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From:	General Secretariat of the Council
To:	Delegations
N° Cion doc.:	ST 9670/17 TRANS 214 SOC 440 CODEC 925
Subject:	Proposal for a Regulation of the European Parliament and of the Council amending Regulation 561/2006 on the harmonisation of certain social legislation relating to road transport and Regulation 165/2014/EU on tachographs in road transport - comments by Member States

Delegations will find attached comments from **Hungary** on the above mentioned proposal.

HU proposals and comments

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

doc. ST 9670/17

The proposal of the Commission	HU proposal and comments
Article 8(6) of Regulation 561/2006	
6. In any four consecutive weeks a driver shall take at least: (a) four regular weekly rest periods, or (b) two regular weekly rest periods of at least 45 hours and two reduced weekly 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.	Hungary supports the Commission's proposal, however if we want to change Article 8(6), it is necessary to change Article 6(3) too, as proposed below.
Article 6(3) of Regulation 561/2006	
Original text: 3. The total accumulated driving time during any two consecutive weeks shall not exceed 90 hours.	HU proposal: 3. The total accumulated driving time during any two four consecutive weeks shall not exceed 90 180 hours“.
<p>Justification</p> <p><i>The proposed modification on weekly rest time (returning home after three weeks) without the reconsideration of the rules on driving times cannot provide the desired flexibility, it does not allow the use of more flexible rules in practice.</i></p> <p><i>We propose two options for returning home after four weeks and compensation within four weeks, when:</i></p> <p><i>a) the reduced rest time is minimum 32 hours. In this case 3 (three) reduced rest times and one weekly rest time should be combined in any four-week period, so the driver can have a rest time of 84 hours continuously;</i></p> <p><i>b) the reduced rest time is minimum 24 hours. In this case 2 (two) reduced rest times and 2 (two) weekly rest times should be combined in any four-week period, so the driver can have a rest time of 87 hours continuously, in both cases the drivers get extra rest time in a four-week period.</i></p>	

We also agree with the comments and example of the Slovak Republic concerning this issue as set out in doc. WK 10155/2017.

Article 8(7) of Regulation 561/2006

Commission proposal:
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.

HU comment:
Hungary does not support the modification of Article 8 paragraph 7 of Regulation 561/2006. We prefer to keep the provision in force unchanged.

Justification

The Commission's proposal does not grant drivers and transport undertakings sufficient flexibility; therefore we propose to keep the current wording of the paragraph.

Article 8(8) of Regulation 561/2006

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

HU comment:
Hungary does not support the insertion of Article 8 paragraph 8a of Regulation 561/2006.

Justification

The Commission's proposal does not take into account that the application of the proposed rules on spending of the 45 hours weekly rest in the cabin of the vehicle is hindered due to the lack of safe and secure parking places and suitable, affordable accommodation on European roads. It should be specified more precisely what is considered as a "suitable accommodation, with adequate sleeping and sanitary facilities" since according to IRU's (International Road Transport Union) TRANSPARK database, there are 352 parking places for trucks in Germany out of which only 82 offers accommodation, 41 is secured and only 13 is both secured and provides accommodation. All other facilities are suitable solely for spending the rest period in the cabin of the vehicle.