



Council of the
European Union

Brussels, 30 October 2018
(OR. en)

Interinstitutional File:
2017/0122(COD)

13205/1/18
REV 1

LIMITE

TRANS 455
SOC 616
CODEC 1692

WORKING DOCUMENT

From:	General Secretariat of the Council
To:	Delegations
No. prev. doc.:	ST 13205/18 TRANS 455 SOC 616 CODEC 1692 ST 12532/18 TRANS 419 SOC 577 EMPL 447 MI 675 COMPET 635 CODEC 1542
No. Cion doc.:	ST 9670/17 TRANS 212 CODEC 923
Subject:	Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 561/2006 as regards on minimum requirements on maximum daily and weekly driving times, minimum breaks and daily and weekly rest periods and Regulation (EU) 165/2014 as regards positioning by means of tachographs – further revised Presidency compromise on Regulations No 561/2006 and 165/2014

In view of the Land Transport Working Party meeting on 5 and 6 November 2018, delegations will find, attached, a revised Presidency compromise concerning the proposal relating to Regulations (EC) No 561/2006 and (EU) No 165/2014.

Text added compared to the previous document is marked in **bold and grey shaded**.

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

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

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 91(1) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee¹,

Having regard to the opinion of the Committee of the Regions²,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (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.

¹ OJ C , , p. .

² OJ C , , p. .

- (2) Having evaluated the effectiveness and efficiency of the implementation of the existing set of Union social rules in road transport, and in particular Regulation (EC) No 561/2006 of the European Parliament and of the Council³, 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.
- (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.
- (3a) In order to improve clarity and consistency, the exemption from the scope of Regulation (EC) No 561/2006 for the non-commercial use of a vehicle should be defined.**
- (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.
- (5) The existing requirement on breaks turned out to be unsuitable and impractical for drivers in a team. Therefore, it is appropriate to adapt the requirement on recording breaks to the specificity of the transport operations carried out by drivers driving in a team, **without jeopardising the safety of the driver and road safety.**

³ 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).

- (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 provisions 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 **and that drivers can benefit from long rest periods taken in compensation for reduced weekly rest periods. Organising the return should allow reaching an operational centre of the undertaking in its Member State of establishment. The operator should be able to prove the organisation of the regular return through tachograph records, duty rosters of the drivers or similar evidence.**
- (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 promote social progress it is therefore appropriate to clarify~~ **specify where the weekly rest may be taken ensuring that drivers enjoy adequate rest conditions. The quality of accommodation is particularly important during the regular weekly rest, which the driver should spend away from the vehicle's cabin in a suitable accommodation, at the cost of the employer. However, when the vehicle is parked in a safe and secure parking area which corresponds to certain criteria established for the driver's comfort, the driver may exceptionally use the vehicle's cabin for sleep while using the amenities of such an area, at the employer's cost. If in the Member State in which the regular weekly rest is taken no such area is in reach, the driver needs to find another suitable accommodation outside the vehicle.** ~~that requirement to ensure that drivers are provided with adequate accommodation for their regular weekly rest periods if they are taken away from home.~~
- (7a) **Safe and secure parking areas equipped with adequate resting facilities are crucial for improving working conditions in the sector and maintaining road safety. The existing deficiencies of suitable parking infrastructure affect drivers' quality of rest.** Therefore it is of utmost importance to promote a development of parking infrastructure, including rest areas, which would guarantee desired safety, security and service standards. It is

important that the Commission follow the developments in this respect and publish the up-to-date list of secure rest areas meeting the minimum quality standards.

- (8) Drivers are ~~often~~ faced with unforeseen circumstances which make it impossible to reach a desired destination for taking a weekly rest without violating Union rules. It is desirable to make it easier for drivers to cope with those **unforeseeable** ~~n~~ circumstances and enable them to reach their destination for a weekly rest. **In order to ensure proper enforcement, the driver should document the circumstances. In addition, a safeguard should ensure that driving time is not excessive.** ~~without breaching the requirements on maximum driving times.~~
- (9) To reduce and prevent diverging enforcement practices and to further enhance the effectiveness and efficiency of cross-border enforcement it is crucial to establish clear rules for regular administrative cooperation between Member States.
- (10) In order to ensure uniform conditions for the implementation of Regulation (EC) No 561/2006 implementing powers should be conferred on the Commission in order to clarify any of the provisions of that Regulation and to establish common approaches on their application and enforcement. Those powers should be exercised in accordance with Regulation (EU) No 182/2011⁴.
- (11) To enhance cost-effectiveness of enforcement of the social rules the potential of the current and future tachograph systems should be fully exploited. Therefore the functionalities of the tachograph should be improved to allow for more precise positioning, in particular during international transport operations. **For the same purpose, the installation of smart tachographs should be advanced in the existing fleets which operate in international transport using analogue or digital tachographs.**
- (11a) In particular, in vehicles which are not equipped with a smart tachograph, the crossing of Member State borders should be recorded in the tachograph at the nearest stopping place at or after the border.**

⁴ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

- (11b) To ensure that drivers, operators and control authorities benefit at the soonest from the advantages of smart tachographs including their automated recording of border crossings, the existing vehicle fleet should be equipped with such devices within an appropriate period after the entry into force of the detailed technical provisions thus ensuring sufficient time for preparation.**
- (11c) To reduce the burden on operators and control authorities in case that a control officer removes the seal of a tachograph for control purposes, the re-sealing by the control officer should be allowed under certain well documented circumstances.**
- (11d) It is important that road transport operators established in third countries, while performing road transport operations in the territory of the EU, are subject to rules which are equivalent to this legislation. The Commission should assess the fulfilment of this principle at EU level and propose adequate solutions to be negotiated by the EU in the context of AETR.**
- (12) Regulations (EC) No 561/2006 and (EU) 165/2014 of the European Parliament and of the Council⁵ should therefore be amended accordingly.

HAVE ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 561/2006 is amended as follows:

- (1) ~~in Article 3, the following point (h) is replaced by the following:~~

~~"(h) vehicles or combinations of vehicles used for the non-commercial carriage of goods;"~~

⁵ Regulation (EU) No 165/2014 of the European Parliament and of the Council of 4 February 2014 on tachographs in road transport, repealing Council Regulation (EEC) No 3821/85 on recording equipment in road transport and amending Regulation (EC) No 561/2006 of the European Parliament and of the Council on the harmonisation of certain social legislation relating to road transport (OJ L 60, 28.2.2014, p. 1).

~~(2)~~ in Article 4, the following points (r) **and (s) are** is added:

"(r) 'non-commercial carriage' means any carriage by road, other than carriage for hire or reward or for own account, for which no **direct or indirect** remuneration is received and which does not **directly or indirectly** generate any income **for the driver of the vehicle or others and where there is no link with professional or commercial activity**;

(s) '**dedicated zone**' means an area which is secured, has adequate sleeping and sanitary facilities, and meets the specific requirements set out in the annex to this Regulation;"

~~(23)~~ in Article 6(5), ~~the first sentence~~ is replaced by the following:

"A driver shall record as other work any time spent as described in Article 4(e) as well as any time spent driving a vehicle used for commercial operations not falling within the scope of this Regulation, and shall record any periods of availability, as defined in Article 3(b) of Directive 2002/15/EC, in accordance with Article 34(5)(b)(iii) of Regulation (EU) No 165/2014. This record shall be entered either manually on a record sheet, a printout or by use of manual input facilities on recording equipment.";

~~(34)~~ in Article 7, the following third paragraph is added:

"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.";

~~(45)~~ Article 8 is amended as follows:

(a) ~~in p~~Paragraph 6, ~~the first subparagraph~~ is replaced by the following:

"6. In any four consecutive weeks a driver shall take at least **four weekly rest periods, of which at least two shall be regular weekly rest periods.**÷

~~four regular weekly rest periods, or~~

~~two regular weekly rest periods of at least 45 hours and two reduced weekly rest periods of at least 24 hours.~~

~~For the purposes of point (b),~~ The reduced weekly rest periods shall be compensated by an equivalent period of rest taken en bloc before the end of the third week following the week in question. **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."**

~~(b) paragraph 7 is replaced by the following: "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."~~

(c) **Paragraph 8 is replaced by the following** ~~the following paragraphs 8a and 8b are inserted:~~

"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.

~~8a. The r~~**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.**

By way of derogation from the second subparagraph, the regular weekly rest period may be taken in the vehicle, provided that

- the vehicle is parked in a dedicated zone which provides secured parking places for commercial vehicles and service facilities fulfilling the minimum requirements set out in the Annex; and**
- the cabin fulfils the minimum requirements set out in the Annex.**

Until [OJ: end of the year 3 years after entry into force] the vehicle may also be parked in a regular parking zone with sanitary facilities, provided that the cabin fulfils the requirements set out in the Annex.

The Commission shall, by means of implementing acts, further specify the conditions that need to be fulfilled for relying on this derogation when parking in a dedicated zone. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 24(2a).

By [OJ: six months after the entry into force of this amending regulation], Member States shall communicate to the Commission the locations of dedicated zones available on their territories and shall subsequently notify any changes to this information. The Commission shall make a list of dedicated zones publicly accessible on a single official website and shall keep it updated.

At the latest [OJ: two 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 those dedicated zones. The report shall include information on the number and the location of the dedicated zones, on their capacity and usage, and on the demand for additional places or facilities. The report shall also include an assessment of the measures taken/or planned by the Member States. Based on this report, the Commission shall propose, if appropriate, measures aiming to increase the number and quality of dedicated zones and/or measures revising the provisions in the fourth subparagraph to take the regular weekly rest period in the vehicle.

Any costs for accommodation outside the vehicle shall be covered by the employer, as well as any fee deriving from the use of a dedicated zone."

~~They shall be taken in a suitable accommodation, with adequate sleeping and sanitary facilities;~~

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

~~(b) at home or at another private location chosen by the driver.~~

[NOTE: Recital:

"Safe and secure parking areas equipped with adequate resting facilities are crucial for improving working conditions in the sector and maintaining road safety. ~~The existing deficiencies of suitable parking infrastructure affect drivers' quality of rest.~~ Therefore it is of utmost importance to promote a development of parking infrastructure, including rest areas, which would guarantee desired safety, security and service standards. It is important that sufficient opportunities of co-funding by the European Union exist in accordance with current and future Union legal acts establishing the conditions for financial support, in order to accelerate and promote the construction of this parking infrastructure. However, Member States are not obliged to finance additional parking infrastructure on their territory beyond their existing obligations under the Union guidelines for TEN-T infrastructure. The Commission should publish the up-to-date list of secure rest areas meeting the minimum quality standards."]

(d) The following paragraph is inserted:

"8a~~b~~. 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~~ return to one of the operational centres in the Member State of the employer's establishment within each period of ~~three~~ four consecutive weeks, in order 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. 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.";

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

"91. 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.";

(67) ~~in Article 12 is replaced by the following, the following second paragraph is added:~~

"Provided that road safety is not thereby jeopardised and to enable the vehicle to reach a suitable stopping place, the driver may depart from Articles 6 to 9 to the extent necessary to ensure the safety of persons, of the vehicle or its load. Provided that road safety is not thereby jeopardised, the driver may, in exceptional circumstances, also depart from Article 6(1) and (2) and Article 8(2) by exceeding the daily and weekly driving time by up to one hour in order to reach the employer's operational centre for taking a weekly rest. 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 destination or the suitable stopping place."

[NOTE: Recital:

"Drivers are ~~often~~ faced with unforeseen circumstances which make it impossible to reach a desired destination for taking a weekly rest without violating Union rules. It is desirable to make it easier for drivers to cope with those circumstances and enable them to reach their destination for a weekly rest. **Such exceptional circumstances are sudden circumstances that are unavoidable and may not be anticipated, where it unexpectedly becomes impossible to apply the Regulation's provisions in their entirety for a short period of time. In order to ensure proper enforcement, the driver should document the circumstances. In addition, a safeguard should ensure that driving time is not excessive.** ~~without breaching the requirements on maximum driving times.]~~

~~"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."~~

(7) **Article 13 (1) is amended as follows:**

(a) **point (e) is replaced by the following:**

"(e) vehicles operating exclusively on islands or isolated regions from the rest of the national territory 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, nor are they bordering any other Member State. ";

(b) **the following point (q) is added:**

"(q) vehicles used for the delivery of ready-mixed concrete.";

(8) **in Article 14, paragraph 2 is replaced by the following:**

"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.";

(9) **Article 15 is replaced by the following:**

"Article 15

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.";

(9a) Article 16, paragraph 3, subparagraph (a) is replaced by the following:

"(a) include all the particulars specified in paragraph 2 for a minimum period covering the day of control and the previous 56 days; these particulars must be updated on regular intervals, the duration of which may not exceed one month;"

(10) in Article 19, paragraph 1 is replaced by the following:

"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 Council⁶, 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.";

(11) Article 22 is amended as follows:

(a) paragraph 1 is replaced by the following:

"1. Member States shall work in close cooperation and provide each other with mutual assistance without undue delay in order to facilitate the consistent application of this Regulation and its effective enforcement, in line with the requirements set out in Article 8 of Directive 2006/22/EC.";

⁶ 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).

(b) in paragraph 2, the following point (c) is added:

"(c) other specific information, including the risk rating of the undertaking, liable to have consequences for compliance with the provisions of this Regulation.";

(c) the following paragraphs 3a and 3b are inserted:

"3a. For the purpose of the exchange of information within the framework of this Regulation, Member States shall use the bodies for intracommunity liaison designated pursuant to Article 7 of Directive 2006/22/EC.";

3b. Mutual administrative cooperation and assistance shall be provided free of charge.";

(11a) in Article 24, the following paragraph is inserted:

"2a. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply."

(12) in Article 25, paragraph 2 is replaced by the following:

"2. In the cases referred to in **point (b) of** paragraph 1 the Commission shall adopt implementing acts setting out common approaches in accordance with the **examination** ~~advisory~~ procedure referred to in Article 24(2a)."

(13) the following Annex is added:

"ANNEX

A. Minimum safety, security and services requirements for a dedicated zone referred to in Article 8 (8) subparagraph 3

- 1. Intrusion detection and prevention**
- 2. Lighting and visibility**
- 3. Emergency contact point and procedures**
- 4. Sanitary facilities**
- 5. Food and beverage purchase options**
- 6. Connections enabling communication**
- 7. Power supply.**

B. Minimum requirements for a cabin referred to in Article 8(8) subparagraph 3

- 1. Bed with mattress for each driver**
- 2. Engine-independent heating and air conditioning**
- 3. Curtain blocking light**
- 4. Storage compartment**
- 5. Fridge for food conservation**
- 6. Folding table**
- 7. Electricity."**

Article 2

Regulation (EU) No 165/2014 is amended as follows:

(-1) In Article 1, the first subparagraph of paragraph 1 is replaced by the following:

"1. This Regulation sets out obligations and requirements in relation to the construction, installation, use, testing and control of tachographs used in road transport, in order to verify compliance with Regulation (EC) No 561/2006, Directive 2002/15/EC of the European Parliament and of the Council⁷ and Council Directive 92/6/EEC⁸, Council Directive 92/106/EEC⁹, Regulation (EC) No 1072/2009, Regulation (EC) No 1073/2009, Directive 96/71 and Directive 2014/67/EU as far as posting of workers in road transport is concerned, and with the Directive xxx/xxx/EU laying down specific rules with respect to Directive 96/71/EC and Directive 2014/67/EU for posting drivers in road transport.*"

*** Note: References to rules on posting of workers to be aligned with the final compromise on those files.**

⁷ 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).

⁸ 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).

⁹ **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.**

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

"4. No later than four years* after the end of the year of entry into force of detailed provisions referred to in the second sentence of the first paragraph of Article 11 which contain specifications for the recording of border-crossing and additional activities, all vehicles operating in a Member State other than their Member State of registration which are fitted with a tachograph not complying with the specifications in those detailed provisions, shall be fitted with a smart tachograph as provided in Articles 8, 9 and 10 of this Regulation.";

*** NOTE: expected as being end of 2024.**

(-1b) Article 7 is replaced by the following:

"Article 7

Data protection

- 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, Regulation (EC) No 1073/2009, Directive 96/71 and Directive 2014/67/EU as far as posting of workers in road transport is concerned, and with the Directive xxx/xxx/EU 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) No 2016/679 and Directives 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.**

2. Member States shall, in particular, ensure that personal data are protected against uses other than those strictly linked to the legal acts referred to in paragraph 1, in relation to:

the use of a global navigation satellite system (GNSS) for the recording of location data as referred to in Article 8,

the use of remote communication for control purposes as referred to in Article 9, the use of tachographs with an interface as referred to in Article 10, the electronic exchange of information on driver cards as referred to in Article 31, and in particular any cross-border exchanges of such data with third countries,

the keeping of records by transport undertakings as referred to in Article 33.

3. Digital tachographs shall be designed in such a way as to ensure privacy. Only data necessary for the purposes of referred to in paragraph 1 shall be processed.

4. Owners of vehicles, transport undertakings and any other entity concerned shall comply, where applicable, with the relevant provisions on the protection of personal data."

- (1) Article 8(1) is amended as follows:

- (a) the **first subparagraph** ~~second indent~~ is replaced by the following:

"In order to facilitate the verification of compliance with the relevant legislation, 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:

the starting place of the daily working period;

every time the vehicle crosses the border **of a Member State**;

every time the vehicle performs loading or unloading activities;

every three hours of accumulated driving time; **and**

the ending place of the daily working period."

(b) the following sentence is added to the second subparagraph:

"However, the recording of the border-crossing and additional activities referred to in the second and third indent of the first subparagraph shall concern vehicles registered in a Member State¹⁰ for the first time after two years* after the entry into force of the detailed provisions referred to in the second sentence of the first paragraph of Article 11, without prejudice to the obligation to retrofit certain vehicles later in accordance with Article 3(4)."

*** NOTE: expected as being ca. June 2022.**

(1a) Article 9 is amended as follows:

(a) The first sentence of paragraph 2 is amended as follows:

"Four years after the entry into force of detailed provisions referred to in the second sentence of paragraph 1 of Article 11 which contain specifications for the recording of border-crossing and additional activities referred to in the second and third indent of Article 8(1), 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.";

¹⁰ NOTE: other provisions of this Regulations, which contain a similar reference to a vehicle registration date, will be aligned with this addition of precision ("in a Member State").

(b) 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 legal acts referred to 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.";

(c) In Paragraph 4 the following indent is added:

"- exceeding maximum driving time.";

(1aa) In Article 10 the following paragraph is added:

2. "The tachographs of vehicles registered for the first time in a Member State two years* after the entry into force of detailed provisions referred to in the second sentence of paragraph 1 of Article 11 which contain specifications for the recording of border-crossing and additional activities referred to in the second and third indent of Article 8(1), shall be equipped with the interface referred to in paragraph 1."

*** NOTE: expected as being no later than June 2022.**

(1ab) In Article 11, the following sentence is inserted after the first sentence of the first paragraph:

"The Commission shall bring into force the implementing acts providing the detailed provisions for the uniform application of the obligation to record and store data relating to any border crossing of the vehicle and additional activities referred to in the second and third indent of Article 8(1), by [OJ: 12 months after the entry into force of this amending Regulation]."

(1ac) In Article 22, paragraph 5, the two last subparagraphs shall be replaced by the following:

"The seals removed or broken shall be replaced by an approved fitter or a workshop without undue delay and at the latest within seven days of their removal. When the seals have been removed or broken for control purposes, they may be replaced by a control officer equipped with a sealing equipment and unique special mark without undue delay.

When a control officer removes a seal, the control card shall be inserted in the tachograph from the moment of the removal of the seal until the inspection is finished, including in case of placement of a new seal. The control officer shall issue a written statement containing at least the following information:

vehicle identification number;

name of the officer;

control authority and Member State;

number of the control card;

number of the removed seal;

date and time of seal removal;

number of the new seal, in case the control officer has placed a new seal.

Before replacing the seals, a check and calibration of the tachograph shall be performed by an approved workshop, except where a seal has been removed or broken for control purposes and replaced by a control officer.";

(1ad) In Article 26, the following paragraph is added:

"(7a) The competent authority of the issuing Member State may require a driver to replace the driver card by a new one if this is necessary to comply with the relevant technical specifications.";

(1b) in Article 34, the first paragraph is replaced by the following:

"Drivers shall use records sheets or driver cards every day on which they are driving, starting from the moment they take over the vehicle. The record sheet or driver card shall not be withdrawn before the end of the daily working period unless its withdrawal is otherwise authorised or is necessary to enter the symbol after having crossed a border. No record sheet or driver card may be used to cover a period longer than that for which it is intended."

(1c) in Article 34(6), the following point (f) is added:

"(f) the symbols of the countries in which the daily working period started and finished. The driver shall also enter the symbol of the country that the driver enters after crossing a border of a Member State at the beginning of the driver's first stop in that Member State. That first stop shall be made at the nearest stopping place at or after the border. Where the crossing of the border of a Member State takes place on a ferry or train, the driver shall enter the symbol of the country at the port or station of arrival.";

(2) in Article 34(7), the first subparagraph is replaced by the following:

"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."

One year after the entry into force of detailed provisions referred to in the second sentence of paragraph 1 of Article 11 which contain specifications allowing to enter and store border crossing data, the driver shall also enter the symbol of the country that the driver enters after crossing a border of a Member State at the beginning of the driver's first stop in that Member State. That first stop shall be made at the nearest stopping place at or after the border. Where the crossing of

the border of a Member State takes place on a ferry or train, the driver shall enter the symbol of the country at the port or station of arrival.

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."

(3) Article 36 is amended as follows:

(a) paragraph 1(i) is replaced by the following:

"(i) the record sheets for the current day and the preceding 56 days,"

(b) paragraph 1(iii) is replaced by the following:

"(iii) any manual records and printouts made during the current day and the preceding 56 days."

(c) paragraph 2(ii) is replaced by the following:

"(ii) any manual records and printouts made during the current day and the preceding 56 days."

Article 3

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

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Articles 1(9a) and 2(3) shall apply from [X.X.2024]*. Until that date Article 16, paragraph 3, subparagraph (a) of Regulation (EC) No 561/2006 and Article 36, paragraphs 1(i), 1(ii) and 2(ii) of Regulation (EU) 165/2014 shall apply in their wording prior to the amendments introduced by this Regulation.

*** [NOTE: Application of the enlarged recording period for control purposes from date of the general retrofitting with smart tachographs of version 2 (4 years after adoption of their specifications)]**

Done at Brussels,

For the European Parliament

The President

For the Council

The President
