home.

Justification

Imposing upon a driver to always take his or her rest at home is not appropriate and reduces the drivers’ flexibility in planning their free time as they see fit. A return home within three weeks is deemed too restrictive, given the realities of the European road transport sector.

Amendment 22

Proposal for a regulation
Article 1 – paragraph 1 – point 5 a (new)
Regulation (EC) No 561/2006
Article 8 a (new)

Text proposed by the Commission

Amendment

(5a) The following Article is inserted:

"Article 8a

1. By way of a derogation of Article 8(8a), a driver may take regular weekly rest periods, regular weekly rest periods and any weekly rest of more than 45 hours taken in compensation for previous reduced weekly rest in any parking areas that have a Dedicated Parking Certificate (DPC).

2. Member State competent authorities shall establish national Dedicated Parking Certificates."
3. Undertakings, local authorities and any other actors may apply to the competent authority for certification that their parking areas comply with the DPC requirements.

4. The DPC shall be conferred on parking areas that have at least the facilities and features set out in Annex I to this Regulation.

5. All parking areas with a DPC shall indicate at their entrances that they have certification.

6. At least once a year, an inspection agency, selected by the Member State, shall carry out a conformity audit of all parking areas bearing the DPC.

7. All parking areas that have the DPC are deemed to be suitable for daily rest, weekly rest, compensated rest and reduced weekly rest for the purpose of this Regulation."

Or. en

Justification

For drivers to enjoy adequate rest times, the requirements for DPC’s must be clearly outlined. Any actors wanting to operate a parking areas suitable for longer rest periods should be able to do so, as long as they are duly certified. In this way we can improve drivers’ living conditions while preserving the requisite level of flexibility.

Amendment 23

Proposal for a regulation
Article 1 – paragraph 1 – point 7
Regulation (EC) No 561/2006
Article 12 – second paragraph

Text proposed by the Commission

Provided that road safety is not thereby jeopardised, the driver may depart from Article 8(2) and the second subparagraph of Article 8(6) to be able to reach a suitable accommodation as referred to in Article 8(8a) to take a daily or weekly rest

Amendment

Provided that road safety is not in any way thereby jeopardised, the driver may depart from Article 8(2) and the second subparagraph of Article 8(6), to be able to reach within two hours the employer’s operational centre where the driver is
such a departure shall not result in exceeding daily or weekly driving times or shortening daily or weekly rest periods. The driver shall indicate the reason for such departure manually on the record sheet of the recording equipment or on a printout from the recording equipment or in the duty roster, at the latest upon arrival at the suitable accommodation.

based, after a rest of no less than 30 minutes. 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. Up to two hours shall be compensated by an equivalent period of rest, taken in one session, before the end of the third week following the week in question.

Or. en

Justification

It is a very common occurrence that drivers must take their rest away from home due to congestion or other external factors. This departure from the applicable rules will solely be used for allowing drivers to return home.

Amendment 24

Proposal for a regulation
Article 1 – paragraph 1 – point 10
Regulation (EC) No 561/2006
Article 19 – paragraph 1

Text proposed by the Commission

1. Member States shall lay down rules on penalties applicable to infringements of this Regulation and Regulation (EU) No 165/2014 and shall take all measures necessary to ensure that they are implemented. Those penalties shall be effective, proportionate to their gravity as determined in accordance with Annex III to Directive 2006/22/EC of the European Parliament and of the Council, dissuasive and non-discriminatory. No infringement of this Regulation and Regulation (EU) No 165/2014 shall be subjected to more than one penalty or procedure. The Member States shall notify the Commission of those measures and the rules on penalties by the date specified in the second subparagraph of Article 29. They shall

Amendment

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

The Member States shall notify without delay any subsequent amendment affecting them. The Commission shall inform Member States of those rules and measures, and of any amendments thereto, and shall make that information available on its website.

__________________


__________________


Or. en

Justification

The current obligation on Member States to make the penalties proportionate needs to be further strengthened. As the penalty systems rest in the competence of Member States, it is key to better exchange information on various types and levels of penalties, in order to reduce the cases of applying various levels of penalties for the same offence on drivers from different countries.

Amendment 25

Proposal for a regulation

Article 1 – paragraph 1 – point 12

Regulation (EC) No 561/2006

Article 25 – paragraph 2

Text proposed by the Commission

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

Amendment

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).
Justification

The Commission's empowerment needs to be formulated more precise.

Amendment 26

Proposal for a regulation
Article 1 – paragraph 1 – point 12 a (new)
Regulation (EC) 561/2006
Annex (new)

Text proposed by the Commission

Amendment

(12a) The following Annex is added:

ANNEX

"Minimum requirements for the parking areas

Part A: Service facilities

(1) Toilets with water taps in, clean and working condition:
- 75 places at least two toilets;
- 125 places at least four toilets;
- over 125 places at least six toilets.

(2) Showers clean and in working condition:
- 75 places at least two shower blocks;
- 125 places at least four shower blocks;
- over 125 places at least six shower blocks.

(3) Adequate access to drinking water;

(4) Suitable cooking facilities;

(5) Waste bins available in adequate amount and capacity;

(6) Picnic tables with benches or alternatives available in reasonable amount;

(7) Dedicated Wi-Fi service;

(8) Cashless reservation, payment and
invoice system;
(9) Indication system of slot availability both at the location and online.

Part B: Security features
(1) A continuous separation of the parking area and its surroundings, such as fences or alternative barriers;
(2) Lighted driving and pedestrian lanes at all times;
(3) Pedestrian safety in the dedicated parking areas;
(4) Parking area surveillance through appropriate and proportionate security checks;
(5) Clearly indicated phone number(s) of emergency services."

Or. en

Justification

For drivers to enjoy adequate rest times, the requirements for Dedicated Parking Certificates must be clearly outlined. Any actors wanting to operate a parking areas suitable for longer rest periods should be able to do so, as long as they are duly certified. In this way we can improve drivers’ living conditions while preserving the requisite level of flexibility.

Amendment 27

Proposal for a regulation
Article 2 – paragraph 1 – point -1 (new)
Regulation (EU) No 165/2014
Article 1 – paragraph 1

Present text

1. This Regulation sets out obligations and requirements in relation to the construction, installation, use, testing and control of tachographs used in road transport, in order to verify compliance with Regulation (EC) No 561/2006,

Amendment

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

"1. This Regulation sets out obligations and requirements in relation to the construction, installation, use, testing and control of tachographs used in road transport, in order to verify compliance with Regulation (EC) No 561/2006,


Amendment 28

Proposal for a regulation

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

Regulation (EU) No 165/2014

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

\textit{Present text} \hspace{1cm} \textit{Amendment}

(-1a) \hspace{0.5cm} \textit{In Article 2, paragraph 2, the}
following point is added:

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

Amendment 29

Proposal for a regulation
Article 2 – paragraph 1 – point -1 b (new)

Regulation (EU) No 165/2014
Article 3 – paragraph 4

Present text

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

Amendment

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

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

Justification

In order to ensure effective and proportionate enforcement of all road transport rules, smart tachographs will be mandatory in all vehicles used in international transport as of the end of the transitional period provided in Article 8. Note: January 2nd 2020 all international vehicles would need to be fitted with a Smart Tachograph. See Article 9.1 and 48.

Amendment 30

Proposal for a regulation
Article 2 – paragraph 1 – point -1 c (new)
Regulation (EU) No 165/2014
Article 5 – paragraph 1 – indent 9 a (new)

Text proposed by the Commission

Amendment (-1c) in Article 5, after the 9th indent, the following indent is added:

"– storing of documents as required by Regulation (EC) No 1072/2009;"

Or. en

Amendment 31

Proposal for a regulation
Article 2 – paragraph 1 – point -1 d (new)

Regulation (EU) No 165/2014
Article 7 – paragraph 1

Present text

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


"
Amendment 32

Proposal for a regulation
Article 2 – paragraph 1 – point -1 e (new)
Regulation (EU) No 165/2014
Article 7 – paragraph 2 - introductory wording

Present text

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

Amendment

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


Or. en

Amendment 33

Proposal for a regulation
Article 2 – paragraph 1 – point 1 a (new)
Regulation (EU) No 165/2014
Article 9 – paragraph 2

Present text

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

Amendment

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

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

Justification

Enforcement authorities need to have the proper equipment in place in order to make proper use of the data provided by the smart tachographs.

Amendment 34

Proposal for a regulation
Article 2 – paragraph 1 – point 1 b (new)
Regulation (EU) No 165/2014
Article 9 – paragraph 3

Present text

3. The communication referred to in paragraph 1 shall be established with the

Amendment

(1b) 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 Regulation (EC) No 561/2006 and of this Regulation and to workshops in so far as it is necessary to verify the correct functioning of the tachograph.

Amendment 35

Proposal for a regulation
Article 2 – paragraph 1 – point 1 c (new)
Regulation (EU) No 165/2014
Article 9 a (new)

Text proposed by the Commission

Amendment

(1c) The following Article is added

"Article 9a

1. In addition to data exchange according to Article 9, transport undertakings shall ensure that the full set of data referred to in Article 4(3) and Article 8(1) shall be automatically transmitted in real time via secure communication means from the smart tachograph to national databases as referred to in Article 33a.

2. The data transmitted shall be stored and used in accordance with Article 33a."

Or. en
Amendment 36
Proposal for a regulation
Article 2 – paragraph 1 – point 1 d (new)
Regulation (EU) No 165/2014
Article 11 – point b

Present text

(b) specify the various conditions and requirements for the satellite positioning service and the remote communication technology referred to in Articles 8 and 9 to be either outside or embedded in the tachograph and, when outside, specify the conditions for the use of the satellite positioning signal as a second motion sensor;

Amendment

(1d) In Article 11, point b, is replaced by the following:

"(b) specify the various conditions and requirements for the satellite positioning service and the remote communication technology referred to in Articles 8, 9 and 9a to be either outside or embedded in the tachograph and, when outside, specify the conditions for the use of the satellite positioning signal as a second motion sensor;

"

Or. en


Amendment 37
Proposal for a regulation
Article 2 – paragraph 1 – point 1 e (new)
Regulation (EU) No 165/2014
Article 33 a (new)

Text proposed by the Commission

(1e) The following Article is inserted:

"Article 33a

Electronic exchange of information from smart tachographs

1. In order to facilitate the exchange of information and cooperation between
the competent authorities of the Member States that implement or enforce the Union legal acts listed in Article 7(1), each Member State shall create and maintain a database of data on transport operations and drivers activities transmitted in accordance with paragraph 2 of this Article and Article 9a. The Member States shall ensure the link of those databases with the TACHOnet messaging system as referred to in Article 31.

2. Transport undertakings shall transmit to the databases an electronic evidence of transport operation taking place in the host Member State, such as an electronic consignment note (e-CMR)[1], if available at the latest at the commencement of the transport operation.

3. The Member States shall grant access to the database referred to in paragraph 1 of this Article solely to competent authorities authorised to check infringements of the Union legal acts listed in Article 7(1). The Commission shall develop a system for the data analyzing, and automatic messaging, of possible breaches of those legal acts.

4. For the purpose of implementation of paragraph 3, the Member States shall notify the Commission of contact details of all competent authorities within their territory that they have designated to have access to those databases. By [...] the Commission shall draw up a list of all competent authorities and forward it to the Member States. The Member States shall notify any subsequent changes thereto without delay.

5. By [...] one year after the entry into force of this Regulation, the Commission shall adopt delegated acts in accordance with Article 41a supplementing this Regulation by laying down the standards and characteristics of such databases, as well as the conditions for their use,
specifying:

(a) the access rights of the competent authorities, differentiated where appropriate, according to the type of competent authorities, the type of access and the purpose for which the data is used;

(b) the development of a system or utility enabling the analysis of the data in the national databases, with a view to identifying possible breaches of the Union legal acts listed in Article 7(1) of this Regulation, including a functionality that would allow for the generating and sending of automatic messages on any possible breaches to the relevant competent authorities, in particular those on which territory the vehicle at issue is present, including, as appropriate, to on-site inspectors;

(c) the maximum duration over which data is to be retained in accordance with paragraph 3, differentiated, where appropriate, according to the type of data;

(d) any instructions regarding the operation of the database and, whenever necessary, its interaction with the TACHOnet messaging system under Article 31 of this Regulation.

6. By [one year after the entry into force of this Regulation] the Commission shall adopt implementing acts laying down a uniform format for transmitting the data as referred to in Article 4(3) and Article 8(1). Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 42(2).

7. Member States shall set up the database by [three years after the entry into force of this Regulation].

8. Any personal data included in the databases referred to in this Article shall be stored for no longer than is necessary for the purposes for which the data were collected or for which they are further
processed pursuant to legal acts referred to in Article 7 (1). Once such data are no longer needed for those purposes, they shall be destroyed."

1 Electronic consignment note under the 'Convention on the Contract for the International Carriage of Goods by Road

Amendment 38

Proposal for a regulation
Article 2 – paragraph 1 – point 2
Regulation (EU) No 165/2014
Article 34 – paragraph 7

Text proposed by the Commission

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

Amendment

7. The driver shall enter in the digital tachograph the symbols of the countries in which the daily working period started and finished. After crossing a border, the driver shall stop at the first possible stopping place and shall enter in the digital tachograph the symbol of the country. 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.

Justification

Until such time as the mandatory tachographs are fitted in, drivers are still required to fill-in their border-crossing data by hand. They are required to do so as soon as possible after crossing a border, i.e; at the first stopping place past the border.
Amendment 39

Proposal for a regulation
Article 2 – paragraph 1 – point 2 a (new)
Regulation (EU) No 165/2014
Article 36 – paragraph 1 – point i

**Present text**

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

**Amendment**

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

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

"

Or. en

(Or. en)


Amendment 40

Proposal for a regulation
Article 2 – paragraph 1 – point 2 b (new)
Regulation (EU) No 165/2014
Article 36 – paragraph 1 – point iii

**Present text**

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

**Amendment**

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

"(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.

"

Or. en

(Or. en)

Amendment 41

Proposal for a regulation
Article 2 – paragraph 1 – point 2 c (new)
Regulation (EU) No 165/2014
Article 36 – paragraph 2 – point ii

Present text

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

Amendment

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

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

Or. en


Justification

The greatest impediment to the proper functioning of European Road Transport system is the lack of effective means of enforcement, owing to the small number of enforcers and to outdated control systems. A key aspect that must be ensured is the ability of enforcers to acquire a comprehensive and verified oversight of all driving and rest times.

Amendment 42

Proposal for a regulation
Article 2 – paragraph 1 – point 2 d (new)
Regulation (EU) No 165/2014
Article 41 a (new)

Text proposed by the Commission

(2d) The following Article is inserted:

"Article 41a

Exercise of the delegation

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

2. The power to adopt delegated acts referred to in Article 33a(5) shall be conferred on the Commission for a period
of five years from … [the date of entry into force of this Regulation]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

3. The delegation of power referred to in Article 33a (5) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016.

5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6. A delegated act adopted pursuant to Article 33a (5) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of [two months] of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by [two months] at the initiative of the European Parliament or of the
Council.”
EXPLANATORY STATEMENT

Introduction

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

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

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

The Commission’s proposal

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

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

Rapporiteur’s position

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

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

1. Drivers’ working conditions and flexibility

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

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

- Returning home

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

- Regular weekly rest requirements:

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

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

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

- Dedicated Parking Areas requirement:

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

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

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

- Actual driving times requirements

Drivers are often faced with unforeseen circumstances, which make it impossible to reach a desired destination for the purpose of taking a weekly rest without violating Union’s rules. The Rapporteur agrees with the proposal to make it easier for drivers to cope with such
circumstances, and enable them to reach their destination for their weekly rest without breaching the requirements on maximum driving times. However, the Rapporteur modifies the proposal to only apply it when the driver is attempting to reach the base of operations in order to take the rest at home.

2. “Smart” enforcement:

- Smart Tachograph

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

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

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

- National Interoperable Databases

National enforcement authorities are facing growing pressures stemming from more complex legislation, higher volumes of traffic and broad range of situational permutations. These pressures are compounded by continued national reductions of funding and road-side enforcers. The Rapporteur believes that a 21st century approach is necessary, which makes use of technology and data analysis to support national enforcement authorities in their work. He, therefore, suggests that the Member States would set up national databases that collect, store and analyse relevant data in compliance with the General Data Protection Regulation. This would enable national enforcers to gain comprehensive overview of activities on the Member State territory by national, Member State and third country undertakings.

Additionally, the national databases would be exclusively accessible by other Member State enforcers. This would further enhance the national enforcement effectiveness as enforcers would get a more complete overview of any driver’s activities over a period of 56 days. Only through such means can enforcement be effective in international transportation.

The Rapporteur supports the idea of accelerating the implementation of the e-CMR information and data exchange tool. This would include communication to both the National Databases and the storage on the smart tachograph.
The following list is drawn up on a purely voluntary basis under the exclusive responsibility of the rapporteur. The rapporteur has received input from the following entities or persons in the preparation of the draft report:

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<td>Euro Control Route</td>
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<td>Federatie Nederlandse Vakbeweging</td>
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<td>Christelijk Nationaal Vakbond</td>
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<td>International Coach Tourism Federation</td>
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<td>Transport and Logistics Poland</td>
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<td>European Transport Workers' Federation</td>
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<td>Bundesverband Güterkraftverkehr Logistik und Entsorgung</td>
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<td>The Danish Transport and Logistics Association</td>
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<td>Representatives from various Member States governments</td>
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