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INFORMATION NOTE

Subject : Proposal for a Regulation of the European Parliament and of the Council on the harmonisation of certain social legislation relating to road transport
– Outcome of the European Parliament's first reading
(Strasbourg, 13 to 16 January 2003)

I. INTRODUCTION

During the plenary session of 14 January, Mr Helmut MARKOV (GUE/NGL) presented a report on behalf of the Committee on Regional policy, Transport and Tourism containing 70 amendments to the Commission's proposal, which amends the existing Regulation on the matter and mainly provides for: **a) a continuous twelve-hour rest period**, **b) a weekly driving time of 56 hours, or 90 hours for two weeks**, **c) abolition of the provisions relating to the minimum age of drivers**, **d) seizure of vehicles in case of breach of the Regulation** and **e) modification of exemptions for certain vehicles**.

During the debate, the rapporteur pointed out that the Regulation was only acceptable under the following conditions: return to a calendar week, the application on express delivery services, the implementation of sanctions, the reduction of derogation to the Regulation and the reduction of driving hours.

The main amendments tabled by the rapporteur intend to: **1) do away with the term "flexible week" to replace it with the term "week"** (amds 1, 32 and 37), which begins on Monday at 00.00 and

comes to an end on Sunday at 24.00 (amd 33); **2) reintroduce a minimum age for drivers** (amd 35 from 18 to 21 depending on the kind of the vehicle); **3) make the introduction of a digital tachograph compulsory** in all vehicles at the latest 36 months after the publication of the Regulation in the Official Journal (OJ) (amds 8 and 61-62); **4) improve and increase controls**: six months after the publication of the Regulation in the OJ, the number of days controlled being increased from 1 to 2%, of which 1% is on the site of the company, and goes back over the 27 previous days (amds 6-7, 9-12, 48, 60, 63 and 70); and **5) apply the Regulation to vehicles used for parcel and express delivery services** (amd 14) as well as to vehicles registered in a third country, which is not a signatory of the AETR agreement, when they make a journey within the Community (amds 4 and 15-16). On the other hand, **vehicles used for the collection of milk (amd 23) and other agricultural activities are excluded** (amds 53 and 58-59). Furthermore, derogation is allowed in the case of provision of services to citizens ("universal" services, banks, cultural activities etc), (amds 18-20, 24, 54-57). The rapporteur also calls upon Member States to establish a common scale for sanctions (amds 64-65) and calls for **rest time to be taken in two periods** (one of three hours and the other of nine hours - amd 31) and for the driving/rest periods (amds 13, 29-30 and 40-47). He equally calls for an increase in company responsibility, making it compulsory to register the driving/working time of drivers (amds 49 and 62).

Speaking on behalf of his group, **Mr Mathieu GROSCH (PPE-DE, B)** hoped for more monitoring on Community territory. He also asked for the Regulation to be applied to third countries. On the contrary, the member of the same group, Mr Philip BRADBURN (PPE-DE, UK), considered that it is absolutely inadmissible to propose far-reaching changes with wide effects on the workings of the economy without conducting adequate analyses of the consequences. In the absence of evidence of a need to radically change the current driving times, the Commission's proposal should be rejected (amds 71 and 114).

Mr Wilhelm PIECYK (PSE, D), taking the floor on behalf of his group, emphasised on the necessity that all vehicles should be equipped with a digital tachograph.

Mr Samuli POHJAMO (ELDR, FIN), speaking on behalf of his group, considered that the report was, on the contrary, badly drafted and the Commission's proposal **unacceptable for his group** (amds 79 and 88 for the rejection of the proposal and the legislative resolution). He criticised the over-rigid rules and over-high costs for the sector and added that application of the existing Regulation should be monitored rather than to have new regulations adopted.

Such a position shocked Mr Freddy BLAK (GUE-NGL, DK), who, on behalf of his group, reproached the Liberals with seeing more the financial aspect than the number of deaths on the road.

Finally, on behalf of his group, Mr Claude TURMES (Verts/ALE, L) called for reduction of the driving time as well as systematic controls and the introduction of a digital tachometer.

On behalf of the European Commission, the Commissioner, Mrs Loyola DE PALACIO, recalled that this proposal was not a social policy proposal but a road safety proposal. As far as the amendments were concerned, she said she could accept those aimed at making the text more specific, increasing the number of controls except from those entailing too many administrative costs, and those applying the text to third countries and to express delivery. To this end, amds 1-2, 4, 7, 15-16, 21, 26-27, 29-34, 36-38, 41, 44-45, 47, 52-54, 72, 74-75, 82, 87, 93 and 107-108 were totally accepted. Moreover, amds 3, 5, 10-12, 14, 17, 28, 40, 43, 48, 50, 60, 62-63, 65-66, 70 and 113 were acceptable in principle or subject to redrafting. Amds 9, 18, 25, 42, 51, 64 and 78 were partially accepted. On the contrary, amds 6, 8, 13, 19, 20, 22-24, 35, 39, 46, 49, 55-59, 61, 67-69, 71, 73, 76-77, 79-81, 83-86, 88-92, 94-99, 101-102, 105-106, 109-112 and 114 were unacceptable.

II. VOTE

In the beginning, the two identical amendments by Mr Philip BRADBURN (PPE-DE, UK) and by the ELDR group calling for the rejection of the Commission's proposal were rejected.

- Amds Nos 1, 3-4, 7-8, 11, 15-16, 26-28, 30, 33-35, 41, 44-45, 60-63 and 66-69 of the RETT committee were adopted after a single vote.

- Amds Nos 2, 5-6, 9-10, 12-14, 17-25, 29, 31-32, 37, 39, 42-43, 47-49, 51-59, 64-65 and 70 of the RETT committee were equally adopted after separate votes. Moreover, amds Nos 78 (parts 1 and 2, tabled by the PPE-DE group, defining the "reduced weekly rest period"), 83 (tabled by the ELDR group, reinstating the provisions of the 3820/85 Directive regarding breaks), 89 (tabled by the Verts/ALE on the digital tachograph), 107 (tabled by the PSE group, providing that only daily and not weekly rest periods may be spent in a stationary vehicle) were equally adopted after separate votes.

- On the contrary, the plenary rejected all amendments aimed at reducing the weekly driving time and the driving time over two weeks. More specifically, amds Nos 46 (by the RETT committee), 72, 82 and 87 (all identical, tabled by Mr BRADBURN, the ELDR and the UEN groups, respectively), 73-74 (tabled by Mr BRADBURN and other MEPs), 76-77 (tabled by the EDD group), 80-81 and 84-86 (tabled by the ELDR group), 90 (tabled by the Verts/ALE), 91-92, 94, 96-99 and 101-102 (tabled by the GUE/NGL group), 110 (tabled by the PSE group), 93, 106, 108-109 and 111-113 (PSE, GUE/ NGL), 105 (PSE, GUE/NGL, Verts/ALE) were rejected.

- Finally amds Nos 40 and 50 (tabled by the RETT committee), 75 (tabled by the EDD group) and 95 (tabled by the GUE/NGL group) fell after the adoption of the previously mentioned amendments.

The Commission proposal as modified by the Parliament's amendments was adopted with an overwhelming majority (405 in favour, 79 against and 60 abstentions).

The Parliament's legislative Resolution was equally adopted by the plenary after having rejected two identical amendments (88 and 114) tabled by the ELDR group and Mr BRADBURN (PPE-DE, UK) proposing its rejection.

The text of the amendments adopted and the European Parliament's legislative Resolution are set out in the Annex hereto.

European Parliament legislative resolution on the proposal for a European Parliament and Council regulation on the harmonisation of certain social legislation relating to road transport (COM(2001) 573 – C5-0485/2001 – 2001/0241(COD))

(Codecision procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2001) 573¹),
 - having regard to Article 251(2) and Article 71 of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C5-0485/2001),
 - having regard to Rule 67 of its Rules of Procedure,
 - having regard to the report of the Committee on Regional Policy, Transport and Tourism and the opinion of the Committee on Employment and Social Affairs (A5-0388/2002),
1. Approves the Commission proposal as amended;
 2. Asks to be consulted again should the Commission intend to amend the proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council and Commission.

¹ OJ C 51 E, 26.2.2002, p. 234.

Amendment 1
Whole text

Replace 'flexible week' with 'week' throughout text.

Amendment 2
Recital 3

(3) Difficulties have been experienced in interpreting, applying *and* enforcing certain provisions of Regulation (EEC) No 3820/85 on driving time, break and rest period rules for drivers engaged in national and international road transport within the Community in a uniform manner in all Member States, because of the broad terms in which they are drafted.

(3) Difficulties have been experienced in interpreting, applying, enforcing, *and monitoring* certain provisions of Regulation (EEC) No 3820/85 on driving time, break and rest period rules for drivers engaged in national and international road transport within the Community in a uniform manner in all Member States, because of the broad terms in which they are drafted.

Amendment 3
Recital 8

(8) The provisions of the European Agreement concerning the Work of Crews of Vehicles engaged in International Road Transport of 1 July 1970 (AETR), as amended, should continue to apply to the carriage by road of goods and passengers by vehicles registered in any Member State or any country which is a contracting party to the AETR, for the whole of the journey where that journey is between the Community and a country which is a contracting party or through such a country.

(8) The provisions of the European Agreement concerning the Work of Crews of Vehicles engaged in International Road Transport of 1 July 1970 (AETR), as amended, should continue to apply to the carriage by road of goods and passengers by vehicles registered in any Member State or any country which is a contracting party to the AETR, for the whole of the journey where that journey is between the Community and a country which is a contracting party or through such a country. *The Community and the signatory states to the AETR should amend it as soon as possible in order to bring it into line with the provisions of this Regulation.*

Amendment 4
Recital 9

(9) In the case of vehicles registered in a *state* which is not a contracting party to AETR, *those* provisions *will only* apply to that part of the journey effected within the Community.

(9) In the case of *carriage using* vehicles registered in a *third country* which is not a contracting party to the AETR, *the* provisions *of this Regulation should* apply to that part of the journey effected within the Community.

Amendment 5
Recital 13

(13) The basic rules on driving time need to be clarified and simplified to allow effective and uniform enforcement *by means of the digital tachograph as set out in Regulation (EEC) 3821/85¹ on recording equipment in road transport as amended by Regulation (EEC) 2135/98².*

(13) The basic rules on driving time need to be clarified and simplified to allow effective and uniform enforcement. *In addition, efforts should be made to ensure uniform interpretation and application of this Regulation by national supervisory authorities.*

¹ OJ L 370, 31.12.1985, p. 8.

² OJ L 274, 9.10.1998, p. 1.

Amendment 6
Recital 13a (new)

(13a) To guarantee effective supervision, it is essential that the appropriate authorities, when carrying out roadside checks, should ascertain that driving times and rest periods have been properly observed on the day of the check and the preceding 27 days.

Amendment 7
Recital 17

(17) In view of the increase in cross-border carriage of goods and passengers, it is desirable in the interests of road safety and enhanced enforcement for roadside checks to cover driving times and rest periods undertaken within other Member States or third countries.

(17) In view of the increase in cross-border carriage of goods and passengers, it is desirable in the interests of road safety and enhanced enforcement for roadside checks to cover driving times and rest periods undertaken within other Member States or third countries *and determine whether they have been fully and properly observed.*

Amendment 8
Recital 23a (new)

(23a) The introduction of the digital checking device under Regulation (EC) No 2135/98, enabling the activities of a driver over a 28-day period to be recorded electronically on his driver card and electronic records of vehicle operations to cover a 365-day period, will in future make for more rapid and comprehensive roadside checks. The transitional period in which two different tachograph systems (conventional recording equipment and the new digital tachograph) will be in use at the same time should be restricted to the minimum so as to enable checks to be conducted efficiently. The use of the better checking device in all vehicles should therefore be made mandatory as quickly as possible. Regulation (EEC) No 3821/85, as amended by Regulation (EC) No 2135/98, should accordingly be amended to the effect that all vehicles would have to be fitted with the above device by a specified date.

Amendment 9
Recital 23b (new)

(23b) Experience has shown that compliance with the provisions of this Regulation, in particular the specified maximum driving time over a two-week period, cannot be enforced unless proper and effective supervision is brought to bear in roadside checks on the whole of that period and not just the maximum of eight days laid down in Directive 88/599/EEC of 23 November 1988 on standard checking procedures for the implementation of Regulation (EEC) No 3820/85 on the harmonisation of certain social legislation relating to road transport and Regulation (EEC) No 3821/85 on recording equipment in road transport¹ in conjunction with Regulation (EEC) No 3821/85 (both as amended by Regulation (EC) No 2135/98). The two acts should therefore be adjusted in order to impose a requirement to check driving times in the preceding 28 days at the roadside, whether a vehicle is fitted with

conventional recording equipment or the new digital recording device.

¹ *OJ L 325, 29.11.1988, p. 55.*

Amendment 10
Recital 23c (new)

(23c) Under Directive 88/599/EEC roadside checks are confined to daily driving time, daily rest periods, and breaks. When digital recording equipment is introduced, driver and vehicle data will be stored electronically, and data can be evaluated electronically on the spot. This should also enable simple checks to be carried out on weekly rest periods and compensatory rest periods for reduced daily and weekly rest periods. Roadside checks should likewise ascertain compliance with the maximum working time of 60 hours in any one week as laid down in Article 4(a) of European Parliament and Council Directive 2002/15/EC of 11 March 2002 on the organisation of the working time of persons performing mobile road transport activities¹. To that end drivers could carry a certificate issued by their employer, as they already do in order to furnish evidence of weekly rest periods, for as long as there was no binding requirement to enter data manually in the digital recording device. Given the reference period, supervision of the 48-hour average working week should continue to be exercised in checks at the premises of undertakings.

¹ *OJ L 80, 23.3.2002, p. 35.*

Amendment 11
Recital 23d (new)

(23d) Article 2(2) of Directive 88/599/EEC stipulates that at least 1% of working days must be checked every year, of which not less than 15% are to be checked at the roadside and not less than 25% at the premises of undertakings. In view of the numerous infringements of the law, the percentage of days checked should be raised to at least 2%. At least 1% of

working days should be checked at the premises of undertakings. Checks on undertakings are the only means of ascertaining a driver's overall working pattern. In addition, Directive 88/599/EEC should be adjusted so as to enable the provisions of Directive 2002/15/EC likewise to be monitored.

Amendment 89
Recital 23e (new)

(23e) The application of the legislation on the digital tachograph should be consistent with this Regulation, in order to obtain optimum effectiveness in monitoring and enforcing social provisions in road transport.

Amendment 12
Article 1

This Regulation lays down rules on driving time, breaks and rest periods for drivers engaged in the carriage of goods and passengers by road in order to harmonise the conditions of competition *between methods of inland transport, especially with regard to the road sector* and to improve working conditions and road safety.

This Regulation lays down rules on driving time, breaks and rest periods for drivers engaged in the carriage of goods and passengers by road *with the primary intention to clarify, simplify and update what is already contained in the current Regulation (EEC) No 3820/85 and also* in order to harmonise the conditions of competition, *to improve monitoring and enforcement, to promote safe working practices* and to improve working conditions and road safety.

Amendment 13
Article 1a (new)

Article 1a
The minimum standards laid down in the first and second sentences of Article 4(a) of Directive 2002/15/EC shall form part of this Regulation.

Amendment 14

Article 2, paragraph 1, subparagraph 1, point (a)

(a) of goods where the permissible maximum weight of the vehicles, including any trailer, or semi-trailer, exceeds 3.5 tonnes, or

(a) of goods where the permissible maximum weight of the vehicles, including any trailer, or semi-trailer, exceeds 3.5 tonnes, **and to all vehicles used by courier and express delivery services**, or

Amendment 15

Article 2, paragraph 2, point (b)

(b) by vehicles registered in a third country which is not a contracting party to the AETR, for the whole of the journey made within the Community.

Deleted

Amendment 16

Article 2, paragraph 2a (new)

2a. This Regulation shall apply to carriage by road undertaken by vehicles registered in a third country which is not a contracting party to the AETR, for the whole of the journey made within the Community.

Amendment 17

Article 3, point 2a (new)

2a. vintage vehicles not used for commercial purposes, meaning all mechanically self-propelled vehicles more than 25 years old, plus vehicles less than 25 years old if they form part of a collection of historic vehicles;

Amendment 18

Article 3, point 3

3. vehicles owned or hired **in** without a driver by the **armed services**, civil defence, fire services, and forces responsible for maintaining public order;

3. vehicles owned or hired without a driver by the civil defence, 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; vehicles owned or hired without a driver by the armed forces in times of crisis or in the event of war;**

Amendment 19
Article 3, point 4

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| 4. vehicles used in emergencies or rescue operations; | 4. vehicles used in emergencies, <i>for transporting humanitarian aid</i> or in rescue operations; |
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Amendment 20
Article 3, point 5

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| 5. specialised vehicles <i>which are owned or hired in without a driver by the State and used</i> for medical purposes; | 5. specialised vehicles for medical purposes; |
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Amendment 21
Article 3, point 7

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| 7. specialised breakdown vehicles operating within a 50 km radius of their base; | 7. specialised breakdown vehicles operating within a 100 km radius of their base; |
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Amendment 22
Article 3, point 9

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| 9. vehicles with a maximum permissible weight not exceeding 7 500 kg used for non-commercial carriage of goods. | 9. vehicles with a maximum permissible weight not exceeding 3 500 kg used for non-commercial carriage of goods. |
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Amendment 23
Article 3, point 9a (new)

9a. vehicles for the collection of milk from farms and the return to farms of milk churns or dairy products for feeding to livestock.

Amendment 24
Article 3, point 9b (new)

9b. vehicles used by the authorities responsible for sewerage, flood protection, water, gas, and electricity services, highway maintenance and control, refuse collection and disposal, telegraph and telephone services, radio and television broadcasting, or detection of radio or television transmitters or receivers.

Amendment 25
Article 4, point 1

1. “carriage by road” means any journey made on roads by a vehicle, whether laden or not, used for the carriage of passengers or goods;

1. “carriage by road” means any journey made on roads *open to the public* by a vehicle, whether laden or not, used for the carriage of passengers or goods;

Amendment 26
Article 4, point 2, indent 1

- “motor vehicle”: any *mechanically* self-propelled vehicle circulating on the road, other than a vehicle permanently running on rails, and normally used for carrying passengers or goods;

- “motor vehicle”: any self-propelled vehicle circulating on the road, other than a vehicle permanently running on rails, and normally used for carrying passengers or goods;

Amendment 27
Article 4, point 2, indent 2

- “tractor”: any *mechanically* self-propelled vehicle circulating on the road, other than a vehicle permanently running on rails, and specially designed to pull, push or move trailers, semi-trailers, implements or machines;

- “tractor”: any self-propelled vehicle circulating on the road, other than a vehicle permanently running on rails, and specially designed to pull, push or move trailers, semi-trailers, implements or machines;

Amendment 28
Article 4, point 3

3. “driver” means any person who drives the vehicle even for a short period, or who is carried in *a* vehicle *in order to be available for driving if necessary*;

3. “driver” means any person who drives the vehicle even for a short period, or who is carried in *the same* vehicle *for the purpose of driving it*;

Amendment 29
Article 4, point 3a (new)

3a. “driving time” means the duration of the activity in which the driver controls the vehicle and is an active road user, including the time needed for the driver to make his way to the place of assignment or the vehicle, if that journey is made in a vehicle driven by the driver himself, but excluding the journey from his place of residence to his place of work;

Amendment 30
Article 4, point 4

4. “break” means any period during which a driver may not carry out any other work.

4. “break” means any period during which a driver may not carry out any other work **and which is exclusively intended for recuperation.**

Amendment 31
Article 4, point 7, indent 1

- “regular daily rest period” means any **uninterrupted** period of rest of at least 12 hours.

- “regular daily rest period” means any period of rest of at least 12 hours. **The normal daily rest may be taken in two periods, the first of which must be an uninterrupted period of at least 3 hours and the second an uninterrupted period of at least 9 hours.**

Amendment 32
Article 4, point 8, subparagraph 1

8. “weekly rest period” means **the weekly** period during which the driver may freely dispose of his time and covers a “regular weekly rest period” or a “reduced weekly rest period”.

8. “weekly rest period” means **a** period during which the driver may freely dispose of his time and covers a “regular weekly rest period” or a “reduced weekly rest period”.

Amendment 78
Article 4, point 8, indent 2

- “reduced weekly rest period” means any uninterrupted period of rest of **at least 24 hours but less than 45 hours**, which is taken **other than** at the place where the vehicle is **normally** based or **where the driver is based**.

- “reduced weekly rest period” means any uninterrupted period of rest of less **than 45** hours, which **may be shortened to a minimum of 36 consecutive hours if** taken at the place where the vehicle is based or **in the driver's place of residence, or to a minimum of 24 consecutive hours if taken outside those places. Long-distance drivers may take compensation within three weeks.**

Amendment 33
Article 4, point 9

9. A “**flexible** week” means the period of time between **the end of one weekly rest period and the beginning of the next weekly rest period**.

9. **a** “week” means the period of time between **00.00 on Monday and 24.00 on Sunday**.

Amendment 34
Article 4, point 14

14. “multi-manning” - a driver is engaged in multi-manning a vehicle if there is, during **all** periods of driving between any two consecutive daily rest periods, or between a daily rest period and a weekly rest period, at least one other driver on the vehicle.

14. “multi-manning” - a driver is engaged in multi-manning a vehicle if there is, during periods of driving between any two consecutive daily rest periods, or between a daily rest period and a weekly rest period, at least one other driver on the vehicle **doing the driving. For the first hour of multi-manning the presence of another driver or drivers is optional but for the remainder of the period it is compulsory.**

Amendment 35
Article 5, paragraphs -1, -1 a, and -1 b (new)

-1. The minimum age of drivers engaged in the carriage of goods shall be as follows:

(a) for vehicles, including, where applicable, trailers or semi-trailers, having a permissible maximum weight not exceeding 7.5 tonnes, 18 years;

(b) for other vehicles:

– 21 years, or

– 18 years, provided that the driver holds a certificate of professional competence recognised by one of the Member States confirming that he has completed a training course for drivers of vehicles intended for the carriage of goods by road, in conformity with Community rules on the minimum level of training for road transport drivers.

-1a. Drivers engaged in the carriage of passengers shall be aged at least 21 years. Any driver engaged in the carriage of passengers on journeys beyond a 50 kilometre radius from the place where the vehicle is based must also fulfil one of the following conditions:

(a) he must have worked for at least one year in the carriage of goods as a driver of vehicles with a permissible maximum weight exceeding 3.5 tonnes; or

(b) he must have worked for at least one year as a driver of vehicles used to provide passenger services on journeys within a 50

kilometre radius from the place where the vehicle is based, or other types of passenger services not subject to this Regulation, provided that the competent authority considers that he has by so doing acquired the necessary experience; or
(c) he must hold a certificate of professional competence recognised by one of the Member States confirming that he has completed a training course for drivers of vehicles intended for the carriage of passengers by road, in conformity with Community rules on the minimum level of training for road transport drivers.
-1b. A driver engaged in the carriage of passengers shall not be subject to the conditions laid down in paragraph -1a, second subparagraph, (a), (b), and (c) if he has carried on that occupation for at least one year prior to 1 October 1970.

Amendment 37

Article 6, paragraph 2

2. The flexible week shall not exceed 144 hours. Deleted

Amendment 39

Article 6, paragraph 6

6. A driver of a vehicle within the scope of this Regulation who also drives between two daily rest periods or between a daily and weekly rest period a vehicle coming within the *exemptions* set out in Article 3 or *derogations provided for in Articles 13 and 14* shall record the total daily driving time.

6. A driver of a vehicle within the scope of this Regulation who also drives between two daily rest periods or between a daily and weekly rest period a vehicle coming within the *exemption* set out in Article 3(1) shall record the total daily driving time.

Amendment 83

Article 7

1. After at most *three* hours of driving a driver shall observe a break of at least 30 minutes unless he begins a rest.
2. *However, this break may be observed after at most four-and-a-half hours of driving if the break is prolonged to at least 45 minutes unless the driver begins a rest.*

1. After at most *four-and-a-half* hours of driving a driver shall observe a break of at least 30 minutes unless he begins a rest.
2. *This break may be replaced by breaks of at least 15 minutes each distributed over the driving period or immediately after this period in such a way as to comply with the provisions of paragraph 1 and in such a way that an uninterrupted*

break of at least 30 minutes occurs in every four-and-a-half hour period of uninterrupted driving time.

Amendment 41

Article 8, paragraph 2, subparagraph 1

2. A driver **shall complete** a new daily rest period not later than 24 hours after the end of the previous daily rest period or weekly rest period.

2. A driver **must have taken** a new daily rest period not later than 24 hours after the end of the previous daily rest period or weekly rest period.

Amendment 42

Article 8, paragraph 3

3. A driver **may have at most three reduced daily rest periods during a flexible week.**

3. **Within every 24-hour period, a driver shall take a daily rest period of at least 12 consecutive hours which may, not more than three times a week, be shortened to not less than 9 consecutive hours. On days when it is not shortened in accordance with the first subparagraph, the rest period may be taken in two portions within the 24-hour period, one of which must amount to not less than 9 consecutive hours. In that event the minimum rest period shall be raised to 12 hours.**

Amendment 43

Article 8, paragraph 4

4. By way of derogation from paragraph 2, within 30 hours after the end of a daily rest period, a driver engaged in multi-manning shall **complete** a new daily rest period.

4. By way of derogation from paragraph 2, within 30 hours after the end of a daily rest period, a driver engaged in multi-manning shall **take** a new daily rest period.

Amendment 107

Article 8, paragraph 6

6. Daily **and weekly** rest periods may be taken in a vehicle, as long as it has suitable sleeping facilities for each driver and the vehicle is stationary.

6. Daily rest periods may be taken in a vehicle, as long as it has suitable sleeping facilities for each driver and the vehicle is stationary.

Amendment 44
Article 8, paragraph 6a (new)

6a. A weekly rest period that falls in two weeks may be counted in either week, but not in both.

Amendment 45
Article 8, paragraph 6b (new)

6b. A driver taking a reduced weekly rest period shall take an additional period of rest corresponding to the difference between 45 hours and the length of the reduced weekly rest taken. This additional period of rest:
- shall be taken en bloc;
- shall be taken by the end of the week following the week in which the reduced weekly rest commenced; for long-distance drivers it may be taken within three weeks;
- shall be attached to either a weekly rest period or a daily rest period.

Amendment 47
Article 9, paragraph 1

1. By way of derogation from Article 8, where a driver accompanies a vehicle which is transported by ferry or train, and takes a regular daily rest period, that period may be interrupted not more than ***once*** by other activities not exceeding one hour in total.

1. By way of derogation from Article 8, where a driver accompanies a vehicle which is transported by ferry or train, and takes a regular daily rest period, that period may be interrupted not more than ***twice*** by other activities not exceeding one hour in total.

Amendment 48
Article 10, paragraph 3a (new)

3a. Member States shall take care that consignors, freight forwarders, prime contractors, subcontractors and enterprises which employ mobile workers comply with the relevant provisions of this Regulation.

Amendment 49

Article 10, paragraph 5

5. A transport undertaking shall not be liable under paragraph 4 if it proves that -

5. In accordance with Article 9(b) of Directive 2002/15/EC, a transport undertaking shall be required to keep records of the driving and working times of drivers and take the steps required to acquaint itself with the total time worked, even where drivers are employed by several employers or temporarily put at the disposal of the undertaking.

(a) the infringement was due to the fact that the driver had failed to comply with the instructions given to him by that transport undertaking; or

(b) it was not aware and could not reasonably become aware that the driver had been employed or was at the disposal of several employers and was thereby subject to several sets of instructions which would cause him to breach the rules set out in Chapter II.

Amendment 51

Article 11

A Member State may apply higher minimum breaks and rest periods or lower maximum driving times than those laid down in Articles 6 to 9 inclusive to carriage by road undertaken wholly within its territory **by vehicles registered in that Member State.**

Without prejudice to the implementation of collective or other agreements concluded between the two sides of industry and already in force, a Member State may apply higher minimum breaks and rest periods or lower maximum driving times than those laid down in Articles 6 to 9 inclusive to carriage by road undertaken wholly within its territory.

Amendment 52

Article 12

Provided that road safety is not thereby jeopardised and to enable the vehicle to reach a suitable stopping place, the driver may depart from the provisions of Articles 6 – 9 to the extent necessary to ensure the safety of persons, of the vehicle or its load. The driver shall indicate the nature of the reason for such departure from the provisions on the record sheet of the recording equipment or in the duty roster.

Provided that road safety is not thereby jeopardised and to enable the vehicle to reach a suitable stopping place, the driver may depart from the provisions of Articles 6 – 9 to the extent necessary to ensure the safety of persons, of the vehicle or its load. The driver shall indicate the nature of the reason for such departure from the provisions on the record sheet of the recording equipment or in the duty roster **at the latest on arrival at the suitable stopping place.**

Amendment 53

Article 13, paragraph 1, point (b)

(b) vehicles used by agriculture, horticulture, forestry, farming or fishery undertakings for carrying goods within a 50 kilometre radius of the base of the undertaking;

(b) vehicles used by agriculture, horticulture, forestry, farming or fishery undertakings for carrying goods ***as part of their own entrepreneurial activity*** within a 50 kilometre radius of the base of the undertaking;

Amendment 54

Article 13, paragraph 1, point (c)

(c) vehicles with a maximum permissible weight not exceeding 7 500 kg carrying material or equipment for the driver's use in the course of his work within a 50 kilometre radius of the base of the undertaking, provided that driving the vehicle does not constitute the driver's main activity;

(c) vehicles with a maximum permissible weight not exceeding 7 500 kg ***when used to deliver postal items as part of the universal service or*** carrying material or equipment for the driver's use in the course of his work within a 50 kilometre radius of the base of the undertaking, provided that driving the vehicle does not constitute the driver's main activity;

Amendment 55

Article 13, paragraph 1, point (g)

(g) vehicles used in connection with the sewerage, flood protection or water services, highway maintenance and control, ***or*** refuse collection ***or*** disposal services;

(g) vehicles used in connection with the sewerage, flood protection, water, ***gas and electricity*** services, highway maintenance and control, refuse collection ***and*** disposal, ***telegraph and telephone*** services, ***radio and television broadcasting and detection of radio or television transmitters or receivers***;

Amendment 56

Article 13, paragraph 1, point (ga) (new)

(ga) vehicles with a maximum permissible weight not exceeding 7 500 kg used to deliver postal items within a radius of 50 kilometres;

Amendment 57

Article 13, paragraph 1, point (gb) (new)

(gb) vehicles for use as shops at local markets, for house-to-house sales, for mobile operations by banks, bureaux de change or savings banks, for religious services, for the lending of books, discs or cassettes or for cultural events or exhibitions and which are specially equipped for such use;

Amendment 58

Article 13, paragraph 1, point (gc) (new)

(gc) vehicles for the carriage of slaughtered animals or slaughter waste not intended for human consumption;

Amendment 59

Article 13, paragraph 1, point (gd) (new)

(gd) vehicles for the carriage of live animals from farms to local markets and vice versa or from markets to local slaughterhouses;

Amendment 60

Article 16, paragraph -1 (new)

-1. The minimum number of checks to be carried out in the Member States shall be set at not less than 2% of the total number of days worked.

Amendment 61

Article 16, paragraph 1, introduction

1. Where no recording equipment has been fitted to the vehicle in accordance with Regulation (EEC) 3821/85, the provisions set out in paragraphs 2 and 3 of this Article shall apply until **31 December 2006** to:

1. Where no recording equipment has been fitted to the vehicle in accordance with Regulation (EEC) 3821/85, the provisions set out in paragraphs 2 and 3 of this Article shall apply until ***the compulsory introduction of digital recording equipment in accordance with Regulation (EEC) 3821/85*** to:

Amendment 62
Article 16, paragraph 3a (new)

3a. The transport undertaking shall be required to keep or, by means of a storage device, retain at its head office for a period of one year all data and information relating to the driving times and rest periods of its drivers.

Amendment 63
Article 18

Member States shall adopt such measures as may be necessary for the implementation of this Regulation.

As effective joint implementation is more important than any individual provisions, Member States shall **not only** adopt such measures as may be necessary for the implementation of this Regulation **but also increase the rate of inspection. They shall produce regular reports on this efficiency increase and forward them to the Commission.**

Amendment 64
Article 19, paragraph 1

Member States shall lay down rules on penalties applicable to infringements of the provisions of this Regulation and ensure that they are implemented. Those penalties must be effective, proportionate and dissuasive. These penalties may be civil, administrative or criminal in nature.

Member States shall, ***on a proposal from the Commission***, lay down rules on ***a common range of categories of penalties depending on the gravity of the infringements***, applicable to infringements of the provisions of this Regulation and ensure that they are implemented. Those penalties must be effective, proportionate and dissuasive. These penalties may be civil, administrative or criminal in nature, ***but shall always comply with the principle of non-discrimination in relations with persons or undertakings that do not belong to the Member State concerned.***

Amendment 65
Article 19, paragraph 2

The penalties shall include the possibility of ***impoundment*** of the vehicle for serious infringements.

The penalties shall include the possibility of ***taking*** the vehicle ***into safe keeping*** for serious infringements ***until such time as the cause of the infringement has been rectified.***

Amendment 66
Article 20, paragraph 2, point (-a) (new)

(-a) national interpretation and application of the provisions of this Regulation;

Amendment 67
Article 22, paragraph 2a (new)

2a. The European social partners shall participate in the committee's deliberations as observers and shall in particular be consulted on questions under Article 23.

Amendment 68
Article 23, paragraph 1, subparagraph 1 a (new)

The Commission shall facilitate the dialogue between Member States concerning national interpretation and application of the provisions of this Regulation. By 31 December 2006 at the latest, the Commission shall submit a proposal containing uniform rules on interpretation and application, for the benefit of national supervisory authorities.

Amendment 69
Article 23, paragraph 2, introduction

2. At the request of a Member State or on its own initiative the Commission shall:

2. At the request of a Member State or ***the European Parliament*** or on its own initiative, the Commission shall:

Amendment 70
Article 24 a (new)

Article 24a
Not later than six months after publication of this Regulation in the Official Journal of the European Communities, the Commission shall submit a proposal to the European Parliament and the Council with a view to adjusting Directive 88/559/EEC and Regulation (EEC) No 3281/85 (both as

amended by Regulation (EC) No 2135/98).

That proposal shall at least:

(a) extend roadside checks on driving times to cover the day of the check and the preceding 27 days, whether vehicles are fitted with conventional recording equipment or a digital recording device (Annex I(B) to Regulation (EC) No 2135/98);

(b) lay down a requirement for roadside checks to cover not only daily driving times, daily rest periods, and breaks, but also weekly rest periods in accordance with this Regulation and the maximum working time of 60 hours a week, as referred to in Directive 2002/15/EC;

(c) raise the number of checks on the days worked by drivers falling within the scope of this Regulation to at least 2%, on the understanding that not less than 1% of working days shall be checked at the premises of the undertaking;

(d) lay down a requirement for vehicles falling within the scope of this Regulation to be fitted with a recording device conforming to Annex I(B) to Regulation (EC) No 2135/98 not later than 36 months after the entry into force of that Regulation by virtue of publication of Annex I(B) in the Official Journal of the European Communities;

(e) lay down a requirement for data relating to breaks, rest periods, other work, and driving times falling outside the scope of this Regulation, where these have not been recorded on the driver card, to be entered manually in order to facilitate roadside checks on weekly rest periods, the maximum weekly working time, and compensatory rest periods.