

Proposal for a Regulation of the European Parliament and of the Council on the harmonisation of certain social legislation relating to road transport

(2002/C 51 E/05)

(Text with EEA relevance)

COM(2001) 573 final — 2001/0241(COD)

(Submitted by the Commission on 12 October 2001)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 71 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the Economic and Social Committee,

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

Acting in accordance with the procedure laid down in Article 251 of the Treaty,

Whereas:

- (1) In the field of road transport, Regulation (EEC) No 3820/85 on the harmonisation of certain social legislation relating to road transport⁽¹⁾ sought to harmonise the conditions of competition between methods of inland transport, especially with regard to the road sector and the improvement of working conditions and road safety. Progress in these areas must be safeguarded and extended.
- (2) Article 17a(2) of Directive 93/104/EC⁽²⁾ concerning certain aspects of the organisation of working time, as amended by Directive 2000/34/EC of the European Parliament and of the Council⁽³⁾, requires Member States to adopt measures to ensure that mobile workers are entitled to 'adequate rest'.
- (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.
- (4) Effective and uniform enforcement of those provisions is desirable so as to achieve their objectives and not to bring

the application of the rules into disrepute. Therefore a clearer and simpler set of rules is needed, which will be more easily understood, interpreted and applied by the road transport industry and the enforcement agencies.

- (5) Measures provided for in this Regulation regarding working conditions cannot be allowed to prejudice the right of the two sides of industry to lay down, by collective bargaining or otherwise, provisions more favourable to workers.
- (6) It is desirable to define clearly the precise scope of this Regulation by specifying the main categories of vehicle included.
- (7) Full definitions of all key terms should be given in order to render the interpretation easier and ensure that the Regulation is applied in a uniform manner.
- (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;
- (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.
- (10) Since the subject matter of the AETR Agreement falls within the scope of this Regulation, the power to negotiate and conclude the Agreement lies with the Community.
- (11) If an amendment to the internal Community rules in the field in question necessitates a corresponding amendment to the AETR, Member States will act together to bring about such an amendment to the AETR in accordance with the procedure laid down therein.

⁽¹⁾ OJ L 370, 31.12.1985, p. 1.

⁽²⁾ OJ L 307, 13.12.1993, p. 18.

⁽³⁾ OJ L 195, 1.8.2000, p. 41.

- (12) The list of exemptions should be updated to reflect developments in the road transport sector over the past fifteen years.
- (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) No 3821/85 on recording equipment in road transport⁽¹⁾ as amended by Regulation (EEC) No 2135/98⁽²⁾.
- (14) It has proved possible under existing rules to schedule daily driving periods and breaks to enable a driver to drive for too long without a full break, leading to reduced road safety and a deterioration in drivers' working conditions. It is therefore appropriate to introduce a longer minimum break which must be taken within a shorter time period.
- (15) Current compensation periods for reduced rest periods, both daily and weekly, have been found to be so flexible and varied as to be practically unenforceable. In order to simplify the scheme, a new balance should be found which retains flexibility but provides a better standard for the driver and is computable. Standard daily rest periods should be increased and split periods of rest should not be permitted. Reduced rest periods should be left without compensation and weekly reduced rest periods permitted only once between two full weekly rest periods.
- (16) Many road transport operations within the Community involve transport by ferry or by rail for part of the journey. Clear, appropriate provisions regarding daily rest periods and breaks should therefore be laid down for such operations.
- (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.
- (18) Liability of transport undertakings should apply at least to transport undertakings which are legal or natural persons, and should not exclude proceedings against natural persons who are perpetrators, instigators or accessories to infringements of this Regulation.
- (19) It is necessary for drivers working for several transport undertakings to supply each one with adequate information to enable it to fulfil its responsibilities under this Regulation.
- (20) In order to promote social progress and improve road safety, each Member State must retain the right to adopt certain appropriate measures.
- (21) National derogations should reflect changes in the road transport sector and be restricted to those elements not now subject to competitive pressures.
- (22) The Member States should lay down rules for vehicles used for the carriage of passengers on regular services where the route covered does not exceed 50 km. Those rules should provide adequate protection in terms of driving times allowed and breaks and rest periods imposed.
- (23) It is desirable in the interests of effective enforcement that all regular national and international passenger transport services should be checked using the standard recording device.
- (24) The Member States should 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. The possibility of impounding the vehicle where serious infringements are detected should be included within the common range of penalties open to Member States.
- (25) It is desirable in the interests of clear and effective enforcement to ensure uniform provisions on the liability of transport undertakings and drivers for breaches of the measures provided for in this Regulation. This liability may result in penal, civil or administrative sanctions as may be the case in the Member States.
- (26) In accordance with the principles of subsidiarity and proportionality as set out in Article 5 of the Treaty, the objective of laying down clear common rules on driving times and rest periods for drivers in road transport cannot be sufficiently achieved by the Member States and can therefore, by reason of the need for co-ordinated transnational action, be better achieved by the Community. This Regulation confines itself to the minimum required in order to achieve those objectives and does not go beyond what is necessary for that purpose.
- (27) In accordance with Article 2 of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission⁽³⁾, measures for the implementation of this Regulation should be adopted by use of the advisory procedure provided for in Article 3 of that Decision.

⁽¹⁾ OJ L 370, 31.12.1985, p. 8.

⁽²⁾ OJ L 274, 9.10.1998, p. 1.

⁽³⁾ OJ L 184, 17.7.1999, p. 23.

(28) For reasons of clarity and rationalisation, Regulation (EEC) No 3820/1985 should be repealed and replaced by this Regulation,

Article 3

Without prejudice to Article 6(6), this Regulation shall not apply to carriage by:

HAVE ADOPTED THIS REGULATION:

CHAPTER I

INTRODUCTORY PROVISIONS

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.

Article 2

1. This Regulation shall apply to carriage by road:

- (a) of goods where the permissible maximum weight of the vehicles, including any trailer, or semi-trailer, exceeds 3,5 tonnes, or
- (b) of passengers by vehicles which are constructed or permanently adapted for carrying more than nine persons including the driver, and are intended for that purpose.

It shall apply to vehicles registered in the Community where the carriage by road is undertaken:

- (a) entirely within the Community; or
- (b) between the Community and a third country which is not a contracting party to the European Agreement concerning the Work of Crews of Vehicles engaged in International Road Transport (AETR) or passes through such a country.

2. The AETR shall apply where carriage by road is undertaken:

- (a) 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; or
- (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.

1. vehicles used for the carriage of passengers on regular services where the route covered by the service in question does not exceed 50 kilometres;
2. vehicles with a maximum authorised speed not exceeding 30 kilometres per hour;
3. vehicles owned or hired in without a driver by the armed services, civil defence, fire services, and forces responsible for maintaining public order;
4. vehicles used in emergencies or rescue operations;
5. specialised vehicles which are owned or hired in without a driver by the State and used for medical purposes;
6. specialised vehicles transporting circus and fun-fair equipment;
7. specialised breakdown vehicles operating within a 50 km radius of their base;
8. vehicles undergoing road tests for technical development, repair or maintenance purposes, and new or rebuilt vehicles which have not yet been put into service;
9. vehicles with a maximum permissible weight not exceeding 7 500 kg used for non-commercial carriage of goods.

Article 4

For the purposes of this Regulation the following definitions will apply:

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;
2. 'vehicle' means a motor vehicle, tractor, trailer or semi-trailer, defined as follows:
 - '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;

- '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;
 - 'trailer': any vehicle designed to be coupled to a motor vehicle or tractor;
 - 'semi-trailer': a trailer without a front axle coupled in such a way that a substantial part of its weight and of the weight of its load is borne by the tractor or motor vehicle;
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;
 4. 'break' means any period during which a driver may not carry out any other work.
 5. 'other work' means any activity which is not rest, a break or driving. Waiting time and time not devoted to driving spent in a vehicle in motion, a ferry, or a train shall also not be regarded as 'other work'.
 6. 'rest' means any uninterrupted period during which the driver may freely dispose of his time.
 7. 'daily rest period' means the daily period during which the driver may freely dispose of his time and covers a 'regular daily rest period' or a 'reduced daily rest period'.
 - 'regular daily rest period' means any uninterrupted period of rest of at least 12 hours.
 - 'reduced daily rest period' means any uninterrupted period of rest of at least 9 hours but less than 12 hours.
 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'.
 - 'regular weekly rest period' means any uninterrupted period of rest of at least 45 hours.
 - '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.
 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.
 10. 'daily driving time' means the total accumulated driving time between any two consecutive daily rest periods or between a daily rest period and a weekly rest period.
 11. 'weekly driving time' means the total accumulated driving time during a week.
 12. 'permissible maximum weight' means the maximum authorised operating weight of the vehicle fully laden;
 13. 'regular passenger services' means national and international services as defined in Article 2 of Council Regulation (EC) No 684/92 ⁽¹⁾.
 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.
 15. 'transport undertaking' means any natural person, any legal person, any association or group of persons without legal personality, whether profit-making or not, or any official body, whether having its own legal personality or being dependent upon an authority having such a personality which engages in carriage by road.

CHAPTER II

CREW, DRIVING TIMES, BREAKS AND REST PERIODS*Article 5*

1. The minimum age for conductors shall be 18 years.
2. The minimum age for driver's mates shall be 18 years. However, Member States may reduce the minimum age for drivers' mates to 16 years provided that
 - (a) the carriage by road is carried out within one Member State within a 50 kilometre radius of the place where the vehicle is based, including local administrative areas the centres of which are situated within that radius,
 - (b) the reduction is for the purposes of vocational training, and
 - (c) there is compliance with the limits imposed by the Member State's national law on employment matters.

⁽¹⁾ OJ L 74, 20.3.1992, p. 1, as amended by Council Regulation (EC) No 11/98 (OJ L 4, 8.1.1998, p. 1).

Article 6

1. The daily driving time shall not exceed nine hours.

However, the daily driving time may be extended to at most 10 hours not more than twice during the flexible week.

2. The flexible week shall not exceed 144 hours.
3. The weekly driving time shall not exceed 56 hours.
4. The total accumulated driving time during any two consecutive flexible weeks shall not exceed 90 hours.
5. Daily and weekly driving times shall include all driving time on the territory of the Community or of a third country.
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.

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.

Article 8

1. A driver shall take daily and weekly rest periods.
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.

If the portion of the daily rest period which is contained in the 24 hour period is at least 9 hours but less than 12 hours, then the daily rest period in question shall be regarded as a reduced daily rest period.

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

5. A driver shall commence a new regular weekly rest period not later than 13 consecutive periods of 24 hours after the end of the previous regular weekly rest period.

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.

Article 9

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.

2. During the regular daily rest period mentioned in paragraph 1 the driver shall be able to have access to a bunk or couchette.

CHAPTER III

LIABILITY OF THE UNDERTAKING

Article 10

1. A transport undertaking shall not give drivers employed or put at its disposal any payment, even in the form of a bonus or wage supplement, related to distances travelled and/or the amount of goods carried if that payment is of such a kind as to endanger road safety.

2. A transport undertaking shall organise the work of drivers referred to in paragraph 1 in such a way that the drivers are able to comply with Chapter II of this Regulation and Council Regulation (EEC) No 3821/85. The transport undertaking shall properly instruct the driver and shall therefore make regular checks to ensure that Chapter II of this Regulation and of Regulation (EEC) No 3821/85 are complied with.

3. It shall be an infringement for a driver to breach the rules set out in Chapter II in whole or in part on the territory of a Member State. It shall be an infringement to drive on the territory of a Member State having breached those rules at any time since the driver's most recent weekly rest period, even if the driver was not present on that Member State's territory at the time of that breach of the rules.

4. Transport undertakings established in a Member State shall be liable for infringements referred to paragraph 3 committed by drivers for the benefit of those undertakings even if the driver was not present on its territory at the time of the infringement.

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

- (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.

6. A driver who is employed or at the disposal of more than one transport undertaking shall provide sufficient information to each undertaking to enable them to comply with Chapter II.

CHAPTER IV

EXCEPTIONS

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.

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.

Article 13

1. Provided the objectives set out in Article 1 are not prejudiced, each Member State may grant exceptions on its own territories or, with the agreement of the States concerned, on the territory of another Member State from Articles 5-9 applicable to carriage by the following:

- (a) vehicles owned or hired without a driver by public authorities to undertake carriage by road which do not compete with private transport undertakings;
- (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;

(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 vehicles does not constitute the driver's main activity;

(d) vehicles operating exclusively on islands 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;

(e) vehicles used for the carriage of goods within a 50 km radius of the base of the undertaking and propelled by means of natural or liquefied gas or electricity, the maximum permissible weight of which, including the weight of trailers or semi-trailers, does not exceed 7 500 kg;

(f) vehicles used for driving instruction with a view to obtaining a driving licence, provided that they are not being used for the commercial carriage of goods or passengers;

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

2. Member States shall inform the Commission of the exceptions granted under paragraph 1 and the Commission shall inform other Member States thereof.

Article 14

Provided that the objectives set out in Article 1 are not prejudiced, Member States may, after authorisation by the Commission, grant exceptions from the application of Articles 6-9 of this Regulation to transport operations carried out in exceptional circumstances.

In urgent cases they may grant a temporary exception for a period not exceeding 30 days, which shall be notified immediately to the Commission.

The Commission shall inform the other Member States of any exception granted pursuant to this Article.

Article 15

Member States shall ensure that drivers of vehicles stipulated in Article 3(1) shall be covered by national rules which provide adequate protection in terms of driving times allowed and breaks and rest periods imposed.

CHAPTER V

CONTROL PROCEDURES AND PENALTIES*Article 16*

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

- (a) regular national passenger services, and
- (b) regular international passenger services whose route terminals are located within a distance of 50 km as the crow flies from a frontier between two Member States and whose route length does not exceed 100 km.

2. A service timetable and a duty roster shall be drawn up by the transport undertaking and shall show, in respect of each driver, the name, place where he is based and the schedule laid down in advance for various periods of driving, other work, breaks and availability.

Each driver assigned to a service referred to in paragraph 1 shall carry an extract from the duty roster and a copy of the service timetable.

3. The duty roster shall
- (a) include all the particulars specified in paragraph 2 for a minimum period covering the previous 28 days,
 - (b) be signed by the head of the transport undertaking or by a person authorised to represent him, and
 - (c) be kept by the transport undertaking for one year after expiry of the period covered by it. The transport undertaking shall give an extract from the roster to the drivers concerned upon request. The duty roster shall, at the request of an authorised inspecting officer, be produced and handed over.

Article 17

Member States, using the standard form set out in Commission Decision 93/173/EEC⁽¹⁾, shall communicate the necessary information to the Commission to enable it to draw up every two years a report on the application of this Regulation and Regulation (EEC) No 3821/85 and developments in the fields in question.

This information must reach the Commission not later than 30 September of the year following the end of the two-year period concerned.

⁽¹⁾ OJ L 72, 25.3.1993, p. 33.

The Commission shall forward the report to the European Parliament and to the Council within 13 months of the end of the two-year period concerned.

Article 18

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

Article 19

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.

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

Article 20

1. Member States shall assist each other in applying this Regulation and in checking compliance therewith.

They shall inform the Member State in which the transport undertaking concerned is established of any breach of the rules set out in Chapter II committed on or outside their territory, including any breach which occurred prior to the most recent weekly rest period.

Such information shall be provided within a reasonable time period and shall include information about any penalties imposed.

2. The competent authorities of the Member States shall regularly send one another all available information concerning:

- (a) breaches of the rules set out in Chapter II committed by non-residents and any penalties imposed for such breaches;
- (b) penalties imposed by a Member State on its residents for such breaches committed in other Member States.

Article 21

The Community shall enter into any negotiations with third countries, which may prove necessary for the purpose of implementing this Regulation.

*Article 22***Committee procedures**

1. The Commission shall be assisted by the committee referred to in Article 18(1) of Regulation (EEC) No 3821/85; it shall be composed of representatives of the Member States and chaired by a representative of the Commission.

2. Where reference is made to this paragraph, the advisory procedure laid down in Article 3 of Decision 1999/468/EC shall apply, in compliance with Article 7 and Article 8 thereof.

Article 23

Implementing measures

1. Member States may bring any question concerning the implementation of this Regulation to the attention of the Commission. Appropriate decisions shall be adopted in accordance with the advisory procedure referred to in Article 22(2).

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

- (a) examine cases where differences in the application and enforcement of any of the provisions of the Regulation arise;
- (b) clarify the provisions of the Regulation and ensure a common approach;
- (c) in a specific case concerning driving times, breaks and rest periods take a decision in accordance with the advisory procedure referred to in Article 22(2). The Commission

shall communicate its decision to the European Parliament, the Council and to the Member States.

3. Without prejudice to Article 226 of the Treaty, any Member State may refer the Commission's decision to the Council within a time limit of one month. The Council, acting by a qualified majority, may in exceptional circumstances take a different decision within a period of two months.

CHAPTER VI

FINAL PROVISIONS

Article 24

Regulation (EEC) No 3820/85 is repealed.

Article 25

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

It shall apply from January 2004.

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

ANNEX

COMPARATIVE TABLE

Proposal for a regulation of the European Parliament and of the Council on the harmonisation of certain social legislation relating to road transport

Council Regulation (EEC) No 3820/85	Proposal
<i>Article 1</i>	<i>Article 4</i>
In this Regulation:	For the purposes of this Regulation the following definitions will apply:
1. 'carriage by road' means any journey made on roads open to the public of a vehicle, whether laden or not, used for carriage of passengers or goods;	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;
2. 'vehicles' means motor vehicles, tractors, trailers and semi-trailers, defined as follows:	2. 'vehicle' means a motor vehicle, tractor, trailer or semi-trailer, defined as follows:
(a) 'motor vehicle': any mechanically self propelled vehicle circulating on the road, other than a vehicle running on rails, and normally used for carrying passengers or goods;	(a) '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;
(b) 'tractor': any mechanically self propelled vehicle circulating on the road, other than a vehicle running on rails, and specially designed to pull, push or move trailers, semi-trailers, implements or machines;	(b) '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;
(c) 'trailer': any vehicle designed to be coupled to a motor vehicle or tractor;	(c) 'trailer': any vehicle designed to be coupled to a motor vehicle or tractor;
(d) 'semi-trailer': a trailer without a front axle coupled in such a way that a substantial part of its weight and of the weight of its load is borne by the tractor or motor vehicle;	(d) 'semi-trailer': a trailer without a front axle coupled in such a way that a substantial part of its weight and of the weight of its load is borne by the tractor or motor vehicle;
3. 'driver' means any person who drives the vehicle even for a short period, or who is carried in the 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 a vehicle in order to be available for driving if necessary;
4. 'week' means the period between 00.00 hours on Monday and 24.00 hours on Sunday;	Deleted
New	4. 'break' means any period during which a driver may not carry out any other work.
New	5. 'other work' means any activity which is not rest, a break or driving. Waiting time and time not devoted to driving spent in a vehicle in motion, a ferry, or a train shall also not be regarded as 'other work'.
4. 'rest' means any uninterrupted period of at least one hour during which the driver may freely dispose of his time;	6. 'rest' means any uninterrupted period [...] during which the driver may freely dispose of his time.

Council Regulation (EEC) No 3820/85	Proposal
New	<p>7. 'daily rest period' means the daily period during which the driver may freely dispose of his time and covers a 'regular daily rest period' or a 'reduced daily rest period'.</p> <p>'regular daily rest period' means any uninterrupted period of rest of at least 12 hours.</p> <p>'reduced daily rest period' means any uninterrupted period of rest of at least 9 hours but less than 12 hours.</p>
New	<p>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'.</p> <p>'regular weekly rest period' means any uninterrupted period of rest of at least 45 hours.</p> <p>'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.</p>
New	<p>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.</p>
New	<p>10. 'daily driving time' means the total accumulated driving time between any two consecutive daily rest periods or between a daily rest period and a weekly rest period.</p>
New	<p>11. 'weekly driving time' means the total accumulated driving time during a week.</p>
6. 'permissible maximum weight' means the maximum authorised operating weight of the vehicle fully laden;	<p>12. 'permissible maximum weight' means the maximum authorised operating weight of the vehicle fully laden;</p>
7. 'regular passenger services' means national and international services as defined in Article 1 of Council Regulation 117/66/EEC of 28 July, 1966 on the introduction of common rules for the international carriage of passengers by coach and bus	<p>13. 'regular passenger services' means national and international services as defined in Article 2 of Council Regulation (EC) No 684/92.</p>
New	<p>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.</p>
New	<p>15. 'transport undertaking' means any natural person, any legal person, whether profit-making or not, any association or group of persons without legal personality, whether profit-making or not, or any official body, whether having its own legal personality or being dependent upon an authority having such a personality, which engages in carriage by road.</p>

Council Regulation (EEC) No 3820/85	Proposal
<p style="text-align: center;"><i>Article 2</i></p> <p>New (reprise of first recital)</p> <p>1. This Regulation applies to carriage by road, as defined in Article 1 (1) within the Community</p> <p>2. The European Agreement concerning the Work of Crews of Vehicles engaged in International Road Transport (AETR) shall apply instead of the present rules to international road transport operations:</p> <ul style="list-style-type: none"> — to and/or from third countries which are Contracting parties to the Agreement, or in transit through such countries, for the whole of the journey where such operations are carried out by vehicles registered in the Member State or in one of the said third countries; — to and/or from a third country which is not a Contracting Party to the Agreement in the case of any journey made within the Community where such operations are carried out by vehicles registered in one of those countries. <p style="text-align: center;"><i>Article 3</i></p> <p>The Community shall enter into any negotiations with third countries which may prove necessary for the purpose of implementing this Regulation.</p>	<p style="text-align: center;"><i>Articles 1 & 2</i></p> <p>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.</p> <p>1. This Regulation shall apply to carriage by road:</p> <ul style="list-style-type: none"> (a) of goods where the permissible maximum weight of the vehicles, including any trailer, or semi-trailer, exceeds 3,5 tonnes, or (b) of passengers by vehicles which are constructed or permanently adapted for carrying more than nine persons including the driver, and are intended for that purpose. <p>It shall apply to vehicles registered in the Community where the carriage by road is undertaken:</p> <ul style="list-style-type: none"> (a) entirely within the Community; or (b) between the Community and a third country which is not a contracting party to the European Agreement concerning the Work of Crews of Vehicles engaged in International Road Transport (AETR) or passes through such a country. <p>2. The AETR shall apply where carriage by road is undertaken:</p> <ul style="list-style-type: none"> (a) 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; or (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. <p style="text-align: center;"><i>Article 21</i></p> <p>The Community shall enter into any negotiations with third countries, which may prove necessary for the purpose of implementing this Regulation.</p>

Council Regulation (EEC) No 3820/85	Proposal
<p style="text-align: center;"><i>Article 4</i></p> <p>This Regulation shall not apply to carriage by:</p> <ol style="list-style-type: none"> 1. vehicles used for carriage of goods where the maximum permissible weight of the vehicles, including any trailer or semi-trailer, does not exceed 3,5 tonnes; 2. vehicles used for the carriage of passengers which, by virtue of their constructions and equipment, are suitable for carrying not more than nine persons, including the driver, and are intended for that purpose; 3. vehicles used for the carriage of passengers on regular services where the route covered by the service in question does not exceed 50 kilometres; 4. vehicles with a maximum authorised speed not exceeding 30 kilometres per hour; 5. vehicles used by or under control of the armed services, civil defence, fire services, and forces responsible for maintaining public order; 6. 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, carriage of postal articles, radio and television broadcasting and detection of radio or television transmitters or receivers; 7. vehicles used in emergencies or rescue operations; 8. specialised vehicles used for medical purposes; 9. vehicles transporting circus and fun-fair equipment; 10. specialised breakdown vehicles; 11. vehicles undergoing road tests for technical development, repair or maintenance purposes, and new or rebuilt vehicles which have not yet been put into service; 12. vehicles used for non-commercial carriage of goods for personal use; 13. vehicles used for milk collection from farms and the return to farms of milk containers or milk products intended for animal feed. 	<p style="text-align: center;"><i>Article 3</i></p> <p>Without prejudice to Article 6(6), this Regulation shall not apply to carriage by:</p> <p>Deleted (moved to Scope)</p> <p>Deleted (Moved to Scope)</p> <ol style="list-style-type: none"> 1. vehicles used for the carriage of passengers on regular services where the route covered by the service in question does not exceed 50 kilometres; 2. vehicles with a maximum authorised speed not exceeding 30 kilometres per hour; 3. vehicles owned or hired in without a driver by the armed services, civil defence, fire services, and forces responsible for maintaining public order; <p>Deleted (moved to national derogation)</p> <ol style="list-style-type: none"> 4. vehicles used in emergencies or rescue operations; 5. specialised vehicles which are owned or hired in without a driver by the State and used for medical purposes; 6. specialised vehicles transporting circus and fun-fair equipment; 7. specialised breakdown vehicles operating within a 50 km radius of their base; 8. vehicles undergoing road tests for technical development, repair or maintenance purposes, and new or rebuilt vehicles which have not yet been put into service; 9. vehicles with a maximum permissible weight not exceeding 7 500 kg used for non-commercial carriage of goods [..]. <p>Deleted</p>

Council Regulation (EEC) No 3820/85	Proposal
<p style="text-align: center;"><i>Article 5</i></p> <p>1. The minimum ages for drivers engaged in the carriage of goods shall be as follows:-</p> <p>(a) for vehicles, including, where appropriate trailers or semi-trailers, having a permissible maximum weight of not more than 7,5 tonnes, 18 years:</p> <p>(b) for other vehicles:</p> <p style="padding-left: 2em;">— 21 years or</p> <p style="padding-left: 2em;">— 18 years provided that the person concerned 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.</p> <p>2. Any driver engaged in the carriage of passengers shall have reached the age of 21 years.</p> <p>Any driver engaged in the carriage of passengers on journeys beyond 50 kilometre radius from the place where the vehicle is normally based must also fulfil one of the following conditions:</p> <p>(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;</p> <p>(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 normally based, or other types of passenger services not subject to this Regulation, provided the competent authority considers that he has by so doing acquired the necessary experience;</p> <p>(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.</p> <p>3. The minimum age for drivers' mates and conductors shall be 18 years.</p> <p>4. A driver engaged in the carriage of passengers shall not be subject to the conditions laid down in paragraph 2, second subparagraph, (a), (b) and (c) if he has carried on that occupation for at least one year prior to 1 October 1970.</p>	<p style="text-align: center;"><i>Article 5</i></p> <p>Deleted</p> <p>Deleted</p> <p>1. The minimum age for [. . .] conductors shall be 18 years.</p> <p>Deleted</p>

Council Regulation (EEC) No 3820/85	Proposal
<p>5. In the case of internal transport operations carried out within a 50 kilometre radius of the place where the vehicle is based, including local administrative areas the centres of which are situated within that radius, Member States may reduce the minimum age for drivers' mates to 16 years, on condition that this is for purposes of vocational training and subject to the limits imposed by their national law on employment matters.</p>	<p>2. The minimum age for driver's mates shall be 18 years. However, Member States may reduce the minimum age for drivers' mates to 16 years provided that</p> <p>(a) the carriage by road is carried out within one Member State within a 50 kilometre radius of the place where the vehicle is based, including local administrative areas the centres of which are situated within that radius,</p> <p>(b) the reduction is for the purposes of vocational training, and</p> <p>(c) there is compliance with the limits imposed by the Member State's national law on employment matters.</p>
<p>Article 6</p>	<p>Article 6</p>
<p>1. The driving period between any two daily rest periods or between a daily rest period and a weekly rest period, hereinafter called 'daily driving period', shall not exceed nine hours. It may be extended twice in any week to 10 hours.</p>	<p>1. The daily driving time shall not exceed nine hours.</p> <p>However, the daily driving time may be extended to at most 10 hours not more than twice during the flexible week.</p>
<p>A driver must, after no more than six daily driving periods, take a weekly rest period as defined in Article 8.3.</p>	<p>Deleted</p>
<p>The weekly rest period may be postponed until the end of the sixth day if the total driving time over the six days does not exceed the maximum corresponding to six daily driving periods.</p>	<p>2. The flexible week shall not exceed 144 hours.</p> <p>3. The weekly driving time shall not exceed 56 hours.</p>
<p>In the case of the international carriage of passengers, other than regular services, the terms 'six' and 'sixth' in the second and the third subparagraphs shall be replaced by 'twelve' and 'twelfth' respectively.</p>	<p>Deleted</p>
<p>Member States may extend the application of the previous subparagraphs to national passenger services within their territory, other than regular services.</p>	<p>Deleted</p>
<p>2. The total period of driving in any one fortnight shall not exceed 90 hours.</p>	<p>4. The total accumulated driving time during any two consecutive flexible weeks shall not exceed 90 hours.</p>

Council Regulation (EEC) No 3820/85	Proposal
New	5. Daily and weekly driving times shall include all driving time on the territory of the Community or of a third country.
New	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.
<i>Article 7</i>	<i>Article 7</i>
New	1. After at most 3 hours of driving a driver shall observe a driving break of 30 minutes, unless he begins a rest.
1. After four-and-a-half hours driving, the driver shall observe a break of at least 45 minutes, unless he begins a rest period.	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.
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.	Deleted
3. By the way of exception from paragraph 1, in the case of national carriage of passengers on regular services Member States may fix the minimum break at not less than 30 minutes after a driving period not exceeding four hours. Such exceptions may be granted only in cases where breaks in driving of 30 minutes could hamper the flow of urban traffic and where it is not possible for drivers to take a 15-minute break within the four-and-a-half hours of driving prior to a 30-minute break.	Deleted
4. During these breaks, the driver may not carry out any other work. For the purposes of this Article, the waiting time and time not devoted to driving spent in a vehicle in motion, a ferry, or a train shall not be regarded as 'other work'.	Deleted
5. The breaks observed under this Article may not be regarded as daily rest periods.	Deleted

Council Regulation (EEC) No 3820/85	Proposal
<p style="text-align: center;"><i>Article 8</i></p> <p>1. In each period of 24 hours, the driver shall have a daily rest period of at least 11 consecutive hours, which may be reduced to a minimum of nine consecutive hours not more than three times a week, on condition that an equivalent period of rest be granted as compensation before the end of the following week.</p> <p>On days when the rest is not reduced in accordance with the first subparagraph, it may be taken in two or three separate periods during the 24-hour period, one of which must be of at least eight consecutive hours. In this case the minimum length of the rest shall be increased to 12 hours.</p> <p>2. During each period of 30 hours when a vehicle is manned by at least two drivers, each driver shall have a rest period of not less than eight consecutive hours.</p> <p>3. In course of each week, one of the rest periods referred to in paragraph 1 and 2 shall be extended, by way of weekly rest, to a total of 45 consecutive hours. The rest period may be reduced to a minimum of 36 consecutive hours if taken at the place where vehicle is normally based or to a minimum of 24 hours if taken elsewhere. Each reduction shall be taken en bloc before the end of the third week following the week in question.</p> <p>4. A weekly rest period which begins in one week and continues into the following week may be attached to either of these weeks.</p> <p>5. In the case of carriage of passengers to which Article 6.1. fourth and fifth paragraphs, applies, the weekly rest period may be postponed until the week following that in respect of which the rest due and added on to that second week.</p> <p>6. Any rest taken as a compensation for the reduction of the daily and/or weekly rest periods must be attached to another rest of at least eight hours and shall be granted, at the request of the person concerned, at the vehicle's parking place or driver's base.</p> <p>7. The daily rest period may be taken in a vehicle, as long as it is fitted with a bunk and is stationary</p>	<p style="text-align: center;"><i>Article 8</i></p> <p>1. A driver shall take daily and weekly rest periods.</p> <p>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.</p> <p>If the portion of the daily rest period which is contained in the 24 hour period is at least 9 hours but less than 12 hours, then the daily rest period in question shall be regarded as a reduced daily rest period.</p> <p>3. A driver may have at most three reduced daily rest periods during a flexible week.</p> <p>4. By way of derogation from paragraph 2, within each period of 30 hours after the end of a daily rest period, a driver engaged in multi-manning shall complete a new daily rest period.</p> <p>5. The driver shall commence a new regular weekly rest period not later than 13 consecutive periods of 24 hours after the end of his previous regular weekly rest period.</p> <p>Deleted</p> <p>Deleted</p> <p>Deleted</p> <p>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.</p>

Council Regulation (EEC) No 3820/85	Proposal
<p style="text-align: center;"><i>Article 9</i></p> <p>Notwithstanding Article 8(1), where a driver engaged in the carriage of goods or passengers accompanies a vehicle which is transported by ferryboat or train, the daily rest period may be interrupted not more than once, provided that the following conditions are fulfilled:</p> <ul style="list-style-type: none"> — that part of the daily rest period spent on the land must be able to be taken before or after the portion of the daily rest period taken on board the ferryboat or the train, — the period between the two portions of the daily rest period must be as short as possible and may on no account exceed one hour before the embarkation or after disembarkation, custom formalities being included in the embarkation or disembarkation operations, — during both portions of the rest period the driver must be able to have access to a bunk or couchette. — The daily rest period, interrupted in this way, shall be increased by two hours. 	<p style="text-align: center;"><i>Article 9</i></p> <p>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.</p> <p>Deleted</p> <p>Deleted</p> <p>2. During the regular daily rest period mentioned in paragraph 1 the driver shall be able to have access to a bunk or couchette.</p> <p>Deleted</p>
<p style="text-align: center;">Prohibition of certain types of payment</p> <p style="text-align: center;"><i>Article 10</i></p> <p>Payments to wage-earning drivers, even in the form of bonuses or wages supplements, related to distances travelled and/or the amount of goods carried shall be prohibited, unless these payments are of such a kind as not to endanger road safety.</p> <p>New</p> <p>Inclusion of former Article 15</p> <p>New</p>	<p style="text-align: center;">Liability of the undertaking</p> <p style="text-align: center;"><i>Article 10</i></p> <p>1. A transport undertaking shall not give drivers employed or put at its disposal any payment, even in the form of a bonus or wage supplement, related to distances travelled and/or the amount of goods carried if that payment is of such a kind as to endanger road safety.</p> <p>2. A transport undertaking shall organise the work of drivers referred to in paragraph 1 in such a way that the drivers are able to comply with Chapter II of this Regulation and Council Regulation (EEC) No 3821/85. The transport undertaking shall properly instruct the driver and shall therefore make regular checks to ensure that Chapter II of this Regulation and of Regulation (EEC) No 3821/85 are complied with.</p> <p>3. It shall be an infringement for a driver to breach the rules set out in Chapter II in whole or in part on the territory of Member State. It shall be an infringement to drive on the territory of a Member State having breached those rules at any time since the driver's most recent weekly rest period, even if the driver was not present on that Member State's territory at the time of that breach of the rules.</p>

Council Regulation (EEC) No 3820/85	Proposal
New	4. Transport undertakings established in a Member State are liable for infringements referred to paragraph 3 committed by drivers for the benefit of those undertakings even if the driver was not present on its territory at the time of the infringement.
New	5. The transport undertaking referred to in paragraph 4 above shall not be liable if it proves that (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.
New	6. A driver who is employed or at the disposal of more than one transport undertaking shall provide sufficient information to each undertaking to enable them to comply with Chapter II.
<i>Article 11</i>	<i>Article 11</i>
Each Member may apply higher minima or lower maxima than those laid down in Articles 5 to 8 inclusive. Nevertheless, the provisions of this Regulation shall remain applicable to drivers engaged in international transport operations on vehicles registered in another Member State.	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.
<i>Article 12</i>	<i>Article 12</i>
Provided that road safety is not thereby jeopardised and to enable him to reach a suitable stopping place, the driver may depart from the provisions of this Regulation 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 his departure from the provisions on the record sheet of the recording equipment or in his duty roster.	Provided that road safety is not thereby jeopardised and to enable him 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.
<i>Article 13</i>	<i>Article 13</i>
1. Each Member State may grant exceptions on its own territories or, with the agreement of the States concerned, on the territory of another Member State from any provision of this regulation applicable to carriage by means of a vehicle belonging to one or more of the following categories: (a) vehicles used for carrying passengers, which by virtue of their construction and equipment are suitable for carrying not more than 17 persons, including the driver, and are intended for that purpose;	1. Provided the objectives set out in Article 1 are not prejudiced each Member State may grant exceptions on its own territories or, with the agreement of the States concerned, on the territory of another Member State from Articles 5 to 9 applicable to carriage by the following: Deleted

Council Regulation (EEC) No 3820/85	Proposal
(b) vehicles used by public authorities to provide public services are not in competition with professional road hauliers;	(a) vehicles owned or hired in without a driver by public authorities to undertake carriage by road which does not compete with private transport undertakings;
(c) vehicles used by agriculture, horticulture, forestry or fishery undertakings for carrying goods within a 50 kilometre radius of the place where the vehicles is normally based, including local administrative areas the centres of which are situated within that radius;	(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;
(d) vehicles used for carrying animal waste or carcasses which are not intended for human consumption	Deleted
(e) vehicles used for carrying live animals from farms to local markets and vice versa or from markets to the local slaughterhouses;	Deleted
(f) vehicles used as shops at local markets or for door to door selling, or used for mobile banking, exchange or saving transactions, for worship, for the lending of books, records, cassettes, for cultural events or exhibitions, and specially fitted for such uses;	Deleted
(g) vehicles carrying material or equipment for the driver's use in the course of his work within a 50 kilometre radius of the place where the vehicle is normally based, provided that driving the vehicles does not constitute the driver's main activity and that the exception does not seriously prejudice the objectives of the Regulation. The Member States may make such exceptions subject to individual authorisation;	(c) vehicles with the 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 vehicles does not constitute the driver's main activity.
(h) vehicles operating exclusively on islands 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;	(d) vehicles operating exclusively on islands 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;
(i) vehicles used for the carriage of goods and propelled by means of gas produced on the vehicle or of electricity or equipped with a governor in so far as such vehicles are regarded, under the legislation of the Member State of registration, as equivalent to vehicles propelled by a petrol or diesel engine, the maximum permissible weight of which, including the weight of trailers or semi-trailers, does not exceed 3,5 tonnes;	(e) vehicles used for the carriage of goods within a 50 km radius of the base of the transport undertaking and propelled by means of natural or liquefied gas or electricity, whose maximum permissible weight, including the weight of trailers or semi-trailers, does not exceed 7 500 kg;

Council Regulation (EEC) No 3820/85	Proposal
(j) vehicles used for driving instruction with a view to obtaining a driving licence;	(f) vehicles used for driving instruction with a view to obtaining a driving licence provided that they are not being used for the commercial carriage of goods or passengers;
(k) tractors used exclusively for agricultural and forestry work.	Deleted
From Article 4	(g) vehicles used in connection with the sewerage, flood protection or water services, highway maintenance and control, or refuse collection or disposal services;
Member States shall inform the Commission of the exceptions granted under this paragraph.	2. Member States shall inform the Commission of the exceptions granted under paragraph 1 and the Commission shall inform other Member States thereof.
2. Member States may, after authorisation by the Commission, grant exceptions from the application of the provisions of this Regulation to transport operations carried out in exceptional circumstances, if such exception does not seriously jeopardise the objectives of the Regulation.	<p style="text-align: center;"><i>Article 14</i></p> <p>Provided that the objectives set out in Article 1 are not prejudiced, Member States may, after authorisation by the Commission, grant exceptions from the application of Articles 6-9 of this Regulation to transport operations carried out in exceptional circumstances.</p>
In urgent cases they may grant a temporary exception for a period not exceeding 30 days, which shall be notified immediately to the Commission.	In urgent cases they may grant a temporary exception for a period not exceeding 30 days, which shall be notified immediately to the Commission.
The Commissions shall notify the other Member States of any exception granted pursuant to this Regulation.	The Commission shall inform the other Member States of any exception granted pursuant to this Article.
New	<p style="text-align: center;"><i>Article 15</i></p> <p>Member States shall ensure that drivers of vehicles stipulated in Article 3(1) shall be covered by national rules which provide adequate protection in terms of driving times allowed and breaks and rest periods imposed.</p>
<p style="text-align: center;"><i>Article 14</i></p> <p>1. In the case of</p> <ul style="list-style-type: none"> — regular national passenger services, and — regular international passenger services whose route terminals are located within a distance of 50 kilometres as the crow flies from a frontier between two Member States and whose route length does not exceed 100 kilometres, which are subject to this Regulation, a service timetable and a duty roster shall be drawn up by the undertaking. 	<p style="text-align: center;"><i>Article 16</i></p> <p>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:</p> <ul style="list-style-type: none"> (a) regular national passenger services, and (b) regular international passenger services whose route terminals are located within a distance of 50 km as the crow flies from a frontier between two Member States and whose route length does not exceed 100 km.

Council Regulation (EEC) No 3820/85	Proposal
<p>2. The duty roster shall show, in respect of each driver, the name, place where based and the schedule laid down in advance for various periods of driving, other work and availability.</p>	<p>2. A service timetable and a duty roster shall be drawn up by the transport undertaking and shall show, in respect of each driver, the name, place where he is based and the schedule laid down in advance for various periods of driving, other work, breaks and availability.</p> <p>Each driver assigned to a service referred to in paragraph 1 shall carry an extract from the duty roster and a copy of the service timetable.</p>
<p>3. The duty roster shall include all the particulars specified in paragraph 2 for a minimum period covering both the current week and the weeks immediately preceding and following that week.</p>	<p>3. The duty roster shall</p> <p>(a) include all the particulars specified in paragraph 2 for a minimum period covering the previous 28 days,</p> <p>(b) be signed by the head of the transport undertaking or by a person authorised to represent him, and</p> <p>(c) be kept by the transport undertaking for one year after expiry of the period covered by it. The transport undertaking shall give an extract from the roster to the drivers concerned upon request. The duty roster shall, at the request of an authorised inspecting officer, be produced and handed over.</p>
<p>4. The duty roster shall be signed by the head of the undertaking or by a person authorised to represent him.</p>	<p>See paragraph 3(b)</p>
<p>5. Each driver assigned to a service referred to in paragraph 1 shall carry an extract from the duty roster and a copy of the service timetable.</p>	<p>See paragraph 2</p>
<p>6. The duty roster shall be kept by the undertaking for one year after expiry of the period covered. The undertaking shall give an extract from the roster to the drivers concerned on request.</p>	<p>See paragraph 3(c)</p>
<p>7. This Article shall not apply to the drivers of vehicles fitted with recording equipment used in accordance with the provisions of Council Regulation (EEC) No 3821/85 of 20 December 1985 on recording equipment in road transport.</p>	<p>Moved to paragraph 1 above.</p>
<p style="text-align: center;"><i>Article 15</i></p>	<p>Article deleted</p>
<p>1. The transport undertaking shall organise drivers' work in such a way that drivers are able to comply with the relevant provisions of this Regulation and of Regulation (EEC) No 3821/85.</p>	<p>Moved to Article 10</p>

Council Regulation (EEC) No 3820/85	Proposal
<p>2. The undertaking shall make periodic checks to ensure that the provisions of these two Regulations have been complied with. If breaches are found to have occurred, the undertaking shall take appropriate steps to prevent their repetition.</p>	<p>Moved to Article 10</p>
<p style="text-align: center;"><i>Article 16</i></p> <p>1. The Commission shall produce a report every two-years of the implementation of this Regulation by Member States and developments in the fields in question. The Commission shall forward the report to the Councils and the European Parliament within 13 months of the expiry of the two-year period covered by the report.</p> <p>2. To enable the Commission to draw up the report referred to in paragraph 1, Member States shall communicate the necessary information to the Commission every two years, using the standard form. This information must reach the Commission not later than 30 September following the date on which the two-year period covered by the report expires.</p> <p>3. The Commission shall draw up the standard form consulting the Member States.</p>	<p style="text-align: center;"><i>Article 17</i></p> <p>Member States, using the standard form set out in Commission Decision 93/173/EEC ⁽¹⁾, shall communicate the necessary information to the Commission to enable it to draw up every two years a report on the application of this Regulation and Regulation (EEC) 3821/85 and developments in the fields in question.</p> <p>This information must reach the Commission not later than 30 September of the year following the end of the two-year period concerned.</p> <p>The Commission shall forward the report to the European Parliament and to the Council within 13 months of the end of the two-year period concerned.</p> <p>See paragraph 1, first and third indents.</p> <p>See paragraph 1, first indent</p>
<p style="text-align: center;"><i>Article 17</i></p> <p>1. Member States shall, in due time and after consulting the Commission, adopt such laws, regulations or administrative provisions as may be necessary for the implementation of this Regulation.</p> <p>Such measures shall cover, inter alia, the organisation of, procedure for and means of control and the penalties to be imposed in case of breach.</p>	<p style="text-align: center;"><i>Article 18</i></p> <p>1. Member States shall adopt such measures as may be necessary for the implementation of this Regulation.</p> <p style="text-align: center;"><i>Article 19</i></p> <p>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.</p> <p>The penalties shall include the possibility of impoundment of the vehicle for serious infringements.</p>
<p>2. Member States shall assist each other in applying this Regulation and in checking compliance therewith.</p>	<p style="text-align: center;"><i>Article 20</i></p> <p>1. Member States shall assist each other in applying this Regulation and in checking compliance therewith. They shall inform the Member State in which the transport undertaking concerned is established of any breach of the rules set out in Chapter II of this Regulation committed on or outside their territory, including any breach which occurred prior to the most recent weekly rest period. Such information shall be provided within a reasonable time period and shall include information about any penalties imposed.</p>

⁽¹⁾ OJ L 72, 25.3.1993, p. 33.

Council Regulation (EEC) No 3820/85	Proposal
<p>3. Within the framework of this mutual assistance the competent authorities of the Member States shall regularly send one another all available information concerning:</p> <ul style="list-style-type: none"> — breaches of this Regulation committed by non-residents and any penalties imposed for such breaches. — penalties imposed by a Member State on its residents for such breaches committed in other Member States. 	<p>2. The competent authorities of the Member States shall regularly send one another all available information concerning:</p> <ul style="list-style-type: none"> (a) breaches of the rules set out in Chapter II committed by non-residents and any penalties imposed for such breaches. (b) penalties imposed by a Member State on its residents for such breaches committed in other Member States. <p style="text-align: center;"><i>Article 22</i></p> <p style="text-align: center;">Committee procedures</p>
<p>New</p>	<p>1. The Commission shall be assisted by the committee referred to in Article 18(1) of Regulation (EEC) No 3821/85; it shall be composed of representatives of the Member States and chaired by a representative of the Commission.</p> <p>2. Where reference is made to this paragraph, the advisory procedure laid down in Article 3 of Decision 1999/468/EC shall apply, in compliance with Article 7 and Article 8 thereof.</p> <p style="text-align: center;"><i>Article 23</i></p>
<p>New</p>	<p>1. Member States may bring any question concerning the implementation of this Regulation to the attention of the Commission. Appropriate decisions shall be adopted in accordance with the advisory procedure referred to in Article 22(2).</p> <p>2. At the request of a Member State or on its own initiative the Commission may</p> <ul style="list-style-type: none"> — examine cases where differences in the application and enforcement of any of the provisions of the Regulation arise; — clarify the provisions of the Regulation and ensure a common approach; — in a specific case concerning driving times, breaks and rest periods take a decision in accordance with the advisory procedure referred to in Article 22(2). The Commission shall communicate its decision to the European Parliament, the Council and to the Member States. <p>3. Without prejudice to Article 226 of the Treaty, any Member State may refer the Commission's decision to the Council within a time limit of one month. The Council, acting by a qualified majority, may in exceptional circumstances take a different decision within a period of two months.</p>

Council Regulation (EEC) No 3820/85	Proposal
<p data-bbox="459 293 552 315" style="text-align: center;"><i>Article 18</i></p> <p data-bbox="240 349 770 398">1. Regulation (EEC) No 543/69 is hereby repealed. However . . .</p> <p data-bbox="240 461 770 533">2. References to the Regulation repealed under paragraph 1 shall be construed as references to this Regulation.</p> <p data-bbox="459 595 552 618" style="text-align: center;"><i>Article 19</i></p> <p data-bbox="240 680 770 730">This Regulation shall enter into force on 29 September 1986.</p>	<p data-bbox="1031 293 1123 315" style="text-align: center;"><i>Article 24</i></p> <p data-bbox="815 349 1206 376">Regulation (EEC) No 3820/85 is repealed.</p> <p data-bbox="815 461 887 488">Deleted</p> <p data-bbox="1031 595 1123 618" style="text-align: center;"><i>Article 25</i></p> <p data-bbox="815 680 1339 775">This Regulation shall enter into force on the twentieth day following that of its publication in the <i>Official Journal of the European Communities</i>. It shall apply from January 2004.</p> <p data-bbox="815 860 1339 909">This Regulation shall be binding in its entirety and directly applicable in all Member States.</p>