

7 June 2018

Draft report on the proposal for a regulation amending minimum requirements on maximum daily and weekly driving times, minimum breaks and daily and weekly rest periods, as well as positioning by means of tachographs

Summary of most relevant amendments adopted in TRAN on the 4th June

Compromise Amendments: Driving and Rest Times	
Compromise 1 - LCVs	
Rec.4a	Will apply to all vehicles exceeding 2.4t engaged in international transport
Art.2(1)(a)	Shall apply to the carriage of goods by road where: The maximum permissible mass of the vehicle including any trailer or semi-trailer exceeds 3.5t or In international transport operations the maximum permissible mass of the vehicle, including any trailer or semi-trailer exceeding 2.4t
Art.3	Shall not apply to: <ul style="list-style-type: none"> - Passenger transport where the route covered by the vehicle does not exceed 2.4t - Vehicles or combinations of vehicles with a maximum permissible mass not exceeding 7.5t used for carrying materials, equipment or machinery for the driver's use in the course of his work, within a radius of 100km from the base of the undertaking, and on the condition that the driving of the vehicle does not constitute the driver's main activity - Vehicles with a maximum authorised speed not exceeding 40km/h - Vehicles owned or hired without a driver by the armed services, civil defence services, fire services and forces responsible for maintaining public order when the carriage is undertaken as a consequence of the tasks assigned to these services and is under their control
Compromise 2 – Exemptions on carrying equipment in construction sector	
Art.13	The amendment leaves Article 13 as it was proposed by the Commission. According to this Article, Member States may grant exceptions from Articles 5-9 subject to individual conditions on their territory; alternatively, with agreement of the other Member States, they may do so also on their territory. The cases in which exceptions are allowed are listed under Article 13(1)(a)-(p). An exception has been added to Article 13, namely in Art. 13(1)(pa): vehicles or combinations of vehicles with a maximum permissible mass not exceeding 44t employed by a construction undertaking up to a 100km radius from the base of the undertaking, and on condition that driving vehicles does not constitute the driver's main activity.
Compromise 4 – Autonomous Driving	
Rec.6a	takes into account the technological developments which are taking place at a rapid pace and could require an adaptation of rules on driving times (this includes

	developments enabling e.g. platooning, which would influence rules on driving and rest times
Art.17	Member States using the standard form shall communicate the necessary information to the Commission to enable it to draw up every two years a report on the application of this Regulation; the information shall be communicated to the Commission before 30 September of the year following the end of the two-year period concerned; 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; additionally, it 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
Compromise 5a – Rest in cabin and secured parking areas	
Art.8(8a)	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. Instead, they should be taken in a suitable accommodation, with adequate sleeping and sanitary facilities ; these should be either provided by or paid for by the employer; alternatively, it can be at the driver’s home or at another private location chosen by the driver
Art.8(8aa)	Exception for secured parking facilities: paragraph 8a 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 Art.8a, provided that the vehicle is stationary, and has suitable sleeping facilities for each driver
Art.8(8)	Where the driver chooses to do this, daily rest period 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.
Art.8(a)	By way of derogation of Art.8(8a), drivers may take regular weekly rest periods and reduced weekly rest periods in any parking areas that are self-certified as Dedicated Parking Areas (DPAs) ; the requirements for such a parking area are set out in Annex I ; the areas may indicate at their entrance that they are self-certified as a DPA if they fulfil the requirements; Member States shall ensure random checks on a regular basis ; Member States shall investigate complaints regarding non-compliance; Member States shall disseminate information of parking facilities that do not qualify as DPAs anymore; all parking areas that comply with the DPA criteria of Annex 1 are deemed to be suitable for daily rest, weekly rest, compensated rest and reduced weekly rest for the purpose of this Regulation; Member States shall issue an annual report to the Commission; Member States shall encourage the creation of DPAs ; the Commission shall issue a report by 31 December 2020 on the availability of suitable rest facilities for drivers
Annex	The Annex sets out the minimum requirements for the parking areas. Part A concerns service facilities and includes requirements on toilets, showers, access to drinking water, suitable cooking facilities, shops, waste bins, contingency plans, gender-friendliness, emergency contacts, WiFi, cashless reservation, payment and

	invoice systems, as well as indication system for slot availability at the location and online. Part B focuses on security features , including fencing, access restrictions, CCTV, guards, security checks, lighted lanes and reporting possibilities in case of crimes.
Rec.7a	DPAs shall ensure good resting conditions through sanitary, culinary, security and other facilities
Rec.7b	The provision of the aforementioned facilities is vital for the working conditions of drivers in the sector; sleeping in the cabin is characteristic for the transport sector; therefore, drivers should be able to take their rest in the vehicle if it provides suitable sleeping facilities; the creation of DPAs should not be disproportionately hindered or obstructed by MS
Rec.7c	Member States should be encouraged to invest into the implementation of the TEN-T Guidelines, which foresee the development of parking areas with adequate safety and security every 100km on motorways
Rec.7d	Member States should encourage the establishment of social, commercial, public and other enterprises for the operation of DPAs to provide good quality affordable rest facilities
Compromise 6 – 45 Minute Break	
Art.7(1)	After a driving period of 4.5 hours , drivers shall take an uninterrupted break of at least 45 minutes , unless they take a rest period
Art.7(2)	The break may be replaced by 3 breaks of at least 15 minutes , each distributed over the 4.5-hour period in such a way as to comply with the first paragraph (i.e. the three breaks must be taken within the 4.5-hour margin). Any such break which takes place before the lapse of 45 minutes driving time is not compliant with paragraph 1
Compromise 7 – Ferry/Train Derogation	
Art.9(1)	By way of derogation from Art.8, a driver accompanying a vehicle that is transported by ferry or train may take a regular day or reduced weekly rest period . That period may not be interrupted more than twice by other activities, not exceeding one hour in total ; during that period, the driver shall have access to a sleeping cabin, bunk or couchette
Art.9(1a)	The derogation may be extended to regular weekly rests when the ferry journey is 12 hours or longer ; during that weekly rest period, the driver shall have access to a sleeping cabin
Rec.8(a)	Since many road transport operations involve transport by ferry or rail for part of their journey, appropriate provisions for rest periods and breaks should be laid down
Compromise 8a – Return Home and Driving Time distribution for freight passenger carriage	
Art.4(1)(ra)	Home = registered residence of the driver in a Member State
Art.6(1)-(3)	Supports the Commission proposal: daily driving time shall not exceed 9 hours, but may be extended to 10 hours not more than twice a week; weekly driving time shall

	not exceed 56 hours and shall not exceed the maximum driving time as laid down in Directive 2002/15/EC; the total accumulated driving time shall not exceed 90 hours over two consecutive weeks
Art.8(6)	<p>In any 4 consecutive weeks, a driver shall take at least:</p> <p>a) 4 regular weekly rest periods, or</p> <p>b) 2 regular weekly rest periods of at least 45 hours and two reduced weekly rest periods of at least 24 hours, or</p> <p>c) 3 regular weekly rest periods of at least 45 hours and one reduced weekly rest periods of at least 24 hours</p> <p>For the purposes of b) and c), 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, in accordance with paragraph 8b</p> <p>Weekly rest periods shall start no later than at the end of six 24-hour periods from the end of the previous weekly rest</p>
Art.8(6a)	By way of derogation from paragraph 6, a driver engaged in single occasional service of carriage of passengers may postpone the weekly rest period for up to 12 consecutive 24-hour periods following a previous regular weekly rest period
Art.8(6aa)	By way of derogation from Article 8(2) and the second subparagraph of Article 8(6), drivers engaged in single occasional carriage of passengers may postpone, at most twice per week, daily resting time by one hour , provided that the daily rest period taken after that lasts at least 9 hours and provided that it does not thereby jeopardise road safety
Art.8(6ab)	<p>Provided that road safety is not thereby jeopardised, drivers engaged in single occasional carriage of passengers may take a regular daily rest period divided into three periods which shall consist of at least:</p> <ul style="list-style-type: none"> - an uninterrupted period of 1 hour, - an uninterrupted period of 2 hours, - and an uninterrupted period of 9 hours. <p>Those periods can be spread in any order, except taking two uninterrupted periods of 9 hours consecutively from one day to another</p>
Art.8(7)	Any rest period which is taken as compensation for a reduced weekly rest period shall be attached to a regular weekly rest period of at least 45 hours
Art.8(8b)	<p>The transport company has to organise the work of drivers in such a way that the drivers are able to spend at least one regular weekly rest 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 choice before the end of each period of 3 consecutive weeks; the driver shall inform the transport undertaking no later than two weeks before such rest period if it will be taken in a place other than the driver's home. When the driver chooses to return home, the transport undertaking shall provide the driver with the necessary means to return home;</p> <p>The driver shall declare that a regular weekly rest period or a weekly rest period of more than 45 hours taken in compensation for a reduced weekly rest, has been</p>

	taken in a location of the driver's choice; this declaration shall be kept at the premises of the undertaking
Art.12(2)	Provided that road safety is not thereby jeopardised, drivers may exceptionally depart from Art.6(1) after a rest of 30 minutes in order to be able to reach within two hours the employer's operational centre where the driver is normally based; drivers shall indicate the reason for such departure manually on the printout; the period shall be compensated by an equivalent period of rest taken in one go by the end of the third week following the week in question
Rec.5a	The transport of goods is fundamentally different from transporting people; due to the close contact between coach drivers and their passengers, they should have the possibility to take breaks with greater flexibility
Rec.6	Considering that drivers engaged in long-distance international transport operations spend long periods away from home, their return home or to a destination of their choosing should be simplified. When the driver passes the time at home, the employer should provide him with the means to return; Where the work of the driver predictably includes activities for the employer other than his/her professional driving tasks, these tasks should be taken into consideration when determining the working time and the possibility for adequate rest and pay
Compromise 9 – Postal Carriage Exemption	
Art. 13(1)(d)	Includes an exemption for the delivery of items as part of postal items as defined in Art.2(6) of Directive 97/67/EC.
Compromise 10 – Smart Tachograph (Version 2) and Refit	
Art.1(1)	The scope of the Regulation is extended to include the provisions on the lex specialis regarding the posting of drivers.
Art. 2(2)(ha)	Definition of Smart Tachograph: '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
Art.3(4)	No later than 3 years after entry into force of this amending Regulation, the following vehicles shall be fitted with a smart tachograph: vehicles operating in a Member State other than their Member State of registration which are fitted with <ul style="list-style-type: none"> a) an analogue tachograph b) a digital tachograph complying with the specifications in Annex 1B to Regulation No 3821/85 applicable from 30 September 2011 c) a digital tachograph complying with the specifications in Annex 1B to Regulation No 3821/85 applicable from 1 October 2011 <p>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 the specifications in Annex 1B to Regulation No 3821/85 applicable from 1 October 2012 shall be fitted with a smart tachograph</p>

	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 the specifications in Annex 1C of Regulation (EU) No 2016/799 shall be fitted with a smart tachograph
Art.4(2)	The smart tachographs shall have enough memory capacity to store all of the data required under this Regulation
Art.7(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
Art.7(2)	Member States shall ensure that the personal data are protected against uses other than those strictly linked to the concerned Regulations and Directives
Art.8(1)	To facilitate the verification of compliance, the position of the vehicle shall be recorded automatically at the following points, or at the closest point to such places where the satellite signal is available <ul style="list-style-type: none"> - the starting place of the daily working period - every minute of accumulated driving time <u>and</u> - every time the vehicle crosses a border of a Member State - the ending place of the daily working period For further facilitation, the smart tachograph shall also record if the vehicle has been employed for the carriage of goods or passengers
Art.9(2)	By one year after the entry into force of this Regulation, Member States shall equip their control authorities to an appropriate extent with remote early detection equipment which permits data communication
Art.9(3)	The communication shall be established with the tachograph only when so requested; it shall be secured to ensure data integrity and authentication of the recording
Art.11	The Commission shall ensure compliance of smart tachographs by introducing rules on the uniform application through implementing acts. Implementing acts laying down detailed rules for recording of border crossing shall be adopted 12 months after the entry into force of this amending Regulation.
Art.34(5)	In addition to the activities suggested in the Commission's proposal, rest, annual leave or sick leave shall be added to the 'bed'-symbol. In addition to the 'ferry/train'-symbol, the 'bed'-symbol may be added for rest periods spent on ferry or train
Art.36(1)	The record sheets for the current day and those used by the driver in the previous 56 days Any manual records or printouts made during the current day and the previous 56 days as required under this Regulation and Regulation (EC) No 561/2006
Art.36(2)	Any manual records or printouts made during the current day and the previous 56 days as required under this Regulation and Regulation (EC) No 561/2006
Rec.9a	To guarantee effective enforcement, it is essential that the competent authorities are able to ascertain during roadside checks that driving times and rest periods have been properly observed during the past 56 days.

Rec.11	The smart tachograph system should be mandatory in international transport to enhance cost-effectiveness of enforcement of the social rules.
Rec.11a	The transitional period for the installation of smart tachographs in registered vehicles should be shortened to adapt to ensure a level playing field among the companies with regard to the rapid development of new technologies.
Rec.11b	Considering the widespread use of smartphones and the continuous expansion of their functionalities, as well as the deployment of Galileo and the opportunities it offers in terms of real time localisation, the Commission should explore the possibility of developing and certifying a mobile application offering the same benefits as the smart tachograph
Compromise 11 – Border Crossing	
Art.34(7)	<p>Where the tachograph is unable 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;</p> <p>The country's code after crossing a border into a new country shall be entered under the heading 'BEGIN' on the tachograph</p> <p>Member States may require drivers engaged in transport operations inside their territory to add more detailed geographic specifications to the country symbol, provided that those Member State have notified those geographic specifications to the Commission before 1 April 1998</p>