

**AMENDMENTS 01-84**

by the rapporteur

**Report****Wim Van de Camp****A8-0205/2018**

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

Proposal for a regulation (COM(2017)0277 – C8-0167/2017 – 2017/0122(COD))

**Amendment 1****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 2****Proposal for a regulation****Recital 2***Text proposed by the Commission*

(2) Having evaluated the effectiveness

*Amendment*

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and efficiency of the implementation of the existing set of Union social rules in road transport, and in particular Regulation (EC) No 561/2006 of the European Parliament and of the Council<sup>9</sup>, 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 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.

and efficiency of the implementation of the existing set of Union social rules in road transport, and in particular Regulation (EC) No 561/2006 of the European Parliament and of the Council<sup>9</sup>, 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 *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.*

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<sup>9</sup> 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).

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<sup>9</sup> 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 3

#### 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 4

##### 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 5

##### 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.

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## Amendment 6

### 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 7

### 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 8

### Proposal for a regulation

#### Recital 4 a (new)

*Text proposed by the Commission*

*Amendment*

***(4a) 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 9

### 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 10

### Proposal for a regulation

#### Recital 6

*Text proposed by the Commission*

*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 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.

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## Amendment 11

### 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 12**

### **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 13**

### **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 14**

### **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 15**

### **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 16**

### **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 17**

### **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 18**

### **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 19**

**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 20**

**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 21**

**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 22**

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

*Text proposed by the Commission*

*Amendment*

**(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 23**

### **Proposal for a regulation Recital 11**

*Text proposed by the Commission*

*Amendment*

(11) To enhance cost-effectiveness of enforcement of the social rules **the**

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*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*.

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 24

### 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 25

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

*Text proposed by the Commission*

*Amendment*

*(11b) Taking into account the widespread 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 26

### 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 27

### 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, paragraph 1, the following point (aa) is added:***

***“(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 28

### Proposal for a regulation Article 1 – paragraph 1 – point -1 a (new) Regulation (EC) No 561/2006 Article 3 – paragraph 1 – point aa

*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

***(-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***

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;

***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;”

(<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02006R0561-20150302&qid=1529948424671&from=EN>)

## **Amendment 29**

### **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 30**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 2**

Regulation (EC) No 561/2006

Article 4 – paragraph 1 – 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 31

### Proposal for a regulation

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

Regulation (EC) No 561/2006

Article 4 – paragraph 1 – 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 32

### Proposal for a regulation

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

Regulation (EC) No 561/2006

Article 5 – paragraph 1

*Present text*

*Amendment*

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

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

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

*(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32006R0561&from=EN>)*

## Amendment 33

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 3 b (new)

Regulation (EC) No 561/2006

Article 7 – paragraph 2

*Text proposed by the Commission*

*Amendment*

This break may be replaced by **a break** of at least 15 minutes **followed by a break of at least 30 minutes** each distributed over the period in such a way as to comply with the provisions of the first paragraph.

**Keep COM proposal**

*(<http://eur-lex.europa.eu/resource.html?uri=cellar:5cf5ebde-d494-40eb-86a7->)*

## Amendment 34

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 4

Regulation (EC) No 561/2006

Article 7 – paragraph 3

#### *Text proposed by the Commission*

A driver engaged in multi-manning may decide to take a break of 45 minutes in a vehicle driven by another driver provided that the driver taking the break is not involved in assisting the driver driving the vehicle.

#### *Amendment*

A driver engaged in multi-manning may decide to take a break of 45 minutes in a vehicle driven by another driver provided that the driver taking the break is not involved in assisting the driver driving the vehicle.

***For the carriage by road of passengers, the driver may choose to take a break of at least 30 minutes followed by a break of at least 15 minutes each, distributed over the period in such a way as to comply with the first paragraph.***

#### *Justification*

*Drivers carrying passengers should have more flexibility in taking breaks in order to adapt them to the needs of the passengers without extending driving times or reducing rest times and breaks.*

## Amendment 35

### 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*

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

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

***(a) four regular weekly rest periods,***  
***or***

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

#### *Amendment*

***deleted***

*rest periods of at least 24 hours.*

### **Amendment 36**

#### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 5 – point a a (new)**

Regulation (EC) No 561/2006

Article 8 – paragraph 6 a – introductory part

#### *Present text*

6a. By way of derogation from paragraph 6, a driver engaged in a single occasional service of *international* carriage of passengers, as defined in Regulation (EC) No 1073/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international market for coach and bus services, may postpone the weekly rest period for up to 12 consecutive 24-hour periods following a previous regular weekly rest period, provided that:

#### *Amendment*

*(aa) In Article 8, introductory part of paragraph 6a shall be replaced by the following:*

"6a. By way of derogation from paragraph 6, a driver engaged in a single occasional service of carriage of passengers, as defined in Regulation (EC) No 1073/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international market for coach and bus services, may postpone the weekly rest period for up to 12 consecutive 24-hour periods following a previous regular weekly rest period, provided that:"

<http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32006R0561>

#### *Justification*

*This derogation should also apply to national carriage especially larger Member States should benefit from this option.*

### **Amendment 37**

#### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 5 – point a b (new)**

Regulation (EC) No 561/2006

Article 8 – paragraph 6 a – subparagraph 1 – point (a)

#### *Present text*

*(a) the service lasts at least 24 consecutive hours in a Member State or a*

#### *Amendment*

*(ab) in paragraph 6a, point (a) is deleted;*



*third country to which this Regulation applies other than the one in which the service started;*

*(<http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32006R0561>)*

### **Amendment 38**

#### **Proposal for a regulation**

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

Regulation (EC) No 561/2006

Article 8 – paragraph 6 a a (new)

*Text proposed by the Commission*

*Amendment*

*(ac) the following paragraph is inserted:*

*"6aa. By way of derogation from Article 8(2) and the second subparagraph of Article 8(6), a driver engaged in single occasional carriage of passengers, as defined in Regulation (EC) No 1073/2009 of the European Parliament and the of the Council of 21 October 2009 on common rules for access to the international market for coach and bus services, may postpone, at most twice per week, daily resting time by one hour, provided that the daily rest period taken after making use of the derogation lasts for at least 9 hours, and that road safety is not thereby jeopardised."*

### **Amendment 39**

#### **Proposal for a regulation**

**Article 1 – paragraph 1 – point 5 – point a d (new)**

Regulation (EC) No 561/2006

Article 8 – paragraph 6 a b (new)

*Text proposed by the Commission*

*Amendment*

*(ad) In Article 8, new paragraph is added:*

*"6ab. Provided that road safety is not thereby jeopardised, a driver engaged in single occasional carriage of passengers, as defined in Regulation (EC) No 1073/2009 of the European Parliament and the of the Council of 21 October 2009 on common rules for access*

*to the international market for coach and bus services, may take a regular daily rest period divided into three periods which shall consist of at least: an uninterrupted period of 1 hour, an uninterrupted period of 2 hours and an uninterrupted period of 9 hours. Those periods can be spread in any order, except taking two uninterrupted periods of 9 hours consecutively from one day to another."*

#### **Amendment 40**

##### **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* a regular weekly rest period of at least 45 hours.

#### **Amendment 41**

##### **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) In 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."

#### **Amendment 42**

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

**Amendment 43**

**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 44**

**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 chosen by the driver

*Amendment*

(b) at *the driver's* home or at another private location chosen by the driver.

**Amendment 45**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 5 – point c**

Regulation (EC) No 561/2006

Article 8 – paragraph 8 a a (new)

*Text proposed by the Commission*

*Amendment*

***In Article 8, the following paragraph is inserted:***

***“8aa. Paragraph 8a of this Article shall not apply when the regular weekly rest periods and reduced weekly rest periods 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 46**

##### **Proposal for a regulation**

**Article 1 – paragraph 1 – point 5 – point c**

Regulation (EC) No 561/2006

Article 8 – paragraph 8 a b (new)

*Text proposed by the Commission*

*Amendment*

***In Article 8, the following paragraph is inserted:***

***8 ab “Until [OJ: end of the year 3 after entry into force] the regular weekly rest periods and reduced weekly rest periods may also be taken in the vehicle when it is parked in a parking area not fulfilling the requirements for Dedicated Parking Areas set out in the Annex.***

***At the end of this 3 years period, the Commission should assess the availability of Dedicated Parking Areas in each Member State and propose an additional derogation period of 3 years, if necessary”.***

#### **Amendment 47**

##### **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 48**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 5 – point c**

Regulation (EC) No 561/2006

Article 8 – paragraph 8 b – subparagraph 2

*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 49**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 5 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 and reduced weekly rest periods in any parking areas that are certified as Dedicated Parking Areas (DPA).**
- 2. By [six months after the entry into force of this Regulation] Member States shall communicate to the Commission the locations of 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.**
- 3. 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.**
- 4. 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.**
- 5. Member States shall investigate complaints of certified DPAs that are non-compliant with the criteria set out in Annex.**
- 6. 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 50**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 6**

Regulation (EC) No 561/2006

Article 9 – paragraph 1

#### *Text proposed by the Commission*

9. 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*

9. 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 51**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 6 (new)**

Regulation (EC) No 561/2006

Article 9 – paragraph 1 a (new)

#### *Text proposed by the Commission*

#### *Amendment*

***In Article 9, paragraph 1 a is inserted:***

***"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 52

### Proposal for a regulation

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

Regulation (EC) No 561/2006

Article 10 – paragraph 1

#### *Present text*

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.***

#### *Amendment*

***(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 53

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 7

Regulation (EC) No 561/2004

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 54

### Proposal for a regulation

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

Regulation (EC) No 561/2006

Article 13 – paragraph 1 – point d

*Text proposed by the Commission*

(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) Article 13, paragraph 1, point d shall be 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*.

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32014R0165&qid=1512486773548&from=EN>)

## Amendment 55

### 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) Article 13, paragraph 1, point e shall be 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 56**

### **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, paragraph 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 57**

### **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 58**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 9**

Regulation (EC) 561/2006

Article 15 – paragraph 1

*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 should provide parking and rest areas, free from snow and ice in the winter time, especially in the outermost and/or peripheral regions of the European Union.***

**Amendment 59**

**Proposal for a regulation**

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

Regulation (EC) No 561/2006

Article 17 – paragraph 3 a (new)

*Text proposed by the Commission*

*Amendment*

***(9a) In Article 17, paragraph 3 a is added as follows:***

***"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 60**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 10**

Regulation (EC) No 561/2006

Article 19 – paragraph 1

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<sup>12</sup>, 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***.

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<sup>12</sup>, 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.***

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<sup>12</sup> 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).

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<sup>12</sup> 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 61**

**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 62**

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

*Text proposed by the Commission*

*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*

***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. 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 put on hold awaiting 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 63**

#### **Proposal for a regulation**

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

Regulation (EU) No 165/2014

Article 1 – paragraph 1

*Text proposed by the Commission*

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 Council<sup>14</sup> and

*Amendment*

***(-1a) 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, Directive 2002/15/EC of the European Parliament and of the Council<sup>14</sup> and

Council Directive 92/6/EEC<sup>15</sup>.

Council Directive 92/6/EEC<sup>15</sup>, **Regulation (EC) No 1072/2009, Council Directive 92/106/EEC<sup>15a</sup>, 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.**

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<sup>14</sup> 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).

<sup>15</sup> 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).

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<sup>14</sup> 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).

<sup>15</sup> 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).

<sup>15a</sup> **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).**

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32014R0165&rid=1>)

## **Amendment 64**

### **Proposal for a regulation**

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

Regulation (EU) No 165/2014

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

*Text proposed by the Commission*

*Amendment*

***(-1b) 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***



**Amendment 65**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point -1 c (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*

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

**4.** *No later than<sup>1</sup>... [OJ: 3 years after 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,*

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<sup>1</sup> *Assuming entry into force of road package in 2019, Commission's implementing act for smart tachograph version 2 by 2019/2020 (see Art. 11 below), applying thereafter a staggered approach to retrofitting.*

## **Amendment 66**

### **Proposal for a regulation**

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

Regulation (EU) No 165/2014

Article 3 – paragraph 4 a (new)

*Text proposed by the Commission*

*Amendment*

***(-1d) In Article 3, paragraph 4 a is added:***

***4a By... [OJ: 4 years after 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 67**

### **Proposal for a regulation**

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

Regulation (EU) No 165/2014

Article 3 – paragraph 4 b (new)

*Text proposed by the Commission*

*Amendment*

***(-1e) In Article 3, paragraph 4 b is added:***

***4b. By... [OJ: 5 years after 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 of Regulation (EU) 2016/799 shall be fitted with a smart tachograph.***

## **Amendment 68**

## **Proposal for a regulation**

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

Regulation (EU) No 165/2014

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

*Text proposed by the Commission*

*Amendment*

*(-1f) In Article 4, paragraph 2 the following indent is inserted:*

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

## **Amendment 69**

## **Proposal for a regulation**

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

Regulation (EU) No 165/2014

Article 7 – paragraph 1

*Present text*

*Amendment*

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 *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*.

*(-1g) 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, *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 *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 70

### Proposal for a regulation

#### Article 2 – paragraph 1 – point -1 h (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*

***(-1h) Article 7, the introductory wording 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 71

### Proposal for a regulation

#### Article 2 – paragraph 1 – point 1

Regulation (EU) No 165/2014

Article 8 – paragraph 1 – indent 2

#### *Text proposed by the Commission*

#### *Amendment*

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

– every of accumulated driving time and every time the vehicle crosses the border *of a Member State*;

#### **Amendment 72**

##### **Proposal for a regulation**

##### **Article 2 – paragraph 1 – point 1**

Regulation (EU) No 165/2014

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

*Text proposed by the Commission*

*Amendment*

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

#### **Amendment 73**

##### **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, paragraph 1, the following subparagraph is added:*

*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 74**

##### **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, paragraph 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 75**

### **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) Article 9, paragraph 2, is replaced by the following:*

"2. *By [OJ: 1 year after entry into force of this amending 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."

*(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32014R0165&qid=1512486773548&from=EN>)*

## **Amendment 76**

### **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 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*

**(1d) In Article 9, paragraph 3, is replaced by the following:**

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

([http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32014R0165&rid=1#ntr15-L\\_2014060EN.01000101-E0015](http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32014R0165&rid=1#ntr15-L_2014060EN.01000101-E0015))

**Amendment 77**

**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

*Amendment*

**(1e) In Article 11, paragraph 1 is amended as follows:**

"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."

Article 42(3).

***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)."

([http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32014R0165&rid=1#ntr15-L\\_2014060EN.01000101-E0015](http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32014R0165&rid=1#ntr15-L_2014060EN.01000101-E0015))

## **Amendment 78**


### **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)

*Text proposed by the Commission*

(iv) under the sign : breaks or rest.

*Amendment*

***(1f) Article 34, paragraph 5, point b is amended as follows:***

***"(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 79**

### **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. ***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 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 80**

**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, new paragraph 7 a shall be inserted:***

***"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 81**

**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, new paragraph 7 b shall be inserted:**

**"7b. The maximum amount of control authorities should be trained on how to correctly read and monitor a tachograph."**

## **Amendment 82**

### **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*

*Amendment*

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

**(2c) 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,"

*(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32014R0165&rid=1>)*

## **Amendment 83**

### **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, 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."

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32014R0165&rid=1>)

## Amendment 84

### 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*

(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*

**(2e) 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,"

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32014R0165&qid=1512486773548&from=EN>)