



**2017/0122(COD)**

13.5.2020

# **AMENDMENTS**

## **1 - 16**

**Draft recommendation for second reading**

**Henna Virkkunen**

(PE650.439v01-00)

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

Proposal for a decision

(05114/1/2020 – C9-0104/2020 – 2017/0122(COD))



**Amendment 1**  
**Clotilde Armand**

**Council position**

–

*Proposal for rejection*

***The European Parliament rejects the Council position at first reading.***

Or. en

**Amendment 2**  
**Deirdre Clune**

**Council position**  
**Recital 8**

*Council position*

(8) Drivers engaged in long-distance ***international*** transport of goods spend long periods away from their homes. The current requirements on the regular weekly rest may prolong those periods unnecessarily. It is thus desirable to adapt the provisions on the regular weekly rest periods in such a way that it is easier for drivers to carry out ***international*** transport operations in compliance with the rules and to reach their home for their regular weekly rest period, and be fully compensated for all reduced weekly rest periods. Given the differences between passenger transport and goods transport, this possibility should not apply to drivers when engaged in passenger transport.

*Amendment*

(8) Drivers engaged in long-distance transport of goods spend long periods away from their homes. The current requirements on the regular weekly rest may prolong those periods unnecessarily. It is thus desirable to adapt the provisions on the regular weekly rest periods 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 their regular weekly rest period, and be fully compensated for all reduced weekly rest periods. Given the differences between passenger transport and goods transport, this possibility should not apply to drivers when engaged in passenger transport.

Or. en

**Amendment 3**  
**Josianne Cutajar, Miriam Dalli, Alfred Sant, Alex Agius Saliba, Roberta Metsola, David Casa**

## Council position

### Recital 15

#### *Council position*

(15) While regular weekly rest periods and longer rest periods **cannot** be taken in the vehicle **or in a parking area, but only in suitable accommodation, which** may be **adjacent to a** parking area, it is of utmost importance to enable drivers to locate safe and secure parking areas that provide appropriate levels of security and appropriate facilities. The Commission has already studied how to encourage the development of high-quality parking areas, including the necessary minimum requirements. The Commission should therefore develop standards for safe and secure parking areas. Those standards should contribute to promoting high-quality parking areas. The standards may be revised in order to cater for better access to alternative fuels, in line with policies developing that infrastructure. It is also important that parking areas are being kept free from ice and snow.

#### *Amendment*

(15) While **in general** regular weekly rest periods and longer rest periods **shall not** be taken in the vehicle, **by way of derogation relevant rest periods** may be **taken in vehicles, provided that the vehicle is parked in certified safe and secure parking area which provides parking places for commercial vehicles and service facilities fulfilling the minimum requirements.** It is of utmost importance to enable drivers to locate safe and secure parking areas that provide appropriate levels of security and appropriate facilities. The Commission has already studied how to encourage the development of high-quality parking areas, including the necessary minimum requirements. The Commission should therefore develop standards for safe and secure parking areas. Those standards should contribute to promoting high-quality parking areas. The standards may be revised in order to cater for better access to alternative fuels, in line with policies developing that infrastructure. It is also important that parking areas are being kept free from ice and snow.

Or. en

## Amendment 4

**Roberts Zile, Kosma Złotowski, Tomasz Piotr Poręba, Marian-Jean Marinescu, Andor Deli, Bogusław Liberadzki, Elżbieta Katarzyna Łukacijewska, Angel Dzhambazki, Petras Auštrevičius, Gheorghe Falcă, Petar Vitanov, Andris Ameriks, Rovana Plumb, Andrey Novakov, Maria Grapini, Ilhan Kyuchyuk, Roberta Metsola**

## Council position

### Recital 15

#### *Council position*

(15) While regular weekly rest **periods** and longer rest periods **cannot** be taken in the vehicle **or in a parking area, but only**

#### *Amendment*

(15) While **in general** regular weekly rest and longer rest periods **shall not** be taken in the vehicle, **by way of derogation**

*in suitable accommodation, which* may be *adjacent to a* parking area, it is of utmost importance to enable drivers to locate safe and secure parking areas that provide appropriate levels of security and appropriate facilities. The Commission has already studied how to encourage the development of high-quality parking areas, including the necessary minimum requirements. The Commission should therefore develop standards for safe and secure parking areas. Those standards should contribute to promoting high-quality parking areas. The standards may be revised in order to cater for better access to alternative fuels, in line with policies developing that infrastructure. It is also important that parking areas are being kept free from ice and snow.

*relevant rest periods* may be *taken in vehicles, provided that the vehicle is parked in certified safe and secure parking area which provides parking places for commercial vehicles and service facilities fulfilling the minimum requirements*. It is of utmost importance to enable drivers to locate safe and secure parking areas that provide appropriate levels of security and appropriate facilities. The Commission has already studied how to encourage the development of high-quality parking areas, including the necessary minimum requirements. The Commission should therefore develop standards for safe and secure parking areas. Those standards should contribute to promoting high-quality parking areas. The standards may be revised in order to cater for better access to alternative fuels, in line with policies developing that infrastructure. It is also important that parking areas are being kept free from ice and snow.

Or. en

#### *Justification*

*Ban of sleeping in the cabin would not improve social and working conditions of drivers if there is no sufficient secure and safe parking places. Plus, during post COVID-19 pandemic long-term phase, sleeping in cabin would protect drivers' health. There is proven shortage of ~ 100K safe and secure parking spaces, also those equipped with facilities like WC, showers, monitoring cameras etc. Therefore, requirement to sleep outside cabin shall be linked with availability of parking places across the EU and transition period shall be established while necessary parking places are built.*

#### **Amendment 5** **Clotilde Armand**

#### **Council position** **Recital 32 a (new)**

*Council position*

*Amendment*

***(32 a) Considering the fundamental role that the heavy vehicle transportation plays in emergency situations, as clearly demonstrated in the context of COVID-19***

*emergency, immediate availability and unrestricted movement of vehicles within the EU single market should be guaranteed to satisfy the needs of consumers and businesses, as well as to ensure the continuity of basic services. To this end, specific rules on the provision of services laid down in this Regulation should be suspended at the Union level for the duration of the crisis and the recovery period. These rules include the provisions on regular rest periods in the vehicle and in a parking area, the frequency of daily rest periods, as well as the choice of a driver to spend the rest period in any location, including a location different from the Member State of the employer's establishment, or the drivers' place of residence.*

Or. en

#### *Justification*

*Proposed regulation of driving time, minimum breaks and rest periods creates additional implementation costs, as well as excessive administrative burden for the undertakings. Such provisions go against the freedom of the driver to choose a place where to spend his/her weekly rest. In addition, provisions of the Council position decrease the transport operations flexibility and reduce the availability of drivers. Transport operators in peripheral member states will be particularly disadvantaged, as they will incur higher costs for long return journeys of drivers. All these factors lead to low crisis-resilience and inefficiency in the provision of essential transport services.*

#### **Amendment 6**

**Roberts Zile, Kosma Złotowski, Tomasz Piotr Poręba, Marian-Jean Marinescu, Andor Deli, Bogusław Liberadzki, Elżbieta Katarzyna Łukacijewska, Angel Dzhambazki, Petras Auštrevičius, Gheorghe Falcă, Petar Vitanov, Andris Ameriks, Rovana Plumb, Andrey Novakov, Maria Grapini, Ilhan Kyuchyuk**

#### **Council position**

**Article 1 – paragraph 1 – point 6 – point a**

Regulation (EC) No 561/2006

Article 8 – paragraph 6

*Council position*

*Amendment*

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

*deleted*

- (a) two regular weekly rest periods; or*  
*(b) one regular weekly rest period and one reduced weekly rest period of at least 24 hours.*

*A weekly rest period shall start no later than at the end of six 24-hour periods from the end of the previous weekly rest period.*

*By way of derogation from the first subparagraph, a driver engaged in international transport of goods may, outside the Member State of establishment, take two consecutive reduced weekly rest periods provided that the driver in any four consecutive weeks takes at least four weekly rest periods, of which at least two shall be regular weekly rest periods.*

*For the purpose of this paragraph, a driver shall be considered to be engaged in international transport where the driver starts the two consecutive reduced weekly rest periods outside the Member State of the employer's establishment and the country of the drivers' place of residence.;*

Or. en

#### *Justification*

*This amendment aims at restoring a provision in the Parliament's first reading position and to return to the currently applicable provisions of Regulation (EC) No 561/2006 on the organisation of resting periods with the reference period of 2 weeks.*

#### **Amendment 7** **Deirdre Clune**

#### **Council position**

**Article 1 – paragraph 1 – point 6 – point a**  
Regulation (EC) No 561/2006  
Article 8 – paragraph 6 – subparagraph 3

#### *Council position*

By way of derogation from the first subparagraph, a driver ***engaged in***

#### *Amendment*

By way of derogation from the first subparagraph, a driver ***may*** take two

*international transport of goods may, outside the Member State of establishment, take two consecutive reduced weekly rest periods provided that the driver in any four consecutive weeks takes at least four weekly rest periods, of which at least two shall be regular weekly rest periods.*

consecutive reduced weekly rest periods provided that the driver in any four consecutive weeks takes at least four weekly rest periods, of which at least two shall be regular weekly rest periods.

Or. en

#### *Justification*

*The possibility to use two consecutive reduced weekly rests should also apply to domestic traffic, not only to international haulage.*

#### **Amendment 8**

**Roberts Zile, Kosma Zlotowski, Tomasz Piotr Poręba, Marian-Jean Marinescu, Andor Deli, Bogusław Liberadzki, Elżbieta Katarzyna Łukacijewska, Angel Dzhambazki, Petras Auštrevičius, Gheorghe Falcă, Petar Vitanov, Andris Ameriks, Rovana Plumb, Andrey Novakov, Maria Grapini, Ilhan Kyuchyuk, Roberta Metsola**

#### **Council position**

**Article 1 – paragraph 1 – point 6 – point c**  
Regulation (EC) No 561/2006  
Article 8 – paragraph 8 – subparagraph 1

#### *Council position*

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

#### *Amendment*

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.*

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

*By way of derogation from the second subparagraph, the regular weekly rest*



*periods and any weekly rest of more than 45 hours taken in compensation for previous reduced weekly rest may be taken in a vehicle, provided that the vehicle is parked in certified safe and secure parking area which provides parking places for commercial vehicles and service facilities fulfilling the minimum requirements set out in Article 8a .*

*Until [OJ: three years after entry into force] a vehicle may also be parked in a regular parking area which provides basic service facilities. Relevant period might be prolonged by the Commission, by means of delegated act, for additional two years if according to the outcomes of the Commission's report on the availability of safe and secure parking areas the number of certified safe and secure parking areas across EU would not be sufficient to meet reported needs.*

*Any costs for accommodation outside the vehicle shall be covered by the employer, as well as any fee deriving from the use of safe and secure parking area.*

Or. en

#### *Justification*

*Ban of sleeping in the cabin would not improve social and working conditions of drivers if there is no sufficient secure and safe parking places. Plus, during post COVID-19 pandemic long-term phase, sleeping in cabin would protect drivers' health. There is proven shortage of ~ 100K safe and secure parking spaces, also those equipped with facilities like WC, showers, monitoring cameras etc. Therefore, requirement to sleep outside cabin shall be linked with availability of parking places across the EU and transition period shall be established while necessary parking places are built.*

#### **Amendment 9**

**Josianne Cutajar, Miriam Dalli, Alfred Sant, Alex Agius Saliba, Roberta Metsola, David Casa**

#### **Council position**

**Article 1 – paragraph 1 – point 6 – point c**

Regulation (EC) No 561/2006

Article 8 – paragraph 8 – subparagraph 1

*Council position*

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

*Amendment*

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.***

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

***By way of derogation from the second subparagraph, the regular weekly rest periods and any weekly rest of more than 45 hours taken in compensation for previous reduced weekly rest may be taken in a vehicle, provided that the vehicle is parked in certified safe and secure parking area which provides parking places for commercial vehicles and service facilities fulfilling the minimum requirements set out in Article 8a.***

***Until [OJ: three years after entry into force] a vehicle may also be parked in a regular parking area which provides basic service facilities. Relevant period might be prolonged by the Commission, by means of delegated act, for additional two years if according to the out comes of the Commission's report on the availability of safe and secure parking are as the number of certified safe and secure parking areas across EU would not be sufficient to meet reported needs.***

Or. en

**Amendment 10**

**Josianne Cutajar, Miriam Dalli, Alfred Sant, Alex Agius Saliba, Roberta Metsola, David Casa, Costas Mavrides**

**Council position**

**Article 1 – paragraph 1 – point 6 – point c**

Regulation (EC) No 561/2006

Article 8 – paragraph 8 – subparagraph 2

*Council position*

Any costs for accommodation outside the vehicle shall be covered by the employer.;

*Amendment*

Any costs for accommodation outside the vehicle shall be covered by the employer, **as well as any fee deriving from the use of safe and secure parking area.**

Or. en

**Amendment 11**

**Roberts Zile, Kosma Zlotowski, Tomasz Piotr Poręba, Marian-Jean Marinescu, Andor Deli, Bogusław Liberadzki, Elżbieta Katarzyna Łukacijewska, Angel Dzhambazki, Petras Auštrevičius, Gheorghe Falcă, Petar Vitanov, Andris Ameriks, Rovana Plumb, Andrey Novakov, Maria Grapini, Ilhan Kyuchyuk, Roberta Metsola**

**Council position**

**Article 1 – paragraph 1 – point 6 – point d**

Regulation (EC) No 561/2006

Article 8 – paragraph 8a – subparagraph 1

*Council position*

8a. Transport undertakings shall organise the work of drivers in such a way that the drivers are able to return to the employer's operational centre where the driver is normally based and where the driver's weekly rest period begins, in the Member State of the employer's establishment, or to return to the drivers' place of residence, within each period of four consecutive weeks, in order to spend at least one regular weekly rest period or a weekly rest period of more than 45 hours taken in compensation for reduced weekly rest period.

*Amendment*

8a. Transport undertakings shall organise the work of drivers in such a way that the drivers are able to return to the employer's operational centre where the driver is normally based and where the driver's weekly rest period begins, in the Member State of the employer's establishment, or to return to the drivers' place of residence, **or to any other location chosen by the driver**, within each period of four consecutive weeks, in order to spend at least one regular weekly rest period or a weekly rest period of more than 45 hours taken in compensation for reduced weekly rest period.

Or. en

### *Justification*

*This amendment aims at restoring a provision in the EP's first reading position that has not been properly included in the Council's position. It also aims at fixing the interpretation of the text. Imposing a particular place of return on the driver infringes the fundamental freedoms of the EU. The aim of the co-legislators was to impose an obligation for the transport undertaking to organise the work of the driver so as to allow him to return to a specific place if this is the driver's will. Otherwise, the driver is free to choose the destination/location for his rest period.*

#### **Amendment 12**

**Josianne Cutajar, Miriam Dalli, Alfred Sant, Alex Agius Saliba, Roberta Metsola, David Casa, Costas Mavrides**

#### **Council position**

**Article 1 – paragraph 1 – point 6 – point d**

Regulation (EC) No 561/2006

Article 8 – paragraph 8a – subparagraph 1

#### *Council position*

8a. Transport undertakings shall organise the work of drivers in such a way that the drivers are able to return to the employer's operational centre where the driver is normally based and where the driver's weekly rest period begins, in the Member State of the employer's establishment, or to return to the drivers' place of residence, within each period of four consecutive weeks, in order to spend at least one regular weekly rest period or a weekly rest period of more than 45 hours taken in compensation for reduced weekly rest period.

#### *Amendment*

8a. Transport undertakings shall organise the work of drivers in such a way that the drivers are able to return to the employer's operational centre where the driver is normally based and where the driver's weekly rest period begins, in the Member State of the employer's establishment, or to return to the drivers' place of residence, ***or to any other location chosen by the driver***, within each period of four consecutive weeks, in order to spend at least one regular weekly rest period or a weekly rest period of more than 45 hours taken in compensation for reduced weekly rest period.

Or. en

#### **Amendment 13**

**Josianne Cutajar, Miriam Dalli, Alfred Sant, Alex Agius Saliba, Roberta Metsola, David Casa**

#### **Council position**

**Article 1 – paragraph 1 – point 7**

Regulation (EC) No 561/2006

*Council position*

4. **By 31 December 2024**, the Commission shall present a report to the European Parliament and to the Council on the availability of suitable rest facilities for drivers and of secured parking facilities, as well as on the development of safe and secure parking areas certified in accordance with the delegated acts *referred to in paragraph 2*. **That report may list** measures to increase the number and quality of safe and secure parking areas.

*Amendment*

4. **At the latest [OJ: three years after the date of entry into force of this amending Regulation]**, the Commission shall present a report to the European Parliament and to the Council on the availability of suitable rest facilities for drivers and of secured parking facilities, as well as on the development of safe and secure parking areas certified in accordance with the delegated acts. **The report shall in particular cover information on the number and the location of certified safe and secure parking areas, on their capacity and usage, and on the demand for additional places or facilities. Based on this report, the Commission shall propose, if appropriate,** measures *aiming* to increase the number and quality of *certified* safe and secure parking areas *and/or measures to prolong transitional period laid down in the fourth subparagraph of Article 8 for additional two years*.

Or. en

**Amendment 14**

**Roberts Zīle, Kosma Złotowski, Tomasz Piotr Poręba, Marian-Jean Marinescu, Andor Deli, Bogusław Liberadzki, Elżbieta Katarzyna Łukacijewska, Angel Dzhambazki, Petras Auštrevičius, Gheorghe Falcă, Petar Vitanov, Andris Ameriks, Rovana Plumb, Andrey Novakov, Maria Grapini, Ilhan Kyuchyuk, Roberta Metsola**

**Council position**

**Article 1 – paragraph 1 – point 7**

Regulation (EC) No 561/2006

Article 8a – paragraph 4

*Council position*

4. **By 31 December 2024**, the Commission shall present a report to the European Parliament and to the Council on the availability of suitable rest facilities for drivers and of secured parking facilities, as

*Amendment*

4. **At the latest [OJ: three years after the date of entry into force of this amending Regulation]** the Commission shall present a report to the European Parliament and to the Council on the

well as on the development of safe and secure parking areas certified in accordance with the delegated acts *referred to in paragraph 2. That report may list* measures to increase the number and quality of safe and secure parking areas.

availability of suitable rest facilities for drivers and of secured parking facilities, as well as on the development of safe and secure parking areas certified in accordance with the delegated acts. *The report shall in particular cover information on the number and the location of certified safe and secure parking areas, on their capacity and usage, and on the demand for additional places or facilities. Based on this report, the Commission shall propose, if appropriate, measures aiming to increase the number and quality of certified safe and secure parking areas and/or measures to prolong transitional period laid down in the fourth subparagraph of Article 8 paragraph 8 for an additional two years.*

Or. en

#### *Justification*

*There is proven shortage of ~ 100 000 additional safe and secure parking spaces and areas, and even more of those equipped with adequate resting facilities like toilets, showers, lighting, monitoring cameras and fenced parking lots. Also accommodation, which is located in the immediate vicinity of the parking spaces concerned, is lacking. Therefore, requirement to sleep outside the cabin shall be linked with availability of parking places across the EU and particular transition period shall be established while necessary parking places are built.*

#### **Amendment 15** **Clotilde Armand**

#### **Council position** **Article 2 a (new)**

*Council position*

*Amendment*

*Article 2 a*

*Force majeure*

*In the event of exceptional and unforeseeable circumstances, amounting to force majeure, such as public health crisis, environmental emergency or emergency of socio-political and military character, and where the effective continuation of cross-border*

***transportation is of high socio-economic importance, the Commission will proceed with the suspension of the following provisions of this Regulation for the duration of the emergency and recovery period, to facilitate the circulation of trucks carrying passengers and goods and ensure the availability of vehicles and drivers for the urgent deliveries:***

***(a) Article 1, paragraph 1, point 6a amending Article 8, paragraph 6 of Regulation (EC) No 561/2006 and introducing the provisions on weekly rest periods;***

***(b) Article 1, paragraph 1, point 6c amending Article 8, paragraph 8 of Regulation (EC) No 561/2006 and prohibiting weekly rest periods to be taken in a vehicle;***

***(c) Article 1, paragraph 1, point 6d amending Article 8, by inserting paragraph 8a of Regulation (EC) No 561/2006 and providing for the drivers the obligation to return to their place of residence or to the Member State of the employer's establishment for the weekly rest period;***

***Such suspension will have immediate effect after its notification to the European Parliament and the Council. Registered transport undertakings shall be informed of such suspension by national competent authorities without delay.***

Or. en

#### *Justification*

*Proposed regulation of driving time, minimum breaks and rest periods creates additional implementation costs, as well as excessive administrative burden for the undertakings. Such provisions go against the freedom of the driver to choose a place where to spend his/her weekly rest. In addition, these provisions decrease the transport operations flexibility and reduce the availability of drivers. Transport operators in peripheral member states will be particularly disadvantaged, as they will incur higher costs for long return journeys of drivers. All these factors lead to low crisis-resilience and inefficiency in the provision of essential transport services.*

## Amendment 16

Roberts Zile, Kosma Złotowski, Tomasz Piotr Poręba, Marian-Jean Marinescu, Andor Deli, Bogusław Liberadzki, Elżbieta Katarzyna Łukacijewska, Angel Dzhambazki, Petras Auštrevičius, Gheorghe Falcă, Petar Vitanov, Andris Ameriks, Rovana Plumb, Andrey Novakov, Maria Grapini, Ilhan Kyuchyuk

### Council position

#### Article 3 – paragraph 1

##### *Council position*

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

##### *Amendment*

This Regulation shall enter into force on ***[insert date 18 month after]*** that of its publication in the Official Journal of the European Union].

***It shall apply from [insert date 18 month after date of entry into force].***

***By ... [OJ: 4 months after its publication in the Official Journal of the European Union] the Commission shall present a proper impact assessment regarding the impact of this Regulation on actual economic situation of the EU road haulage market and drivers' health safety situation, and, where appropriate, propose amendments to this Regulation taking into account the new market situation of the sector.***

Or. en

##### *Justification*

*Due to current COVID-19 pandemic crisis and unprecedented uncertainty of economic and health safety situation in the road haulage market, the entry into force of this regulation shall be delayed, while the European Commission prepares a proper impact assessment with an analysis of new market situation after the crisis and evaluation of impact of the new regulation on the EU road haulage sector. In order to adjust the rules, the Commission should come up with respective amendments to this legal act before it enters into force.*