

Minimum requirements on maximum daily and weekly driving times, minimum breaks and daily and weekly rest periods; positioning by means of tachographs

2017/0122(COD) - 31/05/2017 - Legislative proposal

PURPOSE: to adapt and clarify the social rules in the Union in road transport in order to improve the business and working conditions in the sector.

PROPOSED ACT: Directive of the European Parliament and of the Commission.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with Council.

BACKGROUND: **driving and resting times of drivers** are regulated under EU law. [Regulation \(EC\) No 561/2006](#) (the 'Driving Time Regulation') and [Regulation \(EU\) 165/2014](#) on tachographs are part of a wider effort to improve the working conditions of drivers, ensure fair competition between operators and improve the road safety of European roads.

An evaluation the effectiveness and efficiency of the implementation of the existing set of Union social rules in road transport, identified **certain deficiencies 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.

The objective of this proposal is to rectify the identified shortcomings and to help **improve the working and business conditions** in the sector in order to make the road transport sector fair, efficient and socially accountable.

IMPACT ASSESSMENT: the preferred option is a combination of two policy options: the first focused on strengthening enforcement, whilst the second established sector-specific criteria for posting workers in road transport and provides for specific enforcement measures.

The impacts of the preferred option include improving the working and resting conditions of drivers (decrease in fatigue index by 28% and in periods away from home by 43% for EU-13 drivers and by 16% for EU-15 drivers).

CONTENT: the proposal introduces a **limited number of modifications** to Regulation (EC) No 561/2006 on driving time and Regulation (EU) No 165/2014 on tachographs.

Driving time: the main amendments proposed are as follows:

- private individuals using vehicles which would fall within the scope of Regulation (EC) No 561/2006, to carry **private belongings** for their own purposes, are not obliged to record their driving times and rest periods and are therefore not obliged to have or use a tachograph or a driver's card;
- there is a **uniform definition** of the notion of 'non-commercial' carriage;

- drivers will have to record all tasks **other than driving** and also record any periods of availability; this will effectively monitor a driver's working patterns;
- drivers may **arrange for their weekly rest periods in a more flexible manner** over a period of four consecutive weeks, while ensuring that compensation for a reduced weekly rest is taken together with a regular weekly rest within three weeks. Any compensation for a reduced weekly rest must be attached to a regular weekly rest of at least 45 hours;
- a driver is **not allowed to take a weekly rest of 45 hours or more in a vehicle**. An employer is obliged to provide a driver with adequate accommodation with appropriate sleeping and hygiene facilities if drivers are not able to take a weekly rest at a private place of their choice;
- transport undertakings must organise the drivers' work in such a way that they are able to **return to their home** for a weekly rest at least once within three consecutive weeks;
- drivers may **postpone** the start of their weekly rest to reach their home provided that they comply with the daily and weekly driving time limits and with the required minimum duration of a weekly rest period;
- temporary **exceptions** from the general rules granted by Member States in urgent cases must be appropriately justified by the exceptional circumstances and the urgency involved in addressing them;
- Member States must **inform the Commission** about their national rules on driving times, breaks and rest periods applicable to the bus drivers exempted from the Regulation;
- **national penalties** imposed for infringing the Regulation should be proportionate to the seriousness of the infringement, as classified in relevant Union legislation.

Tachygraph: the proposed amendments aim to improve the features of 'smart' tachographs to make it possible to more **precisely position vehicles used for cross-border transport operations**.

The proposal adds an obligation on drivers to record in a tachograph the position of their vehicle after having crossed a border, at the earliest suitable stopping place.