

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(76) 85 final.

Brussels, 3 March 1976.

PROPOSAL FOR A COUNCIL REGULATION

on the harmonization of certain social legislation relating
to road transport

(submitted to the Council by the Commission)

COM(76) 85 final.

EXPLANATORY MEMORANDUM

General Considerations

1. This proposal for a Regulation has been drawn up on the basis of Regulation (EEC) N° 543/69 as modified by Regulation (EEC) N° 514/72 and Regulation (EEC) N° 515/72,
in the light of experience gained over 5 years of its operation as monitored and reported on by the Commission in the annual reports to the Council drawn up in accordance with the terms of Article 17 of the Regulation and on the basis of the proposal put to the Council by the Commission on 3 August 1972.
2. The Commission has recognised the undesirability of having provisions relating to a single area of one sector of an industry spread over a number of different documents and has, therefore, taken the opportunity of consolidating both existing legislation and proposals for supplementing and modifying it in a single text.^{1/}
3. The basic Regulation (EEC) N° 543/69 was drawn up and enacted in execution of the Decision of the Council of 13 May 1965 itself based on Article 75 of the Treaty relating to the harmonization of certain provisions with a bearing on competition in the fields of railways, road transport and inland navigation.
4. In drawing it up and in formulating the proposals which, with it, go to make up the present proposed Regulation, the Commission has had to have regard not only to equalising the conditions of competition but also to raising social conditions and to improving road safety.

^{1/} Existing texts which remain unaltered in the annexed text of the regulation are indicated by side linings. ../..

5. Throughout the period of its enforcement, consultations have taken place with government experts and with the two sides of industry on means of ensuring better achievement of the aims of the Regulation, on removing anomalies and of achieving through better enforcement the aims of the measures. Regulation (EEC) N° 514/72 and Regulation (EEC) N° 515/72 were enacted with these purposes in mind. In drawing up the provisions in this present proposal which amount to modifications to the original Regulation, the Commission has borne in mind the need at least to maintain the social progress which Regulation (EEC) N° 543/69 represents, whilst taking account of the need, in the interests of both sides of the industry and of the transport user for greater operating flexibility. They have, moreover, taken account of the need, in the interests of employers, employees and enforcement authorities for maximum simplicity consistent with achievement of the aims of the Regulation.
6. The Commission concluded that, bearing in mind the views expressed by government experts and the two sides of industry on means of ensuring better enforcement of the aims of the Regulation and the need at least to maintain the social progress which Regulation (EEC) N° 543/69 represents, real social progress could be achieved by stricter application and enforcement of a modified Regulation than was possible of the more complex provisions of the existing Regulation.
7. The present proposed Regulation, therefore, while maintaining the form, substance and aims of the original Regulation and proposal, does involve modifications the effect of which will be to make the provisions more easily applied and more acceptable to all concerned.

PARTICULAR CONSIDERATIONS

Article 1

In order to ensure that the provisions are based on definitions which are accepted and known in the road transport business most of them have been taken from the terms used in the European Agreement concerning the Work of Crews of Vehicles Engaged in International Road Transport (AETR) done at Geneva on 1 July 1970 and in the Convention on Road Transport of 19 September 1949 with some modifications made necessary by the particular requirements of the Regulation. By the same token, certain other definitions have been drawn up to meet the requirements of the Regulation.

The most notable change from the definitions contained in Regulation (EEC) N° 543/69 is of a week which is now on a calendar basis, Sunday to Saturday.

Article 2

The scope laid down stems from the requirement to harmonize the conditions of competition.

The Decision of the Council of 13 May 1965 laid down that this requirement should be fulfilled in both national and international transport. This was to apply to transport for own account as much as to transport for hire and reward and to drivers as well as operators.

For reasons of competition, road safety and social improvement it is appropriate that the Regulation should be applied to vehicles registered in Member States as well as those registered in third countries which carry out transport operations on the territory of the Community.

The Community has always viewed the ratification of AETR as an urgent feature of policy given the close links between that agreement and community legislation.

Article 3

This Article establishes on a Community basis any negotiations with third countries on the wider application of the terms of this Regulation.

Article 4

This Article removes from the scope of the Regulation certain specific categories of road transport which have a negligible impact on the transport system and on the achievement of the aims of the Regulation whilst at the same time retaining within the terms of the Regulation and thus concentrating enforcement resources on, the categories of transport at which the Council Decision of 13 May 1965 was aimed. A number of categories have been added to those contained in Regulation (EEC) N° 543/69.

Article 5

Differences in the minimum age at which driving may be undertaken have an effect on manpower costs and therefore on the competitive position between Member States. Social and safety considerations also make it desirable that minimum ages be laid down for driving.

As far as goods transport is concerned the Regulation adopts a flexible formula with a basic minimum age of eighteen for drivers of vehicles having a permissible maximum weight of not more than 7,5 metric tons. For other goods vehicles the limit is twenty-one years or eighteen if a certificate of professional competence is held. In a case in which there are two drivers one of them shall have reached the age of twenty-one years.

As far as the carriage of passengers is concerned, the minimum requirements shall be an age of at least twenty-one plus an additional qualification as to training or experience.

It is also necessary to fix a minimum age for crew members other than drivers. This has been fixed at eighteen years with the possibility of reduction to sixteen for national journeys within a radius of 50 kilometres. The provisions are those of Regulation (EEC) N° 543/69 as amended with appropriate date modifications.

Article 6

As an element in harmonization of crew composition and as a safety measure, drivers of articulated vehicles, passenger vehicles of more than 5 metric tons and goods vehicles of more than 20 metric tons shall on journeys of more than 450 kilometres be accompanied by another driver or shall, on reaching the 450th km, be relieved by another driver. This provision remains unchanged from Regulation (EEC) N° 543/69.

However, it is now appropriate for reasons of greater flexibility and to take account of an improved road infrastructure, to lay down that the above provision should not apply to vehicles in which a tachygraph is in operation.

SECTION IV

In order to clarify and simplify the provisions for the benefit of both those affected by the Regulation and enforcement officers, all aspects relating to spreadover and rest periods have been grouped together in one section.

Article 7

This Article specifies the maximum number of spreadovers and minimum number of rest periods per week.

Article 8

This article deals with the length of the spreadovers and the total of weekly spreadovers in the transport of goods and in scheduled passenger transport for the crews of vehicles without^a bunk and with one or two drivers.

In fixing the length of spreadover it is necessary to avoid overworking driving personnel, to take account of the flexibility necessary for the efficient carrying out of the job and of the economic and social situation. The lengths of spreadovers have been fixed at relatively high levels.

A provision allowing a longer spreadover where an extended break has been taken during it has been introduced.

Article 9

This Article deals with the rest period in road haulage for vehicles without a bunk and manned by one or two drivers. It also provides for a reduction in the rest period in the case of a driver of a vehicle without a bunk when he is away from home. The original provisions of Regulation (EEC) N° 543/69 have thus been considerably simplified.

Article 10

Before the Council can take a decision on the problem of the spreadover and the rest time for vehicles with a bunk and a crew of two drivers it is necessary to organize consultations with both sides of the industry.

Article 11

This article sets out the spreadover and the total of the spreadovers per week for non scheduled passenger transport and shuttle services.

Article 12

Rest periods for crew members in passenger transport of at least 11 hours with the possibility of reduction three times a week to 10 hours, are dealt with in this Article.

Article 13

This Article specifies that rest must be taken outside the vehicle or, if in a bunk, when the vehicle is stationary.

Article 14

This Article sets out the requirement for a weekly rest period. The length of the weekly rest period has been increased from 24 to 29 hours.

Article 15

The provisions of this Article have been introduced to take account of operational needs which were present in the old Member States to an insignificant extent, but which have been greatly increased by the accession of the three new Member States, and to recognise the extension of inter-modal co-operation.

Article 16

By way of modification to the provisions of Regulation (EEC) N° 543/69 it is specified that driving time during the spreadover shall be the time spent behind the wheel. It is further specified that as from 1.1.79 the total time spent behind the wheel may in no case exceed forty-six hours in any one week against the forty-eight hours per week and ninety-two hours in any two consecutive weeks specified in Regulation (EEC) N° 543/69.

As a further change to the provisions of Regulation (EEC) N° 543/69 the derogation allowing driving time to be extended twice a week to nine hours, has been standardised by extension to all vehicles.

Article 17

This Article modifies Regulation (EEC) No. 543/69 in that continuous driving time is deleted and the notions of 'break' and 'interruption' have been fused into a single notion of 'break' which is regulated in relation to each period of $\frac{1}{2}$ hours within the spreadover.

Article 18

Annual leave and public holiday provisions are a logical extension of those relating to rest periods and are justified for the contribution they make to road safety and social progress and the proposals follow the lines of the Council's Recommendation on the matter of July 1975.

Article 19

It can be argued that, notwithstanding legislation designed to prevent them, breaches of regulations relating to driving times, loading and speed limits may be encouraged by payments to crews on the basis of distances travelled and tonnage carried. In the interests of road safety, these payments ought, therefore, to be banned. It is acknowledged however that in some Member States there is a tradition of such payments and safety is ensured in other ways. If, therefore, the payments do not endanger road safety they should be allowed to remain.

Article 20

It should be possible, either by national legislation or collective agreement, to apply provisions socially more advantageous than those laid down in the Regulation. However, the provisions to be applied in the case of nationals of another Member State are those of this Regulation.

Article 21

It is clearly necessary that the Council and the European Parliament should be presented with a report on developments of the social situation in the areas dealt with in the Regulation. However, in order to alleviate the workload on the Commission and the Governments the frequency is being reduced to every two years.

Article 22

This Article regularizes, under a system of control, unavoidable breaches in the main provisions of the Regulation.

Article 23

In order to give as great a flexibility as possible to the Regulation without jeopardizing the achievement of its basic aims, it is necessary, within a Community system, involving the two sides of industry for there to be a possibility, while ensuring road safety and safeguarding social protection overall of varying the distribution of spreadover hours within the period of a week in the interest of social progress and operating needs.

In addition, there should be a possibility for Member States, within a Community system and after consulting both sides of industry to grant derogations as appropriate for the carriage of farm produce. Member States ought also to be able to grant derogations in the matter of the method of record keeping for short distance traffic until the tachograph is fully in operation provided that effective control is nonetheless possible. Finally this Article makes possible derogations from the main features of the Regulation in the case of emergency situations.

Article 24

In order effectively to control the application of the Regulation and the fulfillment of its provisions, it is necessary to have a standardised system of control procedures. This Article lays down the system, unchanged from that of Regulation (EEC) N° 543/69, to be used.

Article 25

An individual record book is unnecessary for drivers on regular services. In these cases a service timetable and duty roster are sufficient provided they give accurate information as to the identity of the driver, his date of birth and the schedules for the current, preceding and following weeks. This Article imposes the obligation unchanged from that contained in Regulation (EEC) N° 543/69, to draw up such a duty roster and for a copy of it to be carried by each crew member.

Article 26

It is necessary for the Council, the Commission and the European Parliament to be informed on the application and effectiveness of the Regulation as a whole and its various provisions. The obligation imposed by the original Regulation (EEC) N° 543/69 for reports each year was felt, however, to be both unnecessary and an unjustifiable burden on national administrations and on the services of the Commission. This Article lays down that a report will be drawn up every two years.

Article 27

In order to achieve the greatest degree of harmonisation possible. Member States must consult the Commission before adopting such laws as are necessary to give effect to this Regulation. The Article also lays down that mutual assistance shall be rendered between Member States in the application and enforcement of the Regulation and is unchanged from Regulation (EEC) N°543/69. However, the new elements in this present Regulation must be enacted.

Article 28

During a strictly limited period after the entry into force of this Regulation it will be necessary to provide for the possibility, under a community system, for Member States to take protective measures, including the temporary suspension of some or all of the provisions of this Regulation as they relate to national transport, in the event of imminent difficulties of a kind which are liable to persist.

Article 29

It is appropriate that there should be the opportunity for the fullest possible consultation with Government Experts on matters relating to the application of this Regulation.

Article 30

The Regulation will enter into force on 1.7.1976. It will, however, be applicable in its entirety only from 1.2.77 when all the provisions of Regulation (EEC) N° 543/69 as amended will be repealed. Before, that date, however, a number of provisions of this Regulation should be applied and to make that possible, certain provisions of Regulation (EEC) N° 543/69 must be repealed.

II

(Preparatory Acts)

COMMISSION

Proposal for a Council Regulation on the harmonization of certain social legislation relating to road transport*(Submitted by the Commission to the Council on 9 March 1976)*

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community and in particular Article 75 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

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

Whereas Council Regulation (EEC) No 543/69 of 25 March 1969 on the harmonization of certain social legislation relating to road transport⁽¹⁾ was adopted in pursuance of the Council Decision of 13 May 1965 on the harmonization of certain provisions affecting competition in transport by rail, road and inland waterway⁽²⁾, and in particular Section III thereof; whereas this Regulation was amended by Council Regulations (EEC) No 514/72 and (EEC) No 515/72 of 28 February 1972⁽³⁾;

Whereas the objectives of these Regulations remain valid, that is to eliminate disparities liable to cause substantial distortion in competition in the transport sector, to approximate provisions relating specifically to working conditions so as to improve such provisions and to enhance road safety;

Whereas, however, experience of the application of these Regulations has shown that in the interests of operating flexibility certain modifications should be made; whereas these modifications can be made without detriment to the objectives of the existing Regulations;

Whereas it is desirable to make reference in the definition of certain categories of services to Council Regulation No 117/66/EEC of 28 July 1966 concerning the introduction of common rules for international passenger transport effected by coaches and omnibuses⁽⁴⁾;

Whereas it is desirable to provide that certain categories of vehicles are exempted from the scope of the Regulation;

Whereas it is desirable to increase operating flexibility by exempting vehicles on which a mechanical control device as described in Article 1 or Article 20 of Council Regulation (EEC) No 1463/70 of 20 July 1970 on the introduction of recording equipment in road transport⁽⁵⁾;

Whereas it is desirable to clarify the provisions relating to the maximum period of driving time;

Whereas it is desirable, having regard to the technical improvement in vehicle construction, to have the

⁽¹⁾ OJ No L 77, 29. 3. 1969, p. 49.

⁽²⁾ OJ No 88, 24. 5. 1965, p. 1500/65.

⁽³⁾ OJ No L 67, 20. 3. 1972, pp. 1 and 11.

⁽⁴⁾ OJ No 147, 9. 8. 1966, p. 2688/66.

⁽⁵⁾ OJ No L 164, 27. 7. 1970, p. 1.

same rules as to breaks between driving periods for heavy and light vehicles;

Whereas it is desirable to supplement the provisions in the existing Regulations concerning driving times by the notion of spreadover and to substitute the notion of rest period for daily rest period;

Whereas it is appropriate to take account of the time a vehicle spends on a ferry-boat or a train in determining rest periods;

Whereas it is desirable to provide by means of a Community procedure that exemptions may be made from all or certain provisions of the Regulation, for national transport in the case of exceptional circumstances, for the transport of certain products, for rules regulating drivers' hours and conditions in temporary emergency situations for national transport in the case of difficulties which are serious and liable to persist or difficulties which would lead to a serious deterioration in the national or regional economy;

Whereas the Council, before 1 February 1977 must, acting on a proposal from the Commission, fix the length of spreadover, the length of the total weekly spreadovers and the minimum duration of the rest period for crew members of vehicles with a bunk and manned by two drivers and that the Commission should consult both sides of the industry before establishing its proposal; whereas it is desirable to fix a minimum total number of days of annual holiday and public holidays;

Whereas in order to avoid jeopardizing road safety, the payment of bonuses which would have this effect for distance covered and tonnage carried should be forbidden;

Whereas it is only necessary to report to the Council and the Parliament every two years;

Whereas it is desirable to consult government experts on the application of the provisions of the Regulation;

Whereas it is desirable that the existing Regulations and modifications should be adopted in a consolidated Regulation replacing the previous Regulations,

HAS ADOPTED THIS REGULATION:

SECTION I

Definitions

Article 1

In this Regulation:

1. 'carriage by road' means any journey by road of 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:
 - (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,
 - (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,
 - (c) 'trailer': any vehicle designed to be coupled to a motor vehicle or a 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;
3. 'crew member' means the driver, driver's mate, and conductor, defined as follows:
 - (a) 'driver': 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,
 - (b) 'driver's mate': any person accompanying the driver of a vehicle in order to assist him in certain manoeuvres and habitually taking an effective part in the transport operations, but not being a driver within the meaning of (a),
 - (c) 'conductor': any person who accompanies the driver of a vehicle used for the carriage of passengers and has the particular duty of issuing and checking tickets;

4. 'week': the period between 00.00 hours on Sunday and 24.00 hours on Saturday;
5. 'rest period' means any uninterrupted period of at least eight hours during which the crew members may freely dispose of their time and are free to move about as they please;
6. 'spreadover' means for each crew member, the period falling between the start and the end of work. This period includes the time devoted by the crew to taking charge of their vehicle or discharging themselves of responsibility for it over and above that which they normally spend getting to and from work, when the vehicle is garaged at a place other than the normal work place and the time of availability for work;
7. 'break' means any period during the spreadover of less than eight hours but at least 15 minutes during which the crew member may dispose freely of his time and movements;
8. (a) 'regular goods services' means transport services operated at specified intervals along specified routes, goods being loaded and unloaded at predetermined stopping points,
(b) 'regular passenger services' means the services defined in Article 1 of Regulation No 117/66/EEC,
(c) 'shuttle services' means the services defined in Article 2 of Regulation No 117/66/EEC,
(d) 'irregular passenger services' means the services defined in Article 3 of Regulation No 117/66/EEC;
9. 'permissible maximum weight' means the maximum authorized operating weight of the vehicle fully laden;
10. 'bunk' means a berth upon which the member of the crew can lie down with comfort.

SECTION II

Scope

Article 2

This Regulation shall apply to carriage by road in respect of any journey or part of a journey made within the Community by vehicles registered in a Member State or in a third country.

However, from 1 July 1976 the provisions of the European Agreement on the work of crews of vehicles

carrying out international road transport (AETR) applies to international road transport coming from or going to third countries who are parties to the Agreement.

Article 3

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

Article 4

This Regulation shall not apply to carriage by:

1. vehicles which, in construction and equipment, are suitable for carrying not more than nine persons including the driver and are intended for that purpose;
2. vehicles which, in construction and equipment, are suitable for the carriage of not more than 12 persons including the driver and are used by their owners for exclusively private purposes; journeys to convey employees by own account operators are not considered as being for exclusively private purpose;
3. vehicles used for the carriage of goods, the permissible maximum weight of which, including any trailer or semi-trailer, does not exceed 3.5 metric tons;
4. vehicles used for the carriage of passengers on regular services where the route covered by the service in question does not exceed 50 km;
5. service vehicles used by the police, gendarmerie, armed forces, fire brigades, civil defence, drainage or flood-prevention authorities, water, gas or electricity services, highway authorities, telegraph or telephone services, by the postal authorities for the carriage of mail, or by radio or television services; or other public authorities providing public services which are not in competition with private road transport;
6. vehicles used for the carriage of sick or injured persons and for carrying rescue material, and specialized breakdown vehicles;
7. tractors with a maximum authorized speed not exceeding 30 km per hour;
8. tractors used exclusively for local agricultural and forestry work;
9. vehicles used to transport circus and fun-fair equipment;

10. vehicles undergoing workshop tests;
11. mobile libraries and itinerant markets.

SECTION III

Crew

Article 5

1. The minimum ages for drivers engaged in the carriage of goods shall be as follows:
 - (a) for vehicles, including, where appropriate, trailers or semi-trailers, having a permissible maximum weight of not more than 7.5 metric tons, 18 years;
 - (b) for other vehicles:
 - 21 years, or
 - 18 years, provided the person concerned holds a certificate of professional competence recognized 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. The Council shall, on a proposal from the Commission, lay down the minimum level of such training by 1 August 1976 at the latest.

Where, in accordance with Article 6, there are two drivers, one of the drivers shall have reached the age of 21 years.

2. Any driver engaged in the carriage of passengers shall have reached the age of 21 years, and meet one of the following conditions:
 - (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 metric tons;
 - (b) he must have worked for at least one year as a driver of vehicles used to provide the passenger services referred to in Article 4 (4);
 - (c) he must hold a certificate of professional competence recognized 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. The Council shall, on a proposal from the Commission, lay down the minimum level of such training by 1 August 1976 at the latest.
3. The minimum age for drivers' mates and conductors shall be 18 years.

4. Where any driver engaged in the carriage of passengers has reached the age of 21 years he shall be exempt from the conditions laid down in paragraph 2 (a), (b) and (c) if he has carried on that occupation for at least one year prior to 1 February 1977.

5. Each Member State may, as regards those persons residing within its territory who on 1 February 1977 already held the requisite driving licence, suspend application of the rules laid down in paragraph 2 in respect of carriage within its own territory.

6. In the case of internal transport operations carried out within a radius of 50 km from the place where the vehicle is based, including municipalities the centre of which is 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 internal law on employment matters.

Article 6

1. Where a driver is engaged in carriage by:
 - (a) a motor vehicle or tractor with more than one trailer or semi-trailer;
 - (b) a motor vehicle or tractor with one trailer or semi-trailer where this combination is used for the carriage of passengers and the permissible maximum weight of the trailer or semi-trailer exceeds five metric tons;
 - (c) a motor vehicle or tractor with one trailer or semi-trailer where this combination is used for the carriage of goods and the permissible maximum weight of such combination exceeds 20 metric tons;

and the distance to be covered during the spreadover exceeds 450 km, that driver shall from the beginning of the journey be accompanied by another driver or shall, on reaching the 450th km, be relieved by another driver.

2. The provision of paragraph 1 is not applicable to vehicles mentioned therein in which control equipment as provided for in Article 1 of Regulation (EEC) No 1463/70 or as provided for in Article 20 (1) of the same Regulation, is in operation.

SECTION IV

Spreadover and rest periods

Article 7

Each member of the crew shall have his work arranged so that there are not more than six spreadovers within each week and not more than 10

spreadovers within two consecutive weeks. Each spreadover must come immediately before or immediately after a rest period; each week must nonetheless contain a weekly rest period.

Article 8

1. The spreadover of every crew member engaged in the carriage of goods and in the carriage of passengers by regular services by vehicles manned by one driver or by vehicles with a bunk and manned by two drivers shall not exceed 12 hours.

2. When during the spreadover, crew members engaged in the carriage of goods, in order to divide up the journey as they see fit, take breaks additional to those referred to in Article 17 of at least 30 minutes, the spreadover may be prolonged by a corresponding period of up to two hours. This procedure shall not be used more than twice per week and must not be on consecutive days.

3. The maximum length of the individual spreadover for crew member engaged in the carriage of passengers by regular services may be increased twice a week to 14 hours; this increase may not however be taken advantage of on consecutive days.

4. However, for every crew member referred to in paragraph 1, the total length of all spreadovers within any one week shall not exceed 60 hours.

Article 9

1. Every crew member engaged in the carriage of goods by vehicles manned by one driver and by vehicles without a bunk with two drivers, shall have an individual rest period of not less than 11 hours.

2. The rest period referred to in paragraph 1 may be reduced to eight hours, not more than twice in any one week and not consecutively, when such rest is taken elsewhere than at the place where the crew or the vehicle is based.

Article 10

Before 1 February 1977 the Council acting on a proposal from the Commission will fix the length of spreadover, the length of the total of weekly spreadovers and the minimum duration of the rest period for crew members of vehicles with a bunk manned by two drivers.

In establishing its proposal and after consulting both sides of industry at Community level, the Commission will have regard to social progress, the requirements

of road safety and to the flexibility necessary for an appropriate operation of the undertakings.

Article 11

1. The maximum length of the individual spreadover for every crew member engaged in the carriage of passengers by irregular services or by shuttle service shall be 12 hours.

2. When, during the spreadover, crew members take breaks additional to those referred to in Article 17 of at least 30 minutes, the spreadover may be prolonged by a corresponding period of up to two hours.

3. However, for each crew member the total length of all spreadovers within any one week shall not exceed 65 hours.

Article 12

Every crew member engaged in the carriage of passengers shall have an individual rest period of not less than 11 hours; this rest period may be reduced to 10 hours not more than three times in any one week.

Article 13

The rest period shall be taken outside the vehicle. However if the vehicle has a bunk the rest period may be taken on that bunk provided that the vehicle is stationary.

Article 14

In addition to the minimum individual rest periods referred to in Articles 9 and 12 every crew member shall have a weekly rest period of not less than 29 consecutive hours which shall be immediately preceded or followed by an individual rest period.

Article 15

1. Where a crew member engaged in the carriage of goods or passengers accompanies a vehicle which is transported by ferry-boat or by train, his free time on board the ferry-boat or on the train shall be considered as rest period provided that this free time corresponds in length to that contained in Articles 9 and 12 respectively.

2. By derogation from the provisions of Articles 9 and 12 the crew members may reduce the rest period spent on board a ferry-boat or on a train to eight hours up to three times in any one week.

3. All free time of less than eight hours spent aboard a ferry-boat or on a train shall be regarded

as a break. A crew member engaged in the carriage of passengers may, by derogation from the provisions of Articles 8 and 11, extend his spreadover, not more than twice in any one week, by the break spent aboard the ferry-boat or on the train up to a maximum of two hours.

SECTION V

Driving periods and breaks

Article 16

1. The total period of time spent behind the wheel during the spreadover shall not exceed eight hours. This period may be extended, not more than twice in any week, to nine hours.

2. The total period of time spent behind the wheel may in no case exceed 48 hours in any one week of 92 hours in any two consecutive weeks. From 1 January 1979 the total time spent behind the wheel shall not exceed 46 hours in any one week.

Article 17

1. Every crew member shall take a break of at least 30 minutes during every period of four and a half hours within the spreadover. There shall not be more than four hours of spreadover between two breaks.

2. The break referred to in paragraph 1 may be replaced by two breaks of not less than 20 minutes each or by three breaks of not less than 15 minutes each.

SECTION VI

Annual leave

Article 18

1. Every crew member shall have a minimum of 28 days of annual leave and public holidays.

2. Weekly rest periods shall not be included in those 28 days.

3. Every crew member shall be entitled to at least two continuous weeks of annual leave.

4. The provisions of paragraphs 1, 2 and 3 do not apply to self-employed crew members.

SECTION VII

Prohibition of bonuses

Article 19

It is forbidden to make payment to salaried crew members according to distances travelled and/or the amount of goods carried, unless such payments are of a kind as not to endanger road safety.

SECTION VIII

More restrictive provisions

Article 20

1. Each Member State may apply provisions which have:

— lower maxima than those laid down in Articles 7, 8, 11 and 16,

— higher minima than those laid down in Articles 5, 9, 12, 14, 17, and 18 and may refrain from applying Article 6 (2).

2. The provisions that a Member State takes under paragraph 1 cannot be imposed on crew members carrying out international transport in vehicles registered in another Member State; in that case, the Member State in question may only control the maxima and minima of this Regulation.

Article 21

Every two years the Commission will present to the Council and to the European Parliament a report on the development of the social situation in the fields covered by this Regulation.

SECTION IX

Exceptions

Article 22

Provided that road safety is not thereby jeopardized, the driver may, in case of danger, in circumstances outside his control, to render assistance, or as a result of a breakdown, and to the extent necessary

to ensure the safety of persons, of the vehicle or of its load, and to enable him to reach a suitable stopping place or, according to circumstances, the end of his journey, depart from the provisions of Article 6, Section IV and from Article 16. The driver shall indicate the nature and reasons for such departure in the individual control book, or on the record sheet of the recording equipment.

Article 23

1. At the request of a Member State, the Commission may, for certain national transport, authorize derogations from the maxima and minima of Section IV of this Regulation.

The request can only be made where the two sides of industry of the Member State have already made a similar request to the government.

2. For transport carried out within a radius of 50 km from the place where the vehicle is based including municipalities, the centre of which is situated within that radius, Member States may, after consultation of the Commission and a hearing of both sides of industry, grant derogations, which must be limited to the requirements of the transport operations concerned, from the provisions of Sections IV of this Regulation for the following goods transports:

- (i) transport of milk from farm to dairy;
- (ii) transport of other agricultural and horticultural produce by the producer during harvesting periods.

3. The derogations provided for in paragraphs 1 and 2 will only be granted when they are linked to compensation in terms of time which reduces the total length of weekly spreadovers and thus maintains the overall level of social protection and road safety.

4. Until the compulsory installation of the recording equipment provided for in Article 1 of Regulation (EEC) No 1463/70, Member States may authorize derogations from the provisions of Article 24 for national goods transports carried out within a radius of 50 km from the place where the vehicle is based including municipalities, the centre of which is situated within that radius provided:

- that the vehicles in question are fitted with recording equipment conforming to Article 20 of that Regulation, or
- that Member States, after consulting the Commission, take appropriate measures to keep an effective check on compliance with the

provisions applicable to such transport operations such as will ensure that standards of employee protection and road safety are not impaired.

5. In order to ensure transport for supplying the population during emergency situations of a temporary character, Member States may, in national transport authorize temporary derogations from Sections IV and V of this Regulation.

Member States will communicate without delay the measures taken to the Commission who may modify or revoke them.

SECTION X





Control procedures and penalties

Article 24

1. Crew members of a vehicle not assigned to a regular service shall carry an individual control book conforming to the model in the Annex to this Regulation. That Annex forms an integral part of this Regulation.


However, in the case of drivers of vehicles registered in a third country which is not a party to the AETR Agreement, the Commission shall, on the application of a Member State, approve a control book of a model different from the model shown in the Annex, on condition that such model does not differ in essential points from the model laid down by the Community. The Commission shall notify the other Member States accordingly.

2. Members of the crew shall from day to day enter in the daily sheets of the individual control book details of the following periods:


- (a) under the symbol  : rest periods;
- (b) under the symbol  : breaks;
- (c) under the symbol  : driving periods;
- (d) under the symbol  : other periods of attendance at work.

3. Each Member State may prescribe, in respect of individual control books issued in its territory, that

the periods covered by paragraph 2 (d) should be subdivided so as to show separately:

(a) under the symbol  :

- waiting time, that is to say the period during which crew members must be at their place of work only for the purpose of answering any calls to carry out or resume any of the duties covered by paragraph 2 (c) or by subparagraph (b) of this paragraph,
- time spent beside the driver while the vehicle is on the move,
- time spent on a bunk while the vehicle is on the move;

(b) under the symbol  :

all other working periods.

4. Any Member State may take the necessary measures to exempt crew members of vehicles, registered in its territory carrying out internal transport operations, from having to enter in the daily sheets of the individual control book any period of time covered by paragraph 2 which can be suitably recorded by means of recording equipment fitted on the vehicle and approved in accordance with Article 20 of Council Regulation (EEC) No 1463/70 of 20 July 1970 without prejudice to the implementation of that Regulation as a whole with effect from the dates laid down in Articles 4 and 20 thereof.

Information thus recorded shall be shown in the weekly report in the individual control book.

5. When crew members, subject to the provisions of paragraph 4, are engaged in an international transport operation, the periods of time thus recorded covering the seven previous days shall, in so far as they have not been entered in the weekly report in accordance with the second subparagraph of paragraph 4, be shown in the daily sheets of the individual control book.

6. Crew members shall produce the individual control book whenever required to do so by any authorized inspecting officer.

7. All undertakings shall keep a register of the individual books, which shall show the name of each crew member to whom a book is issued, an acknowledgement of receipt by the crew member, the number of the book, its date of issue and the date of the last daily sheet completed. It shall be produced at the request of any authorized inspecting officer.

8. All completed individual books shall be kept by the undertaking for at least one year.

9. Member States shall take all necessary measures concerning the issue and control of the books.

Article 25

1. All operators of regular services shall draw up a service time table and a duty roster.

2. The duty roster shall show, in respect of each crew member, the name, date of birth, place where based and the schedule, which shall have been laid down in advance, for the various periods of time covered by Article 24 (2) and (3).

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.

4. The duty roster shall be signed by the head of the undertaking or by a person authorized to represent him.

5. Each crew member assigned to a regular service shall carry an extract from the duty roster and a copy of the service time table.

Article 26

1. Every two years the Commission shall provide the Council and the European Parliament with a full report on the application of this Regulation by the Member States.

When submitting the report, the Commission shall make such proposals to the Council as it considers necessary for progressive harmonization particularly with regard to the maximum length of shifts.

2. In order to enable the Commission to draw up the report referred to in paragraph 1, the Member States shall send to the Commission every two years all the necessary information in a standard return, the form of which shall be established by the Commission after consultation with the Member States.

Article 27

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.

Such measures shall cover, *inter alia*, the organization of, procedure for and means of control and the penalties to be imposed in case of breach.

2. Member States shall assist each other in applying the provisions of this Regulation and checking compliance therewith.

3. If it is brought to the notice of the competent authorities of a Member State that a breach of the provisions of this Regulation has been committed by a crew member of a vehicle registered in another Member State, those authorities may notify the authorities of the State where the vehicle is registered of such breach. The competent authorities shall send each other all the information in their possession concerning the penalties imposed for such breaches.

SECTION XI

Final provisions

Article 28

1. In the event of the application of Regulation (EEC) No 543/69 or this Regulation causing to the transport industry difficulties which are serious and liable to persist or difficulties which could lead to serious deterioration in the situation of a national or regional economy, a Member State may apply for authorization to take protective measures, including temporary suspension of some of the provisions of this Regulation as they apply to national transport on its territory in order to rectify the situation, to such an extent and for such periods as are strictly necessary to permit the situation to be restabilized.

2. On application by the State concerned, the Commission shall determine without delay the

protective measures which it considers necessary, specifying the circumstances and the manner in which they are to be put into effect.

3. Such protective measures may only apply up to and including 31 December 1977.

Article 29

At the request of a Member State or on its own initiative the Commission may consult government experts on all questions relating to the application of this Regulation, in particularly those concerning Articles 23 and 27.

Article 30

1. This Regulation enters into force on 1 July 1976. From that date Articles 1, 2, 5, 6, 27 (1) and 28 are applicable, on the same date Articles 2, 5 and 6 of Regulation (EEC) No 543/69 are repealed.

2. The remaining Articles of this Regulation are applicable from 1 February 1977. On this date Articles 3, 4, 7 to 10, 11 paragraphs 1 to 3 and paragraphs 5 and 6, 12 to 17 of Regulations (EEC) No 543/69 and the Regulations (EEC) No 514/72 and (EEC) No 515/72 are repealed.

3. This Regulation does not affect Regulation (EEC) No 1463/70.

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

ANNEX

INDIVIDUAL CONTROL BOOK

GENERAL PROVISIONS

Reminder of the provisions of laws and regulations

1. It is desirable that the individual control book should contain a reminder of the principal provisions to be observed by crew members.

Numbering of book

2. The individual control book shall be numbered by perforation or stamping.

Format of book

3. The individual control book shall have the standard A6 format (105 × 148 mm) or a larger format.

Signing of book

4. The signature of the crew members shall appear on both the daily sheet and the weekly report. The employer's signature shall appear on the weekly report.

Contents of book

5. Subject to the provisions of paragraph 7, the individual control book shall conform to the attached model; it shall comprise:
 - (a) a front sheet;
 - (b) instructions for the use of the book;
 - (c) daily sheets;
 - (d) an example of a completed daily sheet;
 - (e) weekly reports.

Simultaneous use of more than one book

6. Member States shall take appropriate measures to prevent the simultaneous use by one crew member of more than one individual record book.

Special national provisions

7. Each Member State may require, in respect of the individual control books issued in its territory:
 - (a) that the chart on the daily record sheet be set out in a single strip covering the period from midnight to midnight (0 to 24 hours);
 - (b) that the daily sheet be kept in more than one copy;
 - (c) that additional particulars or headings, or variants, be inserted, provided that the general layout of the book remains unaltered and that the numbers or capital letters opposite the items as shown in the model are left unchanged;
 - (d) such amendment or additional information as provisions adopted pursuant to Article 24 of Regulation (EEC) No ... may require in connection with the symbols corresponding to items 7 , 7a , 14 and 14a of the daily sheet;
 - (e) that the boxes opposite items Ha, Hb and/or I of the weekly report should not be completed;
 - (f) that daily sheets more than two weeks old be detached;

MODEL INDIVIDUAL CONTROL BOOK

(a) Front sheet

I. **INDIVIDUAL CONTROL BOOK
FOR CREW MEMBERS
IN ROAD TRANSPORT**

II. Country:

III. Date book first used: 19.....

IV. Date book last used: 19.....

V. Surname, first name(s), date of birth and address of holder of book:

.....
.....

VI. Name, address, telephone number and stamp (if any) of the undertaking:

.....
.....
.....
.....

Book No

(b) Instructions

**INSTRUCTIONS
FOR THE USE OF THE INDIVIDUAL CONTROL BOOK**

1. This individual control book is issued in conformity with (specify relevant laws and regulations).

.....

To the undertaking

2. After completing items V and VI on the front sheet, issue a book to each crew member employed by you, in conformity with the laws and regulations referred to in paragraph 1 above.
3. Keep a register showing the names of the persons to whom books have been issued, the serial number of each book issued, and the dates of issue. Require the holder to sign in the margin of the register.
4. Give the holder the necessary instructions for correct use of the book.
5. Examine the daily sheets and the weekly report every week or, if prevented from doing so, as soon thereafter as possible. Sign the weekly report.
6. Withdraw the used books, observing the time limit specified in paragraph 9 below, and hold them at the disposal of the authorized inspecting officers for not less than one year. Enter the date of the last daily sheet in the register referred to in paragraph 3 above.

To crew members





7. This control book is personal. Carry it with you when on duty and produce it to any authorized inspecting officer on request. Hand it over to your employer when you leave the undertaking.
8. Produce this control book to your employer every week or, if prevented from doing so, as soon thereafter as possible, so that he can check your entries and sign the weekly report.
9. When the book is completed, keep it for two weeks so that you can produce it at any time to an authorized inspecting officer, and then hand it as soon as possible to your employer. Keep a copy of the weekly reports.

Front sheet

10. Make sure that your surname, first name(s), date of birth and address are filled in correctly (item V).
11. Enter the date on which you first use the book (item III).
12. After use, enter the date when you last used the book (item IV).

Daily sheet

13. Fill in a daily sheet for every day on which you have been employed as a crew member.
14. Enter in box 2 the registration number of any vehicle used during the day.
15. The symbols used have the following meaning:



-  total period of uninterrupted rest before going on duty
-  rest period or daily rest period
-  breaks
-  driving period







(1st variant)*

periods of attendance at work

(2nd variant)*

actual work other than driving:

periods of attendance at work other than those covered by symbols  and .

16. Enter your rest period or your period of daily rest (symbol ) 1), breaks (symbol ) and the time during which you were engaged in activities represented by symbols [first variant] (*) 6 , 7 , [second variant] (*) 6 , 7 and 7a , by drawing a horizontal line across the hours concerned opposite the appropriate symbol, and connect the horizontal lines by vertical lines. There will thus be a continuous line over the full length of each strip (see example in the book).
17. Entries must be made at the beginning and end of each period to which they relate.
18. In box 16 ('Remarks') enter the name of the second driver, if any. This box may also be used to explain any breach of the requirements or to correct particulars given elsewhere (see paragraph 24). The employer or an inspecting officer may also insert his remarks in this box.
19. Opposite box 12 * enter the number of hours of uninterrupted rest (rest period or daily rest) taken immediately before coming on duty. If this period begins in one day and ends in the following day the figure will be the total achieved by adding together the rest period taken at the end of the previous day and the rest period taken at the beginning of the day to which the sheet relates.
20. Before departure, enter opposite 'Beginning of duty' in box 11 the number of kilometres (miles) shown on the recorder; at the end of duty, enter opposite 'End of duty' in box 11 the new number of kilometres (miles) shown on the recorder and note the total distance covered.
21. Sign the daily sheet.

(*) The variant used will depend on the choice made by the Member State in accordance with Article 24 (2) and (3) of Regulation (EEC) No 543/69. Only the variant so selected will appear in the individual control book.

Weekly report

22. This report should be made out at the end of every period of one week in which one or more daily sheets have been made out. For days on which you were on duty without being a crew member, i.e., for which there was no need to make out a daily sheet, enter the figure 'O' opposite box G and the duration of duty periods opposite boxes Ha and Hb; if you did not engage in a particular activity, enter the figure 'O' opposite the appropriate box. For days on which you were not on duty, enter the figure 'O' opposite boxes G, Ha and Hb and add an explanation, such as 'on leave', 'day off',.
23. Enter opposite boxes F and G the figures shown opposite boxes 12 and 13 of the relevant daily sheets.

General note

24. No erasures, corrections or additions may be made in the book. Any mistakes, even of form only, must be corrected under 'Remarks' (box 16).
25. No sheets must be destroyed.
26. All entries must be made in ink or with a ball-point pen.

(d) Specimen of a completed daily sheet

2. Registration No of vehicle(s) 3.462 HB 75	1. DAILY SHEET No 21	3. Day of week and date Tuesday, 7. September 1971
9. Place of going off duty: Antwerp		
8. Place of coming on duty: Paris		
10. Transport of goods. Permissible maximum weight of the combination of vehicles --- Lorry with trailer or articulated vehicle --- (where applicable): 19 t		
10a. Passenger transport. 10 h		
11. Distance recorder: End of duty: 91 430 km/ryšes Beginning of duty: 91 090 km/ryšes Total distance covered 340 km/ryšes		
12. <input checked="" type="checkbox"/> Number of hours 12		
13. <input checked="" type="checkbox"/> 6 1/2		
14. <input checked="" type="checkbox"/> 1/2		
14a. <input checked="" type="checkbox"/> 2 1/2		
15. Total 9 1/2 13 + 14 + 14a if applicable		
16. Remarks and signature: <div style="text-align: right; font-family: cursive;"> M. B. </div>		

Book No 45

See notes on facing page.

Note 1: In practice, boxes 10 and 10a will both be completed on the same daily sheet only where a crew member has carried out a passenger transport operation and a goods transport operation on the same day. In box 10a (completed only by crew members of passenger vehicles) the entry should be either '10 h' or '11 h', according to the system of daily rest periods applying to the crew member.





Note 2: Opposite box 12, if 12 hours is entered as the total period of uninterrupted rest taken prior to going on duty, this means that the driver went off duty at 7 p.m. on the previous day, because adding the 5 hours from 7 p.m. to midnight on the previous day to the 7 hours entered in box 4 gives a total of 12 hours.

(e) Weekly report

A. Surname and first name(s) of crew member
.....

B. **WEEKLY REPORT**

C. From to 19 inclusive

Hours of occupational activities	D. Days of the weekly period								J. Weekly total:
	E. Daily sheet No								
	F. 								
	G. 								
	Ha. 								
	Hb. 								
	I G + Ha + Hb								

K. Remarks:

.....

.....

L. Date of preceding weekly rest period:

M. Signature of crew member:

N. Signature of employer:

Book No

TIMETABLE

Proposal for a Council Regulation replacing Council Regulation (EEC) N° 543/69 of 25 March 1969 on the harmonization of certain social legislation relating to road transport.

A. Commitment by the Council

During the Council session held on 10 and 11 December 1975, several delegations repeated their request that the Commission present proposals in this connection as soon as possible.

B. Commission

At its meeting of 10 December 1975, the Commission decided, following a discussion on the political situation involved, that both sides of industry should be consulted before the proposed amendments were adopted. At its meeting of 22 December the Commission decided that the consultation should take place before 15 February 1976 and that a draft decision would be presented to it for adoption and transmission to the Council before the end of February 1976.

C. Time limits proposed for the various institutions

a) Opinion of the Parliament

May 1976

b) Opinion of the Economic and Social Committee

May 1976

c) Adoption by the Council

June 1976.