



*Brussels, 6.11.2017
C(2017) 7075 final*

Dear President,

The Commission would like to thank the Senat for its Opinion on the 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 {COM(2017) 277 final}.

The proposal provides a balance between improving working and resting conditions for drivers while enabling the operators to organise transport operations as efficiently as possible, and enforcing the existing rules effectively and consistently across borders. The proposal also aims at simplifying and clarifying existing rules and adjusting certain rules to the needs of the sector.

The Commission welcomes the Senat's support for some of the Commission's measures, but also takes seriously its concerns as regards the proposed measures on the recording of drivers' other work, the obligation of an undertaking to ensure that a driver can return home within three consecutive weeks and on a possible derogation enabling the driver to reach a suitable place for rest.

As regards the proposed amendment to Article 6(5) of Regulation (EC) No 561/2006, this is not intended to alter any of the recording obligations it refers to, i.e. regarding work other than driving as well as periods of availability. It just completes and updates the references to the legal acts that are relevant to the issue.

Some of the substantive changes proposed by the Commission are intended to address problems linked to inappropriate resting conditions and long periods away from home. Conditions of the kind contribute to fatigue and hence increase risks to road safety, at the same time as they have a negative effect on working conditions and the work-life balance of the persons concerned. That is why it is important, among other things, that the drivers' work be organised in such a way that they can return to their homes on regular basis. The elements of the proposal which are meant to solve this range of problems would, if adopted by the

*Mr Stanisław KARCZEWSKI
Marshal of the Senat
Ul. Wiejska 6
PL – 00-902 WARSAW*

legislator, also increase the attractiveness of the sector for job-seekers and more generally contribute to improving its image.

For the purposes of abiding by the proposed rules, each haulier would need to plan the journeys appropriately. Account would need to be taken of all relevant circumstances. To help drivers and operators addressing unforeseen independent circumstances the proposal offers additional flexibility intended to enable drivers to reach a suitable place for rest without infringing the rules in force. The measure has therefore no discriminatory nature.

The points made above are based on the initial proposal presented by the Commission which is currently in the legislative process involving both the European Parliament and the Council.

Discussions have started in the Council's Working Group. The Commission is working closely with the Estonian Presidency to identify the main issues where Member States' opinions are divided and to facilitate discussions, and remains hopeful that an agreement will be reached with the co-legislators in the near future.

The Commission hopes that these clarifications address the issues raised by the Senat and looks forward to continuing the political dialogue in the future.

Yours faithfully,

*Frans Timmermans
First Vice-President*

*Violeta Bulc
Member of the Commission*