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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

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

PL WORKING DOCUMENT

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 - comments by Member States

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

**PL proposal in relation to “regular and reduced weekly rests” as well as “combination/splitting of compensation resting periods”**

**Proposal:**

- Article 8(6) is to be changed. The reference period should be four consecutive weeks and therefore new wording of aforementioned article will be as follows:

*„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 **fourth** week following the week in question.”;*

- New wording of article 6(3) is to be as follows:

*“The total accumulated driving time during any **four** consecutive weeks shall not exceed **180** hours.”;*

- Article 6(2) will remain unchanged *inter alia* the weekly driving time within one week shall not exceed 56 hours.;
- Article 8(7) will remain unchanged thereby any rest taken as compensation for a reduced weekly rest period shall be attached to another rest period of at least nine hours.

**Justification:**

Bearing in mind EC proposal of article 8(6) amendment, existing wording of article 6(3) makes it virtually impossible to take two reduced weekly rest periods consecutively. This results from the fact that total accumulated driving time during any two consecutive weeks shall not exceed 90 hours.

Therefore, in order to take weekly rest periods in line with the scheme set out in EC proposal it is of vital importance to amend article 6(3) in such a manner as to ensure that drivers could drive for 56 hours in two consecutive weeks.

Nevertheless, it has to be emphasized that total accumulated driving time during any four consecutive weeks shall not exceed 180 hours.

The existing provisions of article 8(7) permit a driver to attach compensation for a reduced weekly rest period to another rest period of at least nine hours. Taking into account needs expressed by transport industry for granting more flexibility in our opinion it is of vital importance to remain current wording unchanged.

Above mentioned compromise proposals are not only granting more flexibility for hauliers in terms of work organisation, but also decrease empty mileage/runs and consequently reduce CO2 emission.

Moreover, social conditions of drivers as well as road safety level would not be affected since compensation could be attached to any rest period of at least nine hours. Furthermore, we have to bear in our minds that although time frames for driving and rest periods are almost the same for 33 years (starting from entry into force of Regulation 3820/85) we cannot deny that cabins of trucks have become more comfortable and driver friendly than it was previously.

In conclusion, we cannot miss this chance and should take this opportunity and establish provisions that will be tailored to modern demands and challenges of transport sector as well as provide flexibility and social safety for transport undertakings and drivers.

**Note:**

This proposal can be considered independently of the outcome of the discussions in relation to “sleeping in cabins” and “return to home” issues. Moreover, it corresponds to SK and HU proposals.