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INFORMATION NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee/Council

Subject: 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
- Outcome of the European Parliament's first reading,
(Brussels, 3 to 4 April 2019)

I. INTRODUCTION

The rapporteur, Wim VAN DE CAMP (EPP, NL), presented a report on the proposal for a Regulation on behalf of the Committee on Transport and Tourism.

II. VOTE

When it voted on 4 April 2019, the plenary adopted the report on the proposal for a Regulation.

The Commission's proposal as thus amended constitutes the Parliament's first-reading position which is contained in its legislative resolution as set out in the Annex hereto¹.

¹ The version of the Parliament's position in the legislative resolution has been marked up to indicate the changes made by the amendments to the Commission's proposal. Additions to the Commission's text are highlighted in ***bold and italics***. The symbol "■" indicates deleted text.

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

European Parliament legislative resolution of 4 April 2019 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))

(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 2018²,
 - having regard to the opinion of the Committee of the Regions of 1 February 2018³,
 - 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;
 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.

² OJ C 197, 8.6.2018, p. 45.

³ OJ C 176, 23.5.2018, p. 57.

Amendment 346

Proposal for a regulation

Recital 1

Text proposed by the Commission

(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 road transport sector. To facilitate that process it is essential that the Union social rules in road transport are clear, fit for purpose, easy to apply and to enforce and implemented in an effective and consistent manner throughout the Union.

Amendment

(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.

Amendment 347

Proposal for a regulation

Recital 2

Text proposed by the Commission

(2) 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 Council⁹, certain deficiencies were identified in the ***existing*** legal framework. Unclear ***and unsuitable*** rules on weekly rest, resting facilities, breaks in multi-manning and the absence of rules on

Amendment

(2) 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 Council⁹, certain deficiencies were identified in the ***implementation of the*** legal framework. Unclear rules on weekly rest, resting facilities, breaks in multi-manning and the absence of rules on

the return of drivers to their home, 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.

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.

⁹ Regulation (EC) No 561/2006 of the European Parliament and of the Council of 15 March 2006 on the harmonisation of certain social legislation relating to road transport and amending Council Regulations (EEC) No 3821/85 and (EC) No 2135/98 and repealing Council Regulation (EEC) No 3820/85 (OJ L 102, 11.4.2006, p. 1).

⁹ Regulation (EC) No 561/2006 of the European Parliament and of the Council of 15 March 2006 on the harmonisation of certain social legislation relating to road transport and amending Council Regulations (EEC) No 3821/85 and (EC) No 2135/98 and repealing Council Regulation (EEC) No 3820/85 (OJ L 102, 11.4.2006, p. 1).

Amendment 348

Proposal for a regulation Recital 2 a (new)

Text proposed by the Commission

Amendment

.(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.

Amendment 349

Proposal for a regulation Recital 2 b (new)

Text proposed by the Commission

Amendment

(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.

Amendment 350

Proposal for a regulation Recital 3

Text proposed by the Commission

Amendment

(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 use of the control tools and insufficient administrative cooperation between the Member States.

(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.

Amendment 351

Proposal for a regulation

Recital 4

Text proposed by the Commission

(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 competition between operators and contributing to road safety for all road users.

Amendment

(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.

Amendment 352

Proposal for a regulation

Recital 4 a (new)

Text proposed by the Commission

Amendment

(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.

Amendment 353/rev

Proposal for a regulation

Recital 4 b (new)

Text proposed by the Commission

Amendment

(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.

Amendment 354

**Proposal for a regulation
Recital 5 a (new)**

Text proposed by the Commission

Amendment

(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.

Amendment 355

**Proposal for a regulation
Recital 6**

Text proposed by the Commission

Amendment

(6) Drivers engaged in long-distance international transport operations spend

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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.

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.*

Amendment 356

Proposal for a regulation Recital 6 a (new)

Text proposed by the Commission

Amendment

(6a) 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.

Amendment 357

Proposal for a regulation Recital 6 b (new)

Text proposed by the Commission

Amendment

(6b) 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.

Amendment 358

Proposal for a regulation Recital 6 c (new)

Text proposed by the Commission

Amendment

(6c) 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.

Amendment 359

Proposal for a regulation Recital 7

Text proposed by the Commission

(7) 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. **It** is therefore appropriate to clarify that requirement to ensure that drivers are provided with **adequate** accommodation for their regular weekly rest periods if they are taken away from home.

Amendment

(7) 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 ***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.***

Amendment 360

Proposal for a regulation Recital 7 a (new)

Text proposed by the Commission

Amendment

(7a) Dedicated Parking areas should have all of the facilities necessary for good resting conditions, that is to say sanitary, culinary, security and others.

Amendment 361

Proposal for a regulation Recital 7 b (new)

Text proposed by the Commission

Amendment

(7b) 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.

Amendment 362

Proposal for a regulation Recital 7 c (new)

Text proposed by the Commission

Amendment

(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.

Amendment 363

Proposal for a regulation Recital 7 d (new)

Text proposed by the Commission

Amendment

(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.

Amendment 364

Proposal for a regulation Recital 8 a (new)

Text proposed by the Commission

Amendment

(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.

Amendment 365

Proposal for a regulation Recital 9 a (new)

Text proposed by the Commission

Amendment

(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 366

**Proposal for a regulation
Recital 9 b (new)**

Text proposed by the Commission

Amendment

(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.

Amendment 367

**Proposal for a regulation
Recital 9 c (new)**

(9c) 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 368

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 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.

Amendment 369

Proposal for a regulation

Recital 11 a (new)

Text proposed by the Commission

Amendment

(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.

Amendment 370

**Proposal for a regulation
Recital 11 b (new)**

Text proposed by the Commission

Amendment

(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.”

Amendment 371

**Proposal for a regulation
Recital 11 c (new)**

Text proposed by the Commission

Amendment

(11c) 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.

Amendment 372

**Proposal for a regulation
Recital 12 a (new)**

Text proposed by the Commission

Amendment

(12a) 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 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.

Amendment 373

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

Regulation (EC) No 561/2006

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

Text proposed by the Commission

Amendment

(-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"

Amendment 374

Proposal for a regulation

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

Regulation (EC) No 561/2006

Article 3 – paragraph 1 – point a a

Present text

Amendment

(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, and which are used only within a **100** km radius from the base of the undertaking and on the condition that driving the vehicle does not constitute the driver's main activity;

(-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;"

Amendment 375

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

Article 3 – point h a (new)

Text proposed by the Commission

Amendment

(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;”

Amendment 376

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

Article 4 – point r

Text proposed by the Commission

Amendment

(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.

(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.***

Amendment 377

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

Regulation (EC) No 561/2006

Article 4 – point r a (new)

Text proposed by the Commission

Amendment

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

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

Amendment 378

Proposal for a regulation

Article 1 – paragraph 1 – point 2 b (new)

Regulation (EC) No 561/2006

Article 5 – paragraph 1

Present text

Amendment

1. The minimum age for *conductors* shall be 18 years.

(2b) In Article 5, paragraph 1 is replaced by the following:

“1. The minimum age for *drivers* shall be 18 years.”

Amendment 379

Proposal for a regulation

Article 1 – paragraph 1 – point 5 – point a

Regulation (EC) No 561/2006

Article 8 – paragraph 6 – subparagraph 1

Text proposed by the Commission

Amendment

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

deleted

“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.”

Amendment 381

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

Amendment

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.

7. Any rest period taken as compensation for a reduced weekly rest period shall ***be attached to*** a regular weekly rest period of at least 45 hours.

Amendment 382

Proposal for a regulation

Article 1 – paragraph 1 – point 5 – point c

Regulation (EC) No 561/2006

Article 8 – paragraph 8 a – introductory part

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, 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 *quality and gender friendly* accommodation, *outside the cabin*, with adequate *sanitary and sleeping* facilities *for the driver. That accommodation shall be:*

Amendment 383

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

Amendment 384

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 location

Amendment

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

chosen by the driver.

private location chosen by the driver.

Amendment 385

Proposal for a regulation

Article 1 – paragraph 1 – point 5 – point c

Regulation (EC) No 561/2006

Article 8 – paragraph 8 b – subparagraph 1

Text proposed by the Commission

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.

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 **or another location of the driver's choosing before the end of** each period of **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.**

Amendment 386

Proposal for a regulation

Article 1 – paragraph 1 – point 5 – point c

Regulation (EC) No 561/2006

Article 8 – paragraph 8 b – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

In Article 8, paragraph 8b, the following subparagraph is added:

“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.”

Amendment 380

Proposal for a regulation

Article 1 – paragraph 1 – point 5 – point c a (new)

Regulation (EC) No 561/2006

Article 8 – paragraph 9 a (new)

Text proposed by the Commission

Amendment

(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.”

Amendment 387

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 [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.”

Amendment 388

Proposal for a regulation

Article 1 – paragraph 1 – point 6

Regulation (EC) No 561/2006

Article 9 – paragraph 1

Text proposed by the Commission

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 bunk or couchette at their disposal.

Amendment

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.

Amendment 389

Proposal for a regulation

Article 1 – paragraph 1 – point 6 a (new)

Regulation (EC) No 561/2006

Article 9 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

(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."

Amendment 390

Proposal for a regulation

Article 1 – paragraph 1 – point 6 a (new)

Regulation (EC) No 561/2006

Article 10 – paragraph 1

Present text

Amendment

1. A transport undertaking shall not give drivers it employs or who are put at its disposal any payment, even in the form of a bonus or wage supplement, related to distances travelled and/or the amount of goods carried if that payment ***is of such a kind as to endanger road safety and/or*** encourages infringement of this Regulation.

(6a) 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."

Amendment 391

Proposal for a regulation

Article 1 – paragraph 1 – point 7

Regulation (EC) No 561/2006

Article 12 – paragraph 2

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 there. 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 on arrival at the suitable accommodation.

Amendment

Provided that road safety is not thereby jeopardised, the driver may depart *exceptionally* from Article 6(1) and (2) after a rest of 30 minutes, so as to be able to reach *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 printout from the recording equipment. *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.*

Amendment 392

Proposal for a regulation

Article 1 – paragraph 1 – point 7 a (new)

Regulation (EC) No 561/2006

Article 13 – paragraph 1 – point d

Present text

(d) vehicles or combinations of vehicles with a maximum permissible mass not exceeding 7,5 tonnes used by universal service providers as defined in Article 2(13) of Directive 97/67/EC of the European Parliament and of the Council of 15 December 1997 on common rules for the development of the internal market of Community postal services and the improvement of quality of service to deliver items as **part of the universal service**.

Amendment

(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.**”

Amendment 393

Proposal for a regulation

Article 1 – paragraph 1 – point 7 b (new)

Regulation (EC) No 561/2006

Article 13 – paragraph 1 – point e

Present text

(e) vehicles operating exclusively on islands not exceeding 2 300 square kilometres in area which are not **linked** to the rest of the national territory by a bridge, ford or tunnel open for use by motor vehicles;

Amendment

(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;**”

Amendment 394

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

Article 13 – paragraph 1 – point p a (new)

Text proposed by the Commission

Amendment

(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;"

Amendment 395

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

Article 14 – paragraph 2

Text proposed by the Commission

Amendment

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.

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.

Amendment 396

Proposal for a regulation

Article 1 – paragraph 1 – point 9

Regulation (EC) 561/2006

Article 15

Text proposed by the Commission

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. Member States ***shall inform the Commission about the relevant national rules applicable to such drivers.***

Amendment

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 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.***

Amendment 397

Proposal for a regulation

Article 1 – paragraph 1 – point 9 a (new)

Regulation (EC) 561/2006

Article 17 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

(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."

Amendment 398

Proposal for a regulation

Article 1 – paragraph 1 – point 10

Regulation (EC) 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 Council¹², 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 notify without delay any subsequent **amendments thereto**. The Commission shall inform Member States **accordingly**.

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 Council¹², 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 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 **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.

¹² Directive 2006/22/EC of the European Parliament and of the Council of 15 March 2006 on minimum conditions for the implementation of Council Regulations (EEC) No 3820/85 and (EEC) No 3821/85 concerning social legislation relating to road transport activities and repealing Council Directive 88/599/EEC (OJ L 102, 11.4.2006, p. 35).

¹² Directive 2006/22/EC of the European Parliament and of the Council of 15 March 2006 on minimum conditions for the implementation of Council Regulations (EEC) No 3820/85 and (EEC) No 3821/85 concerning social legislation relating to road transport activities and repealing Council Directive 88/599/EEC (OJ L 102, 11.4.2006, p. 35).

Amendment 399

Proposal for a regulation

Article 1 – paragraph 1 – point 12

Regulation (EC) 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).

Amendment 400

Proposal for a regulation

Article 1 – paragraph 1 – point 12 a (new)

Regulation (EC) 561/2006

Annex (new)

(12a) 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."*

Amendment 401

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, Directive 2002/15/EC of the European Parliament and of the Council¹⁴ and Council Directive 92/6/EEC¹⁵.

¹⁴ Directive 2002/15/EC of the European Parliament and of the Council of 11 March 2002 on the organisation of the working time of persons performing mobile road transport activities (OJ L 80, 23.3.2002, p. 35).

¹⁵ Council Directive 92/6/EEC of 10 February 1992 on the installation and use of speed limitation devices for certain

Amendment

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

“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, Directive 2002/15/EC of the European Parliament and of the Council¹⁴ and Council Directive 92/6/EEC¹⁵, ***Regulation (EC) No 1072/2009, Council Directive 92/106/EEC^{15a}, Directive 96/71/EC and Directive 2014/67/EU as far as the posting of workers in road transport is concerned, and with the Directive laying down specific rules with respect to Directive 96/71/EC and Directive 2014/67/EU for posting drivers in road transport.***”

¹⁴ Directive 2002/15/EC of the European Parliament and of the Council of 11 March 2002 on the organisation of the working time of persons performing mobile road transport activities (OJ L 80, 23.3.2002, p. 35).

¹⁵ Council Directive 92/6/EEC of 10 February 1992 on the installation and use of speed limitation devices for certain

categories of motor vehicles in the Community (OJ L 57, 2.3.1992, p. 27).

categories of motor vehicles in the Community (OJ L 57, 2.3.1992, p. 27).

^{15a} **Council Directive 92/106/EEC of 7 December 1992 on the establishment of common rules for certain types of combined transport of goods between Member States (OJ L 368, 17.12.1992, p. 38).**

Amendment 402

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)

Text proposed by the Commission

Amendment

(-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;"

Amendment 403

Proposal for a regulation

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

Regulation (EU) No 165/2014

Article 3 – paragraph 4

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.

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

“4. No later than¹... [OJ: 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 IB to Council Regulation (EEC) No 3821/85 applicable until 30 September 2011; or

(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.”

¹ *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.*

Amendment 404

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

Regulation (EU) No 165/2014

Article 3 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

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

“4a. By... [OJ: 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.”

Amendment 405

Proposal for a regulation

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

Regulation (EU) No 165/2014

Article 3 – paragraph 4 b (new)

Text proposed by the Commission

Amendment

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

“4b. By... [OJ: 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) 2016/799¹ shall be fitted with a smart tachograph.”

¹ *Commission Implementing Regulation (EU) 2016/799 of 18 March 2016 implementing Regulation (EU) No 165/2014 of the European Parliament and of the Council laying down the requirements for the construction, testing, installation, operation and repair of*

Amendment 406

Proposal for a regulation

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

Regulation (EU) No 165/2014

Article 4 – paragraph 2 – indent 3 a (new)

Text proposed by the Commission

Amendment

(-1e) In Article 4(2), the following indent is inserted:

“- have enough memory capacity to store all of the data required under this Regulation;”;

Amendment 407

Proposal for a regulation

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

Regulation (EU) No 165/2014

Article 7 – paragraph 1

Present text

Amendment

(-1f) in Article 7, paragraph 1 is replaced by the following:

1. Member States shall ensure that the processing of personal data in the context of this Regulation is carried out solely for the purpose of verifying compliance with this Regulation and with Regulation (EC) No 561/2006, in accordance with

"1. Member States shall ensure that the processing of personal data in the context of this Regulation is carried out solely for the purpose of verifying compliance with this Regulation and with Regulation (EC) No 561/2006, **Directive 2002/15/EC**,

Directives 95/46/EC and **2002/58/EC** and under the supervision of the supervisory authority of the Member State referred to in Article **28 of Directive 95/46/EC**.

Council Directive 92/6/EEC, Council Directive 92/106/EEC, Regulation (EC) No 1072/2009, Directive 96/71/EC and Directive 2014/67/EU as far as posting of workers in road transport is concerned, and with the Directive laying down specific rules with respect to Directive 96/71/EC and Directive 2014/67/EU for posting drivers in road transport, in accordance with **Regulation (EU) 2016/679** and Directive **2002/58/EC** and under the supervision of the supervisory authority of the Member State referred to in Article **51 of Regulation (EU) No 2016/679.**"

Amendment 408

Proposal for a regulation

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

Regulation (EU) No 165/2014

Article 7 – paragraph 2 – introductory part

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

(-1g) In Article 7, the introductory part of paragraph 2 is replaced by the following:

"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) 561/2006, **Directive 2002/15/EC, Council Directive 92/6/EEC, Council Directive 92/106/EEC, Regulation (EC) No 1072/2009, Directive 96/71/EC and Directive 2014/67/EU as far as posting of workers in road transport is concerned, and with the Directive laying down specific rules with respect to Directive 96/71/EC and Directive 2014/67/EU for posting drivers in road transport**, in accordance with paragraph 1, in relation to:"

Amendment 409

Proposal for a regulation

Article 2 – paragraph 1 – point 1

Regulation (EU) No 165/2014

Article 8 – paragraph 1 – subparagraph 1 - indent 2

Text proposed by the Commission

- every three hours of accumulated driving time and every time the vehicle crosses the border;

Amendment

- every three hours of accumulated driving time and every time the vehicle crosses the border *of a Member State*;

Amendment 410

Proposal for a regulation

Article 2 – paragraph 1 – point 1

Regulation (EU) No 165/2014

Article 8 – paragraph 1 – subparagraph 1 - indent 2 a (new)

Text proposed by the Commission

Amendment

- *every time the vehicle performs loading or unloading activities;*

Amendment 411

Proposal for a regulation

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

Regulation (EU) No 165/2014

Article 8 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

(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.

Amendment 412

Proposal for a regulation

Article 2 – paragraph 1 – point 1 b (new)

Regulation (EU) No 165/2014

Article 8 – paragraph 1 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

(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.”

Amendment 413/rev

Proposal for a regulation

Article 2 – paragraph 1 – point 1 c (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

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

"2. By ... [OJ: 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."

Amendment 414

Proposal for a regulation

Article 2 – paragraph 1 – point 1 d (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 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

Amendment

(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 **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.

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."

Amendment 415

Proposal for a regulation

Article 2 – paragraph 1 – point 1 e (new)

Regulation (EU) No 165/2014

Article 11 – paragraph 1

Present text

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. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 42(3).

Amendment

(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 ... [OJ: 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)."

Amendment 416

Proposal for a regulation

Article 2 – paragraph 1 – point 1 f (new)

Regulation (EU) No 165/2014



Article 34 – paragraph 5 – point b – point (iv)

Present text

(iv) under the sign  : breaks or rest.

Amendment

(1f) in Article 34(5), point b, point iv is replaced by the following:

"(iv) under the sign  : breaks, ***rest, annual leave or sick leave,***
under the sign "ferry/train": In addition to the sign  : the rest period spending on a ferry or train as required by Article 9 of Regulation (EC) 561/2006."

Amendment 417

Proposal for a regulation

Article 2 – paragraph 1 – point 2

Regulation (EU) No 165/2014

Article 34 – paragraph 7 – subparagraph 1

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***

Amendment

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 the symbols of the countries in which the daily working

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.

period started and finished as well as where and when the driver has crossed a border. ***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.”

Amendment 418

Proposal for a regulation

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

Regulation (EU) No 165/2014

Article 34 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

(2a) 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.";

Amendment 419

Proposal for a regulation

Article 2 – paragraph 1 – point 2 b (new)

Regulation (EU) No 165/2014

Article 34 – paragraph 7 b (new)

Text proposed by the Commission

Amendment

(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."

Amendment 420

Proposal for a regulation

Article 2 – paragraph 1 – point 2 c (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

(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,"

Amendment 421

Proposal for a regulation

Article 2 – paragraph 1 – point 2 d (new)

Regulation (EU) No 165/2014

Article 36 – paragraph 1 – point iii

Present text

Amendment

(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.

(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."

Amendment 422

Proposal for a regulation

Article 2 – paragraph 1 – point 2 e (new)

Regulation (EU) No 165/2014

Article 36 – paragraph 2 – point ii

Present text

Amendment

(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,

(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,"