Regulation (EC) No 561/2006 of the European Parliament and of the Council

of 15 March 2006

on the harmonisation of certain social legislation relating to road transport and amending Council Regulations (EEC) No 3821/85 and (EC) No 2135/98 and repealing Council Regulation (EEC) No 3820/85

(Text with EEA relevance)

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(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 71 thereof,

Having regard to the proposal from the Commission,

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

After consulting the Committee of the Regions,

Acting in accordance with the procedure laid down in Article 251 of the Treaty, in the light of the joint text approved by the Conciliation Committee on 8 December 2005,

Whereas:

(1) In the field of road transport, Council Regulation (EEC) No 3820/85 of 20 December 1985 on the harmonisation of certain social legislation relating to road transport sought to harmonise the conditions of competition between modes of inland transport, especially with regard to the road transport sector, and to improve working conditions and road safety. Progress in these areas should be safeguarded and extended.

(2) Directive 2002/15/EC of the European Parliament and of the Council of 11 March 2002 on the organisation of the working time of persons performing mobile road transport activities requires Member States to adopt measures which limit the maximum weekly working time of mobile workers.

(3) Difficulties have been experienced in interpreting, applying, enforcing and monitoring certain provisions of Regulation (EEC) No 3820/85 relating to driving time, break and rest period rules for drivers engaged in national and international road transport within the Community in a uniform manner in all Member States, because of the broad terms in which they are drafted.

(4) Effective and uniform enforcement of those provisions is desirable if their objectives are to be achieved and the application of the rules is not to be brought into disrepute. Therefore, a clearer and simpler set of rules is needed, which will be more easily understood, interpreted and applied by the road transport industry and the enforcement authorities.

(5) Measures provided for in this Regulation regarding working conditions should not prejudice the right of the two sides of industry to lay down, by collective bargaining or otherwise, provisions more favourable to workers.

(6) It is desirable to define clearly the scope of this Regulation by specifying the main categories of vehicle which it covers.

(7) This Regulation should apply to carriage by road undertaken either exclusively within the Community or between the Community, Switzerland and the countries party to the Agreement on the European Economic Area.

(8) The European Agreement concerning the Work of Crews of Vehicles engaged in International Road Transport of 1 July 1970 (the AETR), as amended, should continue to apply to the carriage by road of goods and passengers by vehicles registered in any Member State or any country which is a contracting party to the AETR, for the whole of the journey where that journey is between the Community and a third country other than Switzerland and the countries which are contracting parties to the Agreement on the European Economic Area or through such a country. It is essential to modify the AETR as soon as possible, ideally within two years of the entry into force of this Regulation, in order to align its provisions with this Regulation.

(9) In the case of carriage by road using vehicles registered in a third country which is not a contracting party to the AETR, the provisions of the AETR should apply to that part of the journey effected within the Community or within countries which are contracting parties to the AETR.

(10) Since the subject matter of the AETR falls within the scope of this Regulation, the power to negotiate and conclude the Agreement lies with the Community.

(11) If an amendment to the internal Community rules in the field in question necessitates a corresponding amendment to the AETR, Member States should act together to bring about such an amendment to the AETR as soon as possible, in accordance with the procedure laid down therein.

(12) The list of exemptions should be updated to reflect developments in the road transport sector over the past 19 years.

(13) Full definitions of all key terms should be given in order to render interpretation easier and ensure that this Regulation is applied in a uniform manner. In addition, efforts should be made to ensure uniform interpretation and application of this Regulation by national supervisory authorities. The definition of ‘week’ provided in this Regulation should not prevent drivers from starting their working week on any day of the week.

(14) To guarantee effective enforcement, it is essential that the competent authorities, when carrying out roadside checks, and after a transitional period, 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 28 days.

(15) The basic rules on driving times need to be clarified and simplified to allow effective and uniform enforcement by means of the digital tachograph, as provided for in Council Regulation (EEC) No 3821/85 of 20 December 1985 on recording equipment in road transport and this Regulation. In addition, through a standing committee, Member State enforcement authorities should strive to reach a common understanding of the implementation of this Regulation.

(16) It has proved possible under the rules of Regulation (EEC) No 3820/85 to schedule daily driving periods and breaks to enable a driver to drive for too long without a full break, leading to reduced road safety and a deterioration in the driver's working conditions. It is therefore appropriate to ensure that split breaks are so ordered as to prevent abuse.

(17) This Regulation aims to improve social conditions for employees who are covered by it, as well as to improve general road safety. It does so mainly by means of the provisions pertaining to maximum driving times per day, per week and per period of two consecutive weeks, the provision which obliges drivers to take a regular weekly rest period at least once per two consecutive weeks and the provisions which prescribe that under no circumstances should a daily rest period be less than an uninterrupted period of nine hours. Since those provisions guarantee adequate rest, and also taking into account experience with enforcement practices during the past years, a system of compensation for reduced daily rest periods is no longer necessary.

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

(19) In view of the increase in the cross-border carriage of goods and passengers, it is desirable, in the interests of road safety and enhanced enforcement, for roadside checks and checks at the premises of undertakings to cover driving times, rest periods and breaks undertaken within other Member States or third countries and to determine whether the relevant rules have been fully and properly observed.

(20) The liability of transport undertakings should extend at least to transport undertakings that are legal or natural persons, and should not exclude proceedings against natural persons who are perpetrators, or instigators of, or accessories to, infringements of this Regulation.

(21) It is necessary for drivers working for several transport undertakings to supply each of them with adequate information to enable it to fulfil its responsibilities under this Regulation.

(22) In order to promote social progress and improve road safety, each Member State should retain the right to adopt certain appropriate measures.

(23) National derogations should reflect changes in the road transport sector and be restricted to those elements not now subject to competitive pressures.

(24) The Member States should lay down rules for vehicles used for the carriage of passengers on regular services where the route covered does not exceed 50 km. Those rules should provide adequate protection in terms of permitted driving times and mandatory breaks and rest periods.

(25) It is desirable, in the interests of effective enforcement, that all regular national and international passenger transport services be checked using a standard recording device.

(26) The Member States should lay down rules on penalties applicable to infringements of this Regulation and ensure that they are implemented. Those penalties must be effective, proportionate, dissuasive and non-discriminatory. The possibility of immobilising the vehicle where serious infringements are detected should also be included within the common range of measures open to Member States. The provisions contained in this Regulation pertaining to penalties or proceedings should not affect national rules concerning the burden of proof.

(27) It is desirable in the interests of clear and effective enforcement to ensure uniform provisions on the liability of transport undertakings and drivers for infringements of this Regulation. This liability may result in penal, civil or administrative penalties as may be the case in the Member States.

(28) Since the objective of this Regulation, namely the establishment of clear, common rules on driving times, breaks and rest periods cannot be sufficiently achieved by the Member States and can therefore, by reason of the need for coordinated action, be better achieved at Community level, the Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.

(29) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission.

(30) Since provisions concerning the minimum ages of drivers have been laid down in Directive 2003/59/EC and must be transposed by 2009, only transitional provisions concerning the minimum age of crews are required in this Regulation.

(31) Regulation (EEC) No 3821/85 should be amended to clarify specific obligations on transport undertakings and drivers as well as to promote legal certainty and to facilitate enforcement of driving time and rest period limits during roadside checks.

(32) Regulation (EEC) No 3821/85 should also be amended to ensure legal certainty as regards the new dates for the introduction of the digital tachograph and for the availability of driver cards.

(33) The introduction of recording equipment pursuant to Regulation (EC) No 2135/98, enabling the activities of a driver over a 28-day period to be recorded electronically on his driver card and electronic records of vehicle operations to cover a 365-day period, will in future make for more rapid and comprehensive roadside checks.

(34) Under Directive 88/599/EEC roadside checks are confined to daily driving time, daily rest periods, and breaks. When digital recording equipment is introduced driver and vehicle data will be stored electronically and data will be able to be evaluated electronically on the spot. This should, over time, enable simple checks to be carried out on regular and reduced daily rest periods and on regular and reduced weekly rest periods and compensatory rest.

(35) Experience indicates that compliance with the provisions of this Regulation, in particular the specified maximum driving time over a two-week period, cannot be enforced unless proper and effective supervision is brought to bear in roadside checks in relation to the whole of that period.

(36) The application of the legal provisions regarding digital tachographs should be in line with this Regulation in order to achieve optimal effectiveness in monitoring and enforcing certain social provisions in road transport.

(37) For reasons of clarity and rationalisation, Regulation (EEC) No 3820/85 should be repealed and replaced by this Regulation,

HAVE ADOPTED THIS REGULATION:

CHAPTER I

INTRODUCTORY PROVISIONS

Article 1

1. This Regulation lays down the rules on driving time, breaks and rest periods for drivers referred to in point (b) of Article 280 of the TGEU undertaking journeys referred to in Articles 276 and 277 of the TGEU.

2. Where a driver undertakes a journey referred to in Articles 276 or 277 of the TGEU, the rules in this Section apply to any road transport operation undertaken by that driver.

3. This Regulation applies-

(a) where the maximum permissible mass of the vehicle, including any trailer, or semitrailer, exceeds 3.5 tonnes; or

(b) from 1 July 2026, where the maximum permissible mass of the vehicle, including any trailer, or semi-trailer, exceeds 2.5 tonnes.

4. This Regulation does not apply to transport by-

(a) vehicles or combinations of vehicles with a maximum permissible mass not exceeding 7.5 tonnes used for-

  (i) carrying materials, equipment or machinery for the driver's use in the course of the driver's work; or

  (ii) for delivering goods which are produced on a craft basis, only within a 100 km radius from the base of the undertaking and on the condition that driving the vehicle does not constitute the

driver's main activity and transport is not carried out for hire or reward;

(b) vehicles with a maximum authorised speed not exceeding 40 km/h;

(c) vehicles owned or hired without a driver by the armed services, civil defence services, fire services, and forces responsible for maintaining public order when the transport is undertaken as a consequence of the tasks assigned to those services and is under their control;

(d) vehicles used in emergencies or rescue operations;

(e) specialised vehicles used for medical purposes;

(f) specialised breakdown vehicles operating within a 100 km radius of their base;

(g) vehicles undergoing road tests for technical development, repair or maintenance purposes, and new or rebuilt vehicles which have not yet been put into service;

(h) vehicles with a maximum permissible mass, including any trailer, or semi-trailer exceeding 2.5 tonnes but not exceeding 3.5 tonnes that are used for the transport of goods, where the transport is not effected for hire or reward, but on the own account of the company or the driver, and where driving does not constitute the main activity of the person driving the vehicle; or

(i) commercial vehicles, which have a historic status according to the legislation of the Member State in which they are being driven and which are used for the non-commercial transport of goods.

Article 2

1. This Regulation shall apply to the carriage by road:

(a)
of goods where the maximum permissible mass of the vehicle, including any trailer, or semi-trailer, exceeds 3,5 tonnes,

(aa) from 1 July 2026 , of goods in international transport operations or in cabotage operations, where the maximum permissible mass of the vehicle, including any trailer, or semi-trailer, exceeds 2,5 tonnes, or

(b)
of passengers by vehicles which are constructed or permanently adapted for carrying more than nine persons including the driver, and are intended for that purpose.

2. This Regulation shall apply, irrespective of the country of registration of the vehicle, to carriage by road undertaken exclusively within Gibraltar.

3. The AETR shall apply, instead of this Regulation, to international road transport operations undertaken wholly or partly outside Gibraltar, to:

(a) vehicles registered in Gibraltar or in countries which are contracting parties to the AETR, for the whole journey;

(b) vehicles registered in a third country which is not a contracting party to the AETR, only for the part of the journey on the territory of Gibraltar or of countries which are contracting parties to the AETR.

3A. For vehicles-

(a) put into service for the first time before 1 May 2006, an analogue tachograph shall be used;

(b) for vehicles put into service for the first time between 1 May 2006 and 30 September 2011, the first version of the digital tachograph must be used;

(c) put into service for the first time between 1 October 2011 and 30 September 2012, the second version of the digital tachograph must be used;

(d) for vehicles put into service for the first time between 1 October 2012 and 14 June 2019, the third version of the digital tachograph shall be used;

(e) for vehicles registered for the first time from 15 June 2019 and until two years after the entry into force of the detailed specifications referred to in Article 2(2)(h) of Section 4 of Part B of Annex 27, a smart tachograph 1 must be used; and

(f) for vehicles registered for the first time more than two years after the entry into force of the detailed specifications referred to in Article 2(2)(h) of Section 4 of Part B of Annex 27, a smart tachograph 2 shall be used.

3B. Each Party may exempt from the application of paragraph 3A. the vehicles mentioned in Article 8(3) of Section 2 of Part B of Annex 27.

3C. Each Party may exempt from the application of paragraph 3A. vehicles used for transport operations which have been granted an exemption in accordance with Article 8(4) of Section 2 of Part B of Annex 27.

3D. Each Party shall immediately notify each other when applying paragraph 3B or 3C.

3E. No later than three years from the end of the year of entry into force of the detailed technical specifications of the smart tachograph 2, vehicles mentioned in point (a) of paragraph 1 which are equipped with an analogue tachograph or a digital tachograph shall be fitted with a smart tachograph 2 when operating on the territory of a Party other than the one where they are registered.

3F. No later than four years after the entry into force of the detailed technical specifications of the smart tachograph 2, vehicles mentioned in point (a) of paragraph 1 equipped with a smart tachograph 1, shall be equipped with a smart tachograph 2 when operating on the territory of a Party other than the one where they are registered.

3G. From 1 July 2026, vehicles mentioned in point (b) of paragraph 1 shall be equipped with a smart tachograph 2 when operating on the territory of a Party other than the one where they are registered.

3H. Nothing in this Article shall affect the application on the Union territory of the Union rules on recording equipment in road transport to Union road transport operators.

3I. Each Party shall ensure that the processing of personal data in the context of this Section is carried out solely for the purpose of verifying compliance with this Article.

3J. Each Party shall, in particular, ensure that personal data are protected against uses other than the one strictly referred to in paragraph 1 in relation to:

(a) the use of a global navigation satellite system (GNSS) for the recording of location data as referred to in the technical specification for smart tachograph 1 and smart tachograph 2;

(b) the electronic exchange of information on driver cards as referred to in Article 13 of Section 2 of Appendix 27-C-1-1 of Annex 27, and in particular any cross-border exchanges of such data with third parties; and

(c) the keeping of records by road transport operators as referred to in Article 15 Section 2 of Appendix 27-C-1-1 of Annex 27.

3K. Digital tachographs shall be designed in such a way as to ensure privacy, and only data necessary for the purposes referred to in paragraph 1 shall be processed.

3L. Owners of vehicles, road transport operators and any other entity concerned shall comply with the relevant provisions on the protection of personal data.

Article 3

This Regulation shall not apply to carriage by road by:

(a) vehicles used for the carriage of passengers on regular services where the route covered by the service in question does not exceed 50 kilometres;

(aa) vehicles or combinations of vehicles with a maximum permissible mass not exceeding 7,5 tonnes used for:

(i) carrying materials, equipment or machinery for the driver's use in the course of the driver's work; or

(ii) for delivering goods which are produced on a craft basis,

only within a 100 km radius from the base of the undertaking and on the condition that driving the vehicle does not constitute the driver's main activity and transport is not carried out for hire or reward;

(b) vehicles with a maximum authorised speed not exceeding 40 kilometres per hour;

(c) vehicles owned or hired without a driver by the armed services, civil defence services, fire services, and forces responsible for maintaining public order when the carriage is undertaken as a consequence of the tasks assigned to these services and is under their control;

(d) vehicles, including vehicles used in the non-commercial transport of humanitarian aid, used in emergencies or rescue operations;

(e) specialised vehicles used for medical purposes;

(f) specialised breakdown vehicles operating within a 100 km radius of their base;

(g) vehicles undergoing road tests for technical development, repair or maintenance purposes, and new or rebuilt vehicles which have not yet been put into service;

(h) vehicles or combinations of vehicles with a maximum permissible mass not exceeding 7,5 tonnes used for the non-commercial carriage of goods;

(ha) vehicles with a maximum permissible mass, including any trailer, or semi-trailer exceeding 2,5 tonnes but not exceeding 3,5 tonnes that are used for the transport of goods, where the transport is not effected for hire or reward, but on the own account of the company or the driver, and where driving does not constitute the main activity of the person driving the vehicle;

(i) commercial vehicles, which are used for the non-commercial carriage of passengers or goods and which have a historic status according to Schedule 3, paragraph 3, to the Transport Act 1998.

Article 4

For the purposes of this Regulation the following definitions shall apply:

(a) ‘carriage by road’ means any journey made entirely or in part on roads open to the public by a vehicle, whether laden or not, used for the carriage of passengers or goods;

(b) ‘vehicle’ means a motor vehicle, tractor, trailer or semi-trailer or a combination of these vehicles, defined as follows:

- ‘motor vehicle’: any self-propelled vehicle travelling on the road, other than a vehicle permanently running on rails, and normally used for carrying passengers or goods,

- ‘tractor’: any self-propelled vehicle travelling on the road, other than a vehicle permanently running on rails, and specially designed to pull, push or move trailers, semi-trailers, implements or machines,

- ‘trailer’: any vehicle designed to be coupled to a motor vehicle or tractor,

- ‘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;

(c) ‘driver’ means any person who drives the vehicle even for a short period, or who is carried in a vehicle as part of his duties to be available for driving if necessary;

(d) ‘break’ means any period during which a driver may not carry out any driving or any other work and which is used exclusively for recuperation;

(e) ‘other work’ means all activities which are defined as working time in point (a) of Article 2(1) of Section 3 of Part B of Annex 27;

(f) ‘rest’ means any uninterrupted period during which a driver may freely dispose of his time;

(g) ‘daily rest period’ means the daily period during which a driver may freely dispose of his time and covers a ‘regular daily rest period’ and a ‘reduced daily rest period’:

- ‘regular daily rest period’ means any period of rest of at least 11 hours. Alternatively, this regular daily rest period may be taken in two periods, the first of which must be an uninterrupted period of at least 3 hours and the second an uninterrupted period of at least nine hours,

- ‘reduced daily rest period’ means any period of rest of at least nine hours but less than 11 hours;

(h) ‘weekly rest period’ means the weekly period during which a driver may freely dispose of his time and covers a ‘regular weekly rest period’ and a ‘reduced weekly rest period’:

- ‘regular weekly rest period’ means any period of rest of at least 45 hours,

- ‘reduced weekly rest period’ means any period of rest of less than 45 hours, which may, subject to the conditions laid down in Article 8(6), be shortened to a minimum of 24 consecutive hours;

(i)

‘a week’ means the period of time between 00.00 on Monday and 24.00 on Sunday;

(j) ‘driving time’ means the duration of driving activity recorded:

- automatically or semi-automatically by the recording equipment as defined in Article 2(2)(a) of Regulation (EU) No 165/2014, or

- manually as required by Article 37(2) of Regulation (EU) No 165/2014;

(k) ‘daily driving time’ means the total accumulated driving time between the end of one daily rest period and the beginning of the following daily rest period or between a daily rest period and a weekly rest period;

(l) ‘weekly driving time’ means the total accumulated driving time during a week;

(m) ‘maximum permissible mass’ means the maximum authorised operating mass of a vehicle when fully laden;

(n) ‘regular passenger services’ means national and international services which provide for the carriage of passengers at specified intervals along specified routes, passengers being picked up and set down at predetermined stopping points;

(o) ‘multi-manning’ means the situation where, during each period of driving between any two consecutive daily rest periods, or between a daily rest period and a weekly rest period, there are at least two drivers in the vehicle to do the driving. For the first hour of multi-manning the presence of another driver or drivers is optional but for the remainder of the period it is compulsory;

(p) ‘transport undertaking’ means any natural person, any legal person, any association or group of persons without legal personality, whether profit-making or not, or any official body, whether having its own legal personality or being dependent upon an authority having such a personality, which engages in carriage by road, whether for hire or reward or for own account;

(q) ‘driving period’ means the accumulated driving time from when a driver commences driving following a rest period or a break until he takes a rest period or a break. The driving period may be continuous or broken;

(r) ‘ non-commercial carriage ’ means any carriage by road, other than carriage for hire or reward or on own account, for which no direct or indirect remuneration is received and which does not directly or indirectly generate any income for the driver of the vehicle or for others, and which is not linked to professional or commercial activity.

CHAPTER II

CREWS, DRIVING TIMES, BREAKS AND REST PERIODS

Article 5.

1. The minimum age for conductors shall be 18 years.

2. The minimum age for drivers' mates shall be 18 years. However, each Party and, in the case of the Union, a Member State may reduce the minimum age for drivers' mates to 16 years, provided that the reduction is for the purposes of vocational training and there is compliance with the limits imposed by Gibraltar, for the Union, the Member State's national rules on employment matters.

Article 6

1. The daily driving time shall not exceed nine hours.

However, the daily driving time may be extended to at most 10 hours not more than twice during the week.

2. The weekly driving time shall not exceed 56 hours and shall not result in the maximum weekly working time of 60 hours being exceeded.

3. The total accumulated driving time during any two consecutive weeks shall not exceed 90 hours.

4. Daily and weekly driving times shall include all driving time whether in Gibraltar or outside Gibraltar.

5. A driver shall record as other work any time spent as described in point (e) of Article 4 as well as any time spent driving a vehicle used for commercial operations that do not fall within the scope of this Regulation, and shall record any periods of availability, as defined in point (b) of Article 3 of Directive 2002/15/EC, in accordance with point (b)(iii) of Article 34(5) of Regulation (EU) No 165/2014 of the European Parliament and of the Council . This record shall be entered either manually on a record sheet or printout or by use of manual input facilities on recording equipment.

6. In paragraph 5, “periods of availability” is to be read in accordance with the meaning attributed to it by regulation 2 of the Road Transport (Working Time) Regulations 2005.

Article 7

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 in such a way as to comply with the provisions of the first paragraph.

A driver engaged in multi-manning may take a break of 45 minutes in a vehicle driven by another driver provided that the driver taking the break is not involved in assisting the driver driving the vehicle.

Article 8

1. A driver shall take daily and weekly rest periods.

2. 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.

3. A daily rest period may be extended to make a regular weekly rest period or a reduced weekly rest period.

4. A driver may have at most three reduced daily rest periods between any two weekly rest periods.

5. By way of derogation from paragraph 2, 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.

6. In any two consecutive weeks a driver shall take at least:

(a) *Deleted*

(b) one regular weekly rest period and one reduced weekly rest period of at least 24 hours; or

(c) two regular weekly rest periods.

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.

By way of derogation from subparagraphs (b) and (c), a driver engaged in international transport of goods may, outside the Member State of establishment or outside the territory of the Party of the road transport operator,, take two consecutive reduced weekly rest periods provided that the driver in any four consecutive weeks takes at least four weekly rest periods, of which at least two shall be regular weekly rest periods.

For the purpose of this paragraph, a driver shall be considered to be engaged in international transport where the driver starts the two consecutive reduced weekly rest periods outside the Member State of the employer's establishment and the country of the drivers' place of residence, or the territory of the Party of the road transport operator and driver's place of residence.

6a. By way of derogation from paragraph 6, a driver engaged in a single occasional service of international carriage of passengers, as defined in Regulation (EC) No 1073/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international market for coach and bus services , may postpone the weekly rest period for up to 12 consecutive 24-hour periods following a previous regular weekly rest period, provided that:

(a) the service lasts at least 24 consecutive hours in a Member State or a third country to which this Regulation applies other than the one in which the service started;

(b) the driver takes after the use of the derogation:

  (i) either two regular weekly rest periods; or

  (ii) 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 end of the derogation period;

(c) after 1 January 2014 , the vehicle is equipped with recording equipment in accordance with the requirements of Annex IB to Regulation (EEC) No 3821/85; and

(d) after 1 January 2014 , if driving during the period from 22,00 to 06,00, the vehicle is multi-manned or the driving period referred to in Article 7 is reduced to three hours.

The Commission shall monitor closely the use made of this derogation in order to ensure the preservation of road safety under very strict conditions, in particular by checking that the total accumulated driving time during the period covered by the derogation is not excessive. By 4 December 2012 , the Commission shall draw up a report assessing the consequences of the derogation in respect of road safety as well as social aspects. If it deems it appropriate, the Commission shall propose amendments to this Regulation in this respect.

6b. Any reduction in weekly rest period shall be compensated by an equivalent period of rest taken *en bloc* before the end of the third week following the week in question.

Where two reduced weekly rest periods have been taken consecutively in accordance with the third subparagraph of paragraph 6, the next weekly rest period shall be preceded by a rest period taken as compensation for those two reduced weekly rest periods.

7. Any rest taken as compensation for a reduced weekly rest period shall be attached to another rest period of at least nine hours.

8. The regular weekly rest periods and any weekly rest period of more than 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.

8a. Transport undertakings shall organise the work of drivers in such a way that the drivers are able to return to the employer's operational centre where the driver is normally based and where the driver's weekly rest period begins, in Gibraltar or in the Member State of the employer's establishment, or to return to the drivers' place of residence, within each period of four consecutive weeks, in order to spend at least one regular weekly rest period or a weekly rest period of more than 45 hours taken in compensation for reduced weekly rest period.

However, where the driver has taken two consecutive reduced weekly rest periods in accordance with paragraph 6, the transport undertaking shall organise the work of the driver in such a way that the driver is able to return before the start of the regular weekly rest period of more than 45 hours taken in compensation.

The undertaking shall document how it fulfils that obligation and shall keep the documentation at its premises in order to present it at the request of control authorities.

9. A weekly rest period that falls in two weeks may be counted in either week, but not in both.

10. No later than 21 August 2022 , the Commission shall evaluate and report to Parliament and to the Council on whether more appropriate rules for drivers engaged in occasional services of carriage of passengers, as defined in point 4 of Article 2 of Regulation (EC) No 1073/2009 can be adopted.

Article 8a

1. The Commission shall ensure that information about safe and secure parking areas is easily accessible to drivers engaged in the carriage of goods and passengers by road. The Commission shall publish a list of all parking areas that have been certified, in order to provide drivers with adequate:

- intrusion detection and prevention,
- lighting and visibility,
- emergency contact points and procedures,
- gender-friendly sanitary facilities,
- food and beverage purchasing options,
- communications connections,
- power supply.

The list of such parking areas shall be made available on a single official website that is regularly updated.

2. The Commission shall adopt delegated acts in accordance with Article 23a to establish standards providing further detail concerning the level of service and security with regard to the areas listed in paragraph 1 and concerning the procedures for the certification of parking areas.

3. All parking areas that have been certified may indicate that they are certified in accordance with Union standards and procedures.

In accordance with point (c) of Article 39(2) of Regulation (EU) No 1315/2013 of the European Parliament and the Council , Member States are to encourage the creation of parking space for commercial road users.

4. By 31 December 2024 , the Commission shall present a report to the European Parliament and to the Council on the availability of suitable rest facilities for drivers and of secured parking facilities, as well as on the development of safe and secure parking areas certified in accordance with the delegated acts referred to in paragraph 2. That report may list measures to increase the number and quality of safe and secure parking areas.

Article 9

1. By way of derogation from Article 8, where a driver accompanies a vehicle which is transported by ferry or train and takes a regular daily rest period or a reduced weekly rest period, that period may be interrupted not more than twice by other activities not exceeding one hour in total. During that regular daily rest or reduced weekly rest period the driver shall have access to a sleeper cabin, bunk or couchette at their disposal.

With regard to regular weekly rest periods, that derogation shall only apply to ferry or train journeys where:

(a) the journey is scheduled for 8 hours or more; and

(b) the driver has access to a sleeper cabin in the ferry or on the train.

2. 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 sleeper cabin, bunk or couchette.

3. 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.

Article 9a

By 31 December 2025 , the Commission shall draw up and submit to the European Parliament and to the Council a report evaluating the use of autonomous driving systems in the Member States. That report shall focus in particular on the potential impact of those systems on rules on driving and rest times. That report shall be accompanied, if appropriate, by a legislative proposal to amend this Regulation.

CHAPTER III

LIABILITY OF TRANSPORT UNDERTAKINGS

Article 10

1. A road transport operator 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, the speed of delivery 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.

2. A road transport operator of a Party shall organise road transport operations and properly instruct crew members so that they are able to comply with the provisions of this Article.

2A. A road transport operator of a Party shall be liable for infringements committed by drivers of the operator, even if the infringement was committed on the territory of the other Party. Without prejudice to the right of the Parties, to hold road transport operators fully liable, the Parties may make this liability conditional to the operator's infringement of paragraphs 1 and 2. The Parties may consider any evidence that the road transport operator cannot reasonably be held responsible for the infringement committed.

3. *Deleted*.

4. Undertakings, consignors, freight forwarders, tour operators, principal contractors, subcontractors and driver employment agencies shall ensure that contractually agreed transport time schedules respect this Regulation.

5. A road transport operator which uses vehicles that are fitted with recording equipment complying with Annex IB of Regulation (EU) No 165/2014 and that fall within the scope of this Regulation, shall:

(a) (i) ensure that all data are downloaded from the vehicle unit and driver card in accordance with sections 66H and 66I of the Transport Act 1998 as is stipulated by the Member State and that relevant data are downloaded more frequently so as to ensure that all data concerning activities undertaken by or for that undertaking are downloaded;

(ii) ensure that all data downloaded from both the vehicle unit and driver card are kept for at least 12 months following recording and, should an inspecting officer request it, such data are accessible, either directly or remotely, from the premises of the undertaking;

(b) for the purposes of this paragraph 'downloaded' means copied, together with the digital signature, from a part, or from a complete set, of data files recorded in the data memory of the vehicle unit or in the memory of a tachograph card, provided that this process does not alter or delete any stored data;

(c) *Deleted*.

6. A road transport operator which uses vehicles that are fitted with "digital tachographs", "smart tachographs 1" and "smart tachographs 2", and that fall within the scope of this Article shall-

(a) ensure that all data are downloaded from the vehicle unit and driver card as regularly as is stipulated by the Party and that relevant data are downloaded more frequently so as to ensure that all data concerning activities undertaken by or for that road transport operator are downloaded; and

(b) ensure that all data downloaded from both the vehicle unit and driver card are kept for at least 12 months following recording and, should an inspecting officer request it, such data are accessible either directly or remotely, from the premises of the road transport operator, and

for the purposes of this paragraph "downloaded" shall be interpreted in accordance with the definition in point (g) of Article 2 (2) of Section 2 Part C of Annex 27.

(7) The maximum period within which the relevant data shall be downloaded under paragraph 6(a) shall be 90 days for data from the vehicle unit and 28 days for data from the driver card.

CHAPTER IV

EXCEPTIONS

Article 11

Articles 6 to 9 are subject to-

(a) Schedule 3, paragraph 2, to the Transport Act 1998;

(b) any provision made under Article 14(1) or (2).

Article 12

Provided that road safety is not thereby jeopardised and to enable the vehicle to reach a suitable stopping place, the driver may depart from Articles 6 to 9 to the extent necessary to ensure the safety of persons, of the vehicle or its load. The driver shall indicate the reason for such departure manually on the record sheet of the recording equipment or on a printout from the recording equipment or in the duty roster, at the latest on arrival at the suitable stopping place.

Provided that road safety is not thereby jeopardised, in exceptional circumstances, the driver may also depart from Article 6(1) and (2) and Article 8(2) by exceeding the daily and weekly driving time by up to one hour in order to reach the employer's operational centre or the driver's place of residence to take a weekly rest period.

Under the same conditions, the driver may exceed the daily and weekly driving time by up to two hours, provided that an uninterrupted break of 30 minutes was taken immediately prior to the additional driving in order to reach the employer's operational centre or the driver's place of residence for taking a regular weekly rest period.

The driver shall indicate the reason for such departure manually on the record sheet of the recording equipment, or on a printout from the recording equipment or in the duty roster, at the latest on arrival at the destination or the suitable stopping place.

Any period of extension shall be compensated by an equivalent period of rest taken *en bloc* with any rest period, by the end of the third week following the week in question.

Provided that road safety is not thereby jeopardised, each Party and, in the case of the Union, a Member State may grant exceptions from Articles 5 to 9 and make such exceptions subject to individual conditions on its own territory or, with the agreement of the other Party, on the territory of the other Party, applicable to transport by the following:

(a) vehicles owned or hired, without a driver, by public authorities to undertake transport by road which do not compete with private road transport operators;

(b) vehicles used or hired, without a driver, by agricultural, horticultural, forestry, farming or fishery undertakings for carrying goods as part of their own entrepreneurial activity within a radius of up to 100 km from the base of the undertaking;

(c) agricultural tractors and forestry tractors used for agricultural or forestry activities, within a radius of up to 100 km from the base of the undertaking which owns, hires or leases the vehicle;

(d) vehicles or combinations of vehicles with a maximum permissible mass not exceeding 7.5 tonnes used by universal service providers to deliver items as part of the universal service. Those vehicles shall be

used only within a 100 km radius from the base of the undertaking, and on condition that driving the vehicles does not constitute the driver's main activity;

(e) vehicles operating exclusively on islands not exceeding 2 300 square kilometres in area which are not linked to the rest of the national territory by a bridge, ford or tunnel open for use by motor vehicles;

(f) vehicles used for the transport of goods within a 100 km radius from the base of the undertaking and propelled by means of natural or liquefied gas or electricity, the maximum permissible mass of which, including the mass of a trailer or semi -trailer, does not exceed 7.5 tonnes;

(g) vehicles used in connection with sewerage, flood protection, water, gas and electricity maintenance services, road maintenance and control, door -to-door household refuse collection and disposal, telegraph and telephone services, radio and television broadcasting, and the detection of radio or television transmitters or receivers;

(h) specialised vehicles transporting circus and funfair equipment;

(i) specially fitted mobile project vehicles, the primary purpose of which is use as an educational facility when stationary;

(j) vehicles used for milk collection from farms and/or for the return to farms of milk containers or milk products intended for animal feed;

(k) specialised vehicles transporting money and/or valuables;

(l) vehicles used for carrying animal waste or carcasses which are not intended for human consumption;

(m) vehicles used exclusively on roads inside hub facilities such as ports, interports and railway terminals;

(n) vehicles used for the transport of live animals from farms to local markets and vice versa or from markets to local slaughterhouses within a radius of up to 100 km;

(o) vehicles or combinations of vehicles carrying construction machinery for a construction undertaking, up to a radius of 100 km from the base of the undertaking, provided that driving the vehicles does not constitute the driver's main activity; and

(p) vehicles used for the delivery of ready -mixed concrete.

Provided that working conditions of drivers and road safety are not thereby jeopardised and that the limits set out in Article 3 of Section 3 of Part B of Annex 27 are complied with, a Party, and in the case of the Union, a Member State, may grant temporary exceptions from the application of Articles 5 to 9 of this Regulation to transport operations carried out in exceptional circumstances, in accordance with the procedure applicable in the Party.

The temporary exceptions shall be duly reasoned and notified immediately to the other Party. The Specialised Committee on Economy and Trade shall specify the modalities of that notification. Each Party shall immediately publish that information on a public website and shall ensure that its enforcement activities take into account an exception granted by the other Party.

Article 13

Deleted

Article 14

1. Provided that the objectives set out in Article 1 are not prejudiced, the appropriate authority may by regulations, grant exceptions from the application of Articles 6 to 9 to transport operations carried out in exceptional circumstances.

2. In an urgent case the appropriate authority may grant a temporary exception by publishing a notice specifying:

(a) the transport operations and circumstances to which the exception relates, and

(b) the period for which the exception has effect, which may not exceed 30 days.

3. In this Article “the appropriate authority” means the Minister with responsibility for Transport. .

Article 15

Deleted

CHAPTER V

CONTROL PROCEDURES AND SANCTIONS

Article 16

Deleted

Article 17

Deleted

Article 18

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Article 19

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Article 20

1. The driver shall keep any documentation provided by an enforcement officer or a court concerning penalties imposed or the initiation of proceedings until such time as the same infringement of this Regulation can no longer lead to a second proceeding or penalty by virtue of this Regulation read with Part IVA of the

Transport Act 1998.

2. The driver shall produce the evidence referred to in paragraph 1 upon request.

3. A driver who is employed or at the disposal of more than one transport undertaking shall provide sufficient information to each undertaking to enable it to comply with Chapter II.

4. In this Article "enforcement officer" means:

(a) police officer;
(b) transport inspector;
(c) an officer of the Transport Commission;
(d) an inspector appointed under section 10 of the Shop Hours Act; or
(e) a person authorised as an "officer" under Part IVA of the Transport Act 1998.

Article 21

Deleted

Article 22

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Article 23

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Article 23a

Deleted

Article 24

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Article 25

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CHAPTER 5A

SUPPLEMENTARY

Article 25A

1. The Minister may make Regulations under this Regulation for the purpose of making consequential, supplementary, incidental, transitional or savings provisions.

2. Regulations made under paragraph 1 may make different provision for different purposes.

CHAPTER VI

FINAL PROVISIONS

Article 26

Regulation (EEC) No 3821/85 is hereby amended as follows:

1. Article 2 shall be replaced by the following:

   ‘Article 2

   For the purpose of this Regulation the definitions set out in Article 4 of Regulation (EC) No 561/2006 of the European Parliament and of the Council of 15 March 2006 on the harmonisation of certain social legislation relating to road transport and amending Council Regulations (EEC) No 3821/85 and (EC) No 2135/98 shall apply.’,

2. Article 3(1), (2) and (3) shall be replaced as follows:

   ‘1. Recording equipment shall be installed and used in vehicles registered in a Member State which are used for the carriage of passengers or goods by road, except the vehicles referred to in Article 3 of Regulation (EC) No 561/2006. Vehicles referred to in Article 16(1) of Regulation (EC) No 561/2006 and vehicles, which were exempt from the scope of application of Regulation (EEC) No 3820/85, but which are no longer exempt under Regulation (EC) No 561/2006 shall have until 31 December 2007 to comply with this requirement.

   2. Member States may exempt vehicles mentioned in Articles 13(1) and (3) of Regulation (EC) No 561/2006 from application of this Regulation.

   3. Member States may, after authorisation by the Commission, exempt from application of this Regulation vehicles used for the transport operations referred to in Article 14 of Regulation (EC) No 561/2006.’;

3. Article 14(2) shall be replaced as follows:

   ‘2. The undertaking shall keep record sheets and printouts, whenever printouts have been made to comply with Article 15(1), in chronological order and in a legible form for at least a year after their use and shall give copies to the drivers concerned who request them. The undertaking shall also give copies of downloaded data from the driver cards to the drivers concerned who request them and the printed papers of these copies. The record sheets, printouts and downloaded data shall be produced or handed over at the request of any authorised inspecting officer.’;

4. Article 15 shall be amended as follows:

- in paragraph 1, the following subparagraph shall be added:

  ‘Where a driver card is damaged, malfunctions, or is not in the possession of the driver, the driver shall:

  (a) at the start of his journey, print out the details of the vehicle the driver is driving, and shall enter onto that printout:

  (i)details that enable the driver to be identified (name, driver card or driver's licence number), including his signature;

  (ii)the periods referred to in paragraph 3, second indent (b), (c) and (d);

  (b) at the end of his journey, print out the information relating to periods of time recorded by the recording equipment, record any periods of other work, availability and rest undertaken since the printout that was made at the start of the journey, where not recorded by the tachograph, and mark on that document details that enable the driver to be identified (name, driver card or driver's licence number), including the driver's signature.’,

- paragraph 2, second subparagraph shall be replaced by the following:

  ‘When as a result of being away from the vehicle, a driver is unable to use the equipment fitted to the vehicle, the periods of time referred to in paragraph 3, second indent (b), (c) and (d) shall:

  (a) if the vehicle is fitted with recording equipment in conformity with Annex I, be entered on the record sheet, either manually, by automatic recording or other means, legibly and without dirtying the sheet; or

  (b) if the vehicle is fitted with recording equipment in conformity with Annex IB, be entered onto the driver card using the manual entry facility provided in the recording equipment.

  Where there is more than one driver on board the vehicle fitted with recording equipment in conformity with Annex IB, each driver shall ensure that his driver card is inserted into the correct slot in the tachograph.’,

- paragraph 3(b) and (c) shall be replaced by the following:

  ‘(b) “other work” means any activity other than driving, as defined in Article 3(a) of Directive 2002/15/EC of the European Parliament and of the Council of 11 March 2002 on the organisation of the working time of persons performing mobile road transport activities, and also any work for the same or another employer within or outside of the transport sector, and must be recorded under this sign ;

  (c) “availability” defined in Article 3(b) of Directive 2002/15/EC must be recorded under this sign. ’,

- paragraph 4 shall be deleted,

- paragraph 7 shall be replaced by the following:

  Where the driver drives a vehicle fitted with recording equipment in conformity with Annex I, the driver must be able to produce, whenever an inspecting officer so requests:

  (i) the record sheets for the current week and those used by the driver in the previous 15 days;

  (ii) the driver card if he holds one, and

  (iii) any manual record and printout made during the current week and the previous 15 days as required under this Regulation and Regulation (EC) No 561/2006.

  However, after 1 January 2008, the time periods referred to under (i) and (iii) shall cover the current day and the previous 28 days.

  (b) Where the driver drives a vehicle fitted with recording equipment in conformity with Annex IB, the driver must be able to produce, whenever an inspecting officer so requests:

  (i) the driver card of which he is holder;

  (ii) any manual record and printout made during the current week and the previous 15 days as required under this Regulation and Regulation (EC) No 561/2006, and

  (iii) the record sheets corresponding to the same period as the one referred to in the previous subparagraph during which he drove a vehicle fitted with recording equipment in conformity with Annex I.

  However, after 1 January 2008, the time periods referred to under (ii) shall cover the current day and the previous 28 days.

  (c) An authorised inspecting officer may check compliance with Regulation (EC) No 561/2006 by analysis of the record sheets, of the displayed or printed data which have been recorded by the recording equipment or by the driver card or, failing this, by analysis of any other supporting document that justifies non-compliance with a provision, such as those laid down in Article 16(2) and (3).'

Article 27

Regulation (EC) No 2135/98 is hereby amended as follows:

1. Article 2(1)(a) shall be replaced by the following:

From the 20th day following the day of publication of Regulation (EC) No 561/2006 of the European Parliament and of the Council of 15 March 2006 on the harmonisation of certain social legislation relating to road transport and amending Council Regulations (EEC) No 3821/85 and (EC) No 2135/98 vehicles put into service for the first time shall be fitted with recording equipment in accordance with the requirements of Annex IB to Regulation (EEC) No 3821/85.';

2. Article 2(2) shall be replaced by the following:

'2. Member States shall take the necessary measures to ensure that they are able to issue driver cards at the latest on the 20th day following the day of publication of Regulation (EC) No 561/2006.'

Article 28

Regulation (EEC) No 3820/85 is hereby repealed and replaced by this Regulation.

Notwithstanding, paragraphs 1, 2 and 4 of Article 5 of Regulation (EEC) No 3820/85 shall continue to apply until the dates set out in Article 15(1) of Directive 2003/59/EC.

Article 29

This Regulation shall enter into force on 11 April 2007, with the exception of Articles 10(5), 26(3) and (4) and 27, which shall enter into force on 1 May 2006.