



Romanian Parliament
Senate

Bucharest, September, 26, 2017

OPINION

Regarding 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 Romanian Senate examined 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** – according to the provisions of the Treaty of Lisbon (Protocol no. 2).

Taking into account the report of 470/ September, 20, 2017 of our permanent Committee on European Affairs, **the Plenum of the Senate**, during its session of September, 25, 2017, decided as follows:

1. This Regulation does not violates principles of subsidiarity.

The proposal for a Regulation raises questions about the principle of proportionality; the need to clarify current provisions must not lead to over-regulation, additional administrative burdens that can not be effectively dealt with by control authorities and excessive compliance costs for transport companies.

2. Within the 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, the following are noted:

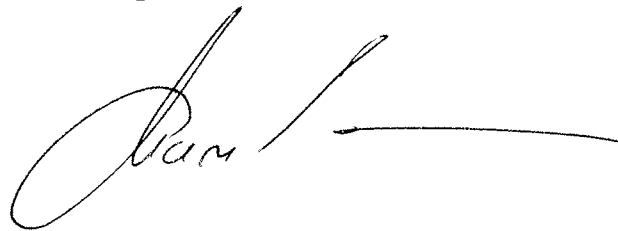
- a) Ensuring an increased efficiency of the road transport market through a harmonized implementation of existing rules (especially with regard to driving periods, breaks and rest periods for drivers), but not by the frequent introduction of new rules and principles, which may have a reverse effect (non-uniform application in Member States and increased abuse by control authorities);
- b) Regulation of the rules on social protection, work-life balance, driving periods, breaks and rest periods for drivers, but not to the detriment of road safety, fundamental rights and freedoms, the excessive increase in compliance costs for transport companies or control authorities.

3. The following are considered necessary and mandatory:

- a) Clarification and reassessment of restrictions on driver rest in the cab, because Member States do not have sufficient secure parking facilities, and this Commission proposal will increase the costs of the carriers and will reduce the transport operations flexibility. At the same time, it is necessary to clarify the terms used to describe the appropriate accommodation and adequate facilities – in the present form, the proposal giving rise to interpretations and implementation difficulties (e.g. some Member States may find inadequate certain places of accommodation, in while other Member States would find them appropriate). The text is also unclear as regards the documents to be submitted in order to be able to prove that normal weekly rest in a given location (for example when the transport operator owns a property in the area or when the driver carries out weekly rest normal in a private location chosen by him);
- b) Reassessing the proposal on drivers capacity to return to their home for a weekly rest at least once within three consecutive weeks, because it is against the fundamental rights and people freedoms; de facto, this proposal imposing restrictions on the free movement of persons. For example, the driver has the right to dispose of his spare time to relatives or friends, in any other location in the European Union than at home. This change will also have a negative impact on control authorities as it will be very difficult to verify proposal compliance and to prove its violation. Establishment of such an obligation without expressly and clearly indicating how proof can be made of the normal weekly rest period at home (e.g. it is not clear how a transport undertaking can prove the proposal implementation, in the case the driver does not want to return to his home for a weekly rest for three consecutive weeks, or even consider tiring for him this obligation) and the circumstances which violate this obligation can be established will certainly result in a non-uniform application by the control authorities of Member States, excessive compliance costs and possible abuses by control authorities. Last but not least, it is evident that road transport operators in peripheral EU Member States are disadvantaged by the fact that they will incur higher costs for driver's return due to longer distances;
- c) Reassessment the increasing of the rest period to four consecutive weeks, since this provision reduces driving time within a month, and will affect the efficiency of the activities carried out by road transport operators and, implicitly, additional costs for them through the need to hire another driver;

- d) In Article 35, paragraph (2) let. a) and b) replacing the terms “beginning/ end of the journey” with the words “beginning/ end of the working day” as the route may take several days; these changes are required in particular to properly apply the provisions on how a driver can continue his journey in the event of deterioration, malfunction, loss or theft of the tachograph card.

p. Speaker of the Senate

A handwritten signature in black ink, appearing to read "Iulian - Claudiu MANDA". The signature is written in a cursive style with a long horizontal stroke extending to the right.

Iulian – Claudiu MANDA