Regulation (EU) 2020/1054 of the European Parliament and of the Council of 15 July 2020 amending Regulation (EC) No 561/2006 as regards minimum requirements on maximum daily and weekly driving times, minimum breaks and daily and weekly rest periods and Regulation (EU) No 165/2014 as regards positioning by means of tachographs

REGULATION (EU) 2020/1054 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 15 July 2020

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THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 91(1) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee[(1)],

Having regard to the opinion of the Committee of the Regions[(2)],

Acting in accordance with the ordinary legislative procedure[(3)],

Whereas:

(1) Good working conditions for drivers and fair business conditions for road transport undertakings are of paramount importance to creating a safe, efficient and socially accountable road transport sector in order to ensure non-discrimination and to attract qualified workers. To facilitate that process it is essential that the Union social rules on road transport are clear, proportionate, fit for purpose, and are easy to apply and to enforce and implemented in an effective and consistent manner throughout the Union.

(2) Having evaluated the effectiveness and efficiency of the implementation of the current set of Union social rules in road transport, and in particular Regulation (EC) No 561/2006 of the European Parliament and of the Council[(4)], certain deficiencies were identified in the implementation of that legal framework. Unclear rules on weekly rest periods, resting facilities and breaks in multi-manning, as well as the absence of rules on the return of drivers to their home, have led to diverging interpretations and enforcement practices in the Member States. Several Member States have recently adopted unilateral measures further increasing legal uncertainty and the unequal treatment of drivers and operators. However, the maximum driving periods per day and per week are effective

Changes to legislation: *There are currently no known outstanding effects for the Regulation (EU) 2020/1054 of the European Parliament and of the Council. (See end of Document for details)*

in improving the social conditions of drivers and road safety in general. Unremitting efforts are necessary to ensure compliance.

(3) To promote road safety, it is important to encourage transport undertakings to adopt a safety culture which is adhered to at all levels. In particular, in order to avoid infringements of driving and rest rules or endangering road safety, it should not be permitted to link performance-based pay to the time needed for the transportation of passengers to their destinations or for the delivery of goods.

(4) The *ex post* evaluation of Regulation (EC) No 561/2006 confirmed that the inconsistent and ineffective enforcement of the Union social rules was mainly due to unclear rules, to inefficient and unequal use of the control tools and to insufficient administrative cooperation between the Member States.

(5) In order to improve clarity and consistency, the exemption from the scope of Regulation (EC) No 561/2006 for the non-commercial use of a vehicle should be defined.

(6) Clear, suitable, proportionate and evenly enforced rules are also crucial for achieving the policy objectives of improving working conditions for drivers, and in particular ensuring undistorted and fair competition between operators and contributing to road safety for all road users.

(7) The existing requirements on breaks have turned out to be unsuitable and impractical for drivers in a team. Therefore, it is appropriate to adapt the requirement on recording breaks to the specificity of the transport operations carried out by drivers driving in a team, without jeopardising the safety of the driver and road safety.

(8) Drivers engaged in long-distance international transport of goods spend long periods away from their homes. The current requirements on the regular weekly rest may prolong those periods unnecessarily. It is thus desirable to adapt the provisions on the regular weekly rest periods in such a way that it is easier for drivers to carry out international transport operations in compliance with the rules and to reach their home for their regular weekly rest period, and be fully compensated for all reduced weekly rest periods. Given the differences between passenger transport and goods transport, this possibility should not apply to drivers when engaged in passenger transport.

(9) Any flexibility in the scheduling of the rest periods of drivers should be transparent and predictable for the driver and should in no way jeopardize road safety, by increasing the level of fatigue of drivers, or deteriorate the working conditions. This flexibility should therefore not alter the current working time of the driver or the maximum fortnightly driving time, and should be subject to stricter rules on the compensation for reduced rests.

(10) In order to ensure that this flexibility is not abused, it is essential to clearly define its scope and also to provide for appropriate controls. That scope should be therefore limited to those drivers who spend their reduced weekly rest periods, during the reference period, outside of the Member States of the undertaking and outside of the country of the driver’s place of residence. This can be checked by consulting the tachograph records at the roadside and at the transport undertaking’s premises, as they

contain the location of the beginning and the end of the rest period and information relating to individual drivers.

(11) In order to guarantee effective enforcement, it is essential that the competent authorities, when carrying out roadside checks, should be able to ascertain that driving times and rest periods have been properly observed on the day of the check and over the preceding 56 days.

(12) Rapid technological progress is resulting in the gradual automation of driving systems which require less or no direct input from the driver. To address those changes, current legislation, including rules on driving and resting times, may need to be adapted in order to guarantee road safety and a level playing field and to improve working conditions, whilst enabling the Union to pioneer new innovative technologies and practices. Therefore, the Commission should submit a report evaluating the use of autonomous driving systems in the Member States, including the benefits of autonomous driving technologies. That report should be accompanied, if appropriate, by a legislative proposal.

(13) In order to promote social progress, it is appropriate to specify where the weekly rest periods may be taken, ensuring that drivers enjoy adequate rest conditions. The quality of accommodation is particularly important during the regular weekly rest periods, which the driver should spend away from the vehicle's cabin in a suitable accommodation, at the cost of the transport undertaking as an employer. In order to ensure good working conditions and the safety of drivers, it is appropriate to clarify the requirement for drivers to be provided with quality and gender-friendly accommodation for their regular weekly rest periods if they are taken away from home.

(14) It is also necessary to provide for transport undertakings to organise the work of drivers in such a way that periods away from home are not excessively long and that drivers can benefit from long rest periods taken in compensation for reduced weekly rest periods. Organising the return should allow reaching an operational centre of the transport undertaking in its Member State of establishment or the driver's place of residence, and the drivers are free to choose where to spend their rest period. In order to demonstrate that the transport undertaking fulfils its obligations regarding the organisation of the regular return, the transport undertaking should be able to use tachograph records, duty rosters of the drivers or other documentation. Such evidence should be available at the transport undertaking's premises to be presented if requested by control authorities.

(15) While regular weekly rest periods and longer rest periods cannot be taken in the vehicle or in a parking area, but only in suitable accommodation, which may be adjacent to a parking area, it is of utmost importance to enable drivers to locate safe and secure parking areas that provide appropriate levels of security and appropriate facilities. The Commission has already studied how to encourage the development of high-quality parking areas, including the necessary minimum requirements. The Commission should therefore develop standards for safe and secure parking areas. Those standards should contribute to promoting high-quality parking areas. The standards may be revised in order to cater for better access to alternative fuels, in line with policies developing that

infrastructure. It is also important that parking areas are being kept free from ice and snow.

(16) Safe and secure parking areas should be subject to auditing procedures to be certified in accordance with Union standards. Those auditing procedures should also ensure that the parking areas continue to meet these standards. The Commission should thus be tasked with preparing a certification procedure for development of safe and secure parking areas in the Union.

(17) It is in the interests of road safety and enforcement that all drivers should be fully aware of the rules on driving and rest times and of the dangers of fatigue. Easily accessible information on available rest facilities is of importance in this regard. Therefore, the Commission should provide information on safe and secure parking areas through a user-friendly website. That information should be kept up to date.

(18) In order to ensure the continued safety and security of parking areas, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of establishing standards for the level of service in safe and secure parking areas and procedures for the certification of the safety and security of parking areas. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making[(5)]. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

(19) The revised TEN-T guidelines established by Regulation (EU) No 1315/2013 of the European Parliament and of the Council[(6)] envisage the development of parking areas on motorways approximately every 100 km to provide commercial road users with parking space that has an appropriate level of safety and security. In order to accelerate and promote the construction of adequate parking infrastructure, it is important that sufficient opportunities for co-funding by the Union are available in accordance with current and future Union legal acts establishing the conditions for that financial support.

(20) Many road transport operations within the Union involve transport by ferry or by rail for part of the journey. Clear, appropriate provisions regarding rest periods and breaks should therefore be laid down for such operations.

(21) Drivers are sometimes faced with unforeseeable circumstances which make it impossible to reach a desired destination for taking weekly rest periods without infringing Union rules. It is desirable to make it easier for drivers to cope with those circumstances and to enable them to reach their destination for a weekly rest period. Such exceptional circumstances are sudden circumstances that are unavoidable and may not be anticipated, where it unexpectedly becomes impossible to apply the provisions of this Regulation in their entirety for a short period of time. Therefore, such circumstances cannot be invoked in a systematic manner to avoid compliance with this Regulation. In order to ensure proper enforcement, the driver should document the exceptional

circumstances resulting in departing from the rules. In addition, a safeguard should ensure that driving time is not excessive.

(22) To reduce and prevent diverging enforcement practices and to further enhance the effectiveness and efficiency of cross-border enforcement, it is crucial to establish clear rules for regular administrative cooperation between Member States.

(23) Member States should take all measures necessary to ensure that national rules on penalties applicable to infringements of Regulation (EC) No 561/2006 and Regulation (EU) No 165/2014 of the European Parliament and of the Council[(7)] are implemented in an effective, proportionate and dissuasive manner. It is important to ensure easy access by professionals to information on the penalties that apply in each Member State. The European Labour Authority, established by Regulation (EU) 2019/1149 of the European Parliament and of the Council[(8)], could facilitate this access by making the information available through the single Union-wide website acting as a single portal for accessing information sources and services at Union and national level in all of the official languages of the Union established by Regulation (EU) 2018/1724 of the European Parliament and of the Council[(9)].

(24) In order to ensure uniform conditions for the implementation of Regulation (EC) No 561/2006 implementing powers should be conferred on the Commission in order to clarify any of the provisions of that Regulation and to establish common approaches on their application and enforcement. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council[(10)].

(25) In order to ensure uniform conditions for the implementation of Regulation (EU) No 165/2014 implementing powers should be conferred on the Commission in order to lay down detailed provisions for the uniform application of the obligation to record and store data relating to any border crossing of the vehicle and activities and detailed provisions necessary for the uniform application of provisions on data requirements and functions, and the installation of tachographs. Those powers should be exercised in accordance with Regulation (EU) No 182/2011.

(26) To enhance the cost-effectiveness of the enforcement of the social rules, the current and smart tachograph systems should be fully exploited and smart tachographs should be mandatory also for light commercial vehicles which are above a certain weight and which operate in international transport for hire and reward. Therefore, the functionalities of the tachograph should be improved to allow for more precise positioning.

(27) The cost-effectiveness of enforcement of the social rules, the rapid development of new technologies, the digitalisation throughout the Union economy and the need for a level playing field among companies in international road transport make it necessary to shorten the transitional period for the installation of smart tachographs in registered vehicles. Smart tachographs will contribute to simplified controls and thus facilitate the work of national authorities.

(28) To ensure that drivers, operators and control authorities benefit as soon as possible from the advantages of smart tachographs, including their automated recording of