

Minimum requirements on maximum daily and weekly driving times, minimum breaks and daily and weekly rest periods; positioning by means of tachographs

2017/0122(COD) - 08/04/2020 - Council position

The Council adopted its position at first reading with a view to the adoption of a Regulation of the European Parliament and of the Council 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.

This proposal was presented as part of the first mobility package. Its objective is to harmonise the rules on driving times, breaks and rest periods in the road transport sector and the enforcement of these provisions through the use of tachographs in order to prevent distortions of competition, improve road safety and ensure good working conditions for drivers in the European Union.

The Council's position at first reading reflects the compromise reached in the negotiations between the Council and the European Parliament. It includes the following main elements:

Application to light commercial vehicles

The Council's position includes light commercial vehicles within the scope of the regulation, including vehicles with trailers or semi-trailers, with a maximum permissible mass exceeding 2.5 tonnes and which are used in international transport for hire or reward. These vehicles shall also fall within the scope of Regulation (EU) No 165/2014 and shall be equipped with intelligent tachographs.

The Commission shall use a transitional period (until 1 July 2026) to adopt implementing acts laying down detailed provisions on the data, functions and installation of tachographs for light commercial vehicles within 18 months of the entry into force of the amending Regulation, so that the production of the necessary equipment and its installation in vehicles can be organised during the remainder of the period.

Organisation of weekly rest period

The Council's position maintains the rule that a driver must, in two consecutive weeks, take at least two regular weekly rest periods, or one regular weekly rest period and one reduced weekly rest period of at least 24 hours.

However, some flexibility has been introduced for drivers engaged in international long-distance haulage. These drivers may, outside the Member State of establishment, take two consecutive reduced weekly rest periods, provided that they take at least two regular weekly rest periods in four consecutive weeks. In this case, after two consecutive reduced weekly rest periods have been taken, the next weekly rest period would be preceded by a rest period to compensate for the two reduced rest periods.

For the purposes of carrying out checks on rest periods on the road during a four-week period, the period for keeping the supporting documents on board the vehicle has been set at 56 days.

Prohibition of rest in the cabin

The Council's position confirms that the regular weekly rest periods (at least 45 hours) taken in compensation for previous reduced weekly rest periods shall not be taken in a vehicle. They shall be taken in suitable gender-friendly accommodation with adequate sleeping and sanitary facilities. Any costs for accommodation outside the vehicle shall be covered by the employer.

Regular return of the driver

The Council's position stipulates that the transport undertaking must organise the work of drivers in such a way that they are able to return regularly to their place of residence in order to take a long rest period. It reinforces this requirement in terms of documentation and monitoring and provides more details on the place to which the driver returns.

Drivers shall have the right to return home every three or four weeks, depending on their working hours. The Council text provides for drivers to return to the operational centre of the employer to which they are normally attached to start their weekly rest period, located in the Member State of establishment of their employer, or to their place of residence, on the understanding that they are free to choose where to spend their rest period, and that the employer is responsible for ensuring that this return can be carried out regularly.

Safe parking areas

While regular weekly rest period cannot be taken in the vehicle or in a parking area, the EU shall encourage the construction and use of safe and secure parking areas. The Commission shall develop standards and a certification procedure for such parking areas by means of delegated acts. It shall also set up a website to facilitate the search for such areas.

Driving time in exceptional circumstances

Drivers may, under strict conditions and subject to precautionary measures, exceed the daily and weekly driving time by a maximum of one hour, or by a maximum of two hours, provided that they have observed an uninterrupted break of 30 minutes immediately before the additional driving time in order to reach the employer's operational centre or place of residence. This derogation may only be used before the start of longer rest periods and full compensation is required.

In emergency cases, where Member States may grant a temporary derogation from the provisions governing driving times and rest periods, the Commission shall immediately publish this information on a public website.

Introduction of smart tachographs in vehicle fleets

With regard to the data recorded by smart tachographs, the Council's position provides that tachographs must be able to record the position of the vehicle each time it crosses the border of a Member State and each time the vehicle performs loading or unloading activities, and also indicate whether the vehicle has been used for the carriage of goods or passengers.

A second version of tachographs shall be introduced in three different stages for vehicles engaged in international transport. New trucks shall be equipped with this device in 2023; vehicles equipped with analogue or digital tachographs shall be brought into conformity by the end of 2024; and those equipped with the first version of smart tachographs in 2025.