Road transport: harmonisation of social legislation, driving times, breaks and rest periods for drivers

2001/0241(COD) - 15/03/2006 - Final act

PURPOSE : to harmonise certain social legislation relating to road transport.

LEGISLATIVE ACT : Regulation 561/2006/EC of the European Parliament and of the Council on the harmonisation of certain social legislation relating to road transport and amending Council Regulations 3821/85/EEC and 2135/98/EC and repealing Council Regulation 3820/85/EEC.

CONTENT : the aim of the regulation on driving times, breaks and rest periods, which will abrogate and replace Regulation 3820/85/EC is to update, clarify and simplify the EU legislation for drivers engaged in the carriage of goods and passengers by road. It also aims to promote improved monitoring and enforcement practices by Member States and improved working practices in the road transport industry.

The salient issues of this Regulation are as follows:

Digital tachographs: as from May 2006, all new vehicles will have to be fitted with digital tachographs and drivers should be in possession of driver cards which records the drivers' driving and rest times;

Limited duration of driving times: the daily driving time shall not exceed 9 hours. However, the daily driving time may be extended to at most 10 hours not more than twice during the week. The weekly driving time shall not exceed 56 hours. The total accumulated driving time during any two consecutive weeks shall not exceed 90 hours;

Rest periods: after a driving period of four and a half hours a driver shall take an uninterrupted break of not less than 45 minutes, unless he takes a rest period. This break may be replaced by a break of at least 15 minutes followed by a break of at least 30 minutes each distributed over the period. Moreover,

any time spent travelling to a location to take charge of a vehicle falling within the scope of this Regulation, or to return from that location, when the vehicle is neither at the driver's home nor at the employer's operational centre where the driver is normally based, shall not be counted as a rest or break unless the driver is on a ferry or train and has access to a bunk or couchette;

Daily and weekly rest periods: a driver shall take daily and weekly rest periods. Within each period of 24 hours after the end of the previous daily rest period or weekly rest period a driver shall have taken a new daily rest period. If the portion of the daily rest period which falls within that 24 hour period is at least nine hours but less than 11 hours, then the daily rest period in question shall be regarded as a reduced daily rest period. A daily rest period may be extended to make a regular weekly rest period or a reduced weekly rest period. A driver may have at most three reduced daily rest periods between any two weekly rest periods. Within 30 hours of the end of a daily or weekly rest period, a driver engaged in multi-manning must have taken a new daily rest period of at least nine hours. In any two consecutive weeks a driver shall 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, the reduction shall be compensated by an equivalent period of rest taken en bloc before the end of the third week following the week in question;

A weekly rest period shall start no later than at the end of six 24-hour periods from the end of the previous weekly rest period. Any rest taken as compensation for a reduced weekly rest period shall be attached to another rest period of at least nine hours. Where a driver chooses to do this, daily rest periods and reduced weekly rest periods away from base may be taken in a vehicle, as long as it has suitable sleeping facilities for each driver and the vehicle is stationary. Where a driver accompanies a vehicle which is transported by ferry or train, and takes a regular daily rest period, that period may be interrupted not more than twice by other activities not exceeding one hour in total. Any time spent by a driver driving a vehicle which falls outside the scope of this Regulation to or from a vehicle which falls within the scope of this Regulation, which is not at the driver's home or at the employer's operational centre where the driver is normally based, shall count as other work.

Interpretation policy and uniform application of the Regulation: through a standing committee, Member State enforcement authorities should strive to reach a common understanding of the implementation of this Regulation. The Commission shall support dialogue between Member States concerning national interpretation and application of this Regulation through the Committee.

Control procedures and sanctions: a Member State shall enable the competent authorities to impose a penalty on an undertaking and/or a driver for an infringement of this Regulation detected on its territory and for which a penalty has not already been imposed, even where that infringement has been committed on the territory of another Member State or of a third country. The Member States should lay down rules on penalties applicable to infringements of this Regulation and ensure that they are implemented. To address cases where a Member State considers that there has been an infringement of this Regulation which is of a kind that is clearly liable to endanger road safety, it shall empower the relevant competent authority to proceed with immobilisation of the vehicle concerned until such time as the cause of the infringement has been rectified. Member States may compel the driver to take a daily rest period. Member States shall, where appropriate also withdraw, suspend or restrict an undertaking's licence, if the undertaking is established in that Member State, or withdraw, suspend or restrict a driver's driving licence.

Liability of transport undertakings: a transport undertaking shall not give drivers it employs or who are put at its disposal any payment, even in the form of a bonus or wage supplement, related to distances travelled and/or the amount of goods carried if that payment is of such a kind as to endanger road safety and/or encourages infringement of this Regulation. A transport undertaking shall be liable for infringements committed by drivers of the undertaking, even if the infringement was committed on the territory of another Member State or a third country.

ENTRY INTO FORCE: 11.04.2007, with the exception of Article 10, paragraph 5, Article 26, paragraphs 3 and 4 and Article 27, which will enter into force on the 01.05.2006.