



EUROPEAN COMMISSION

Brussels, 7.6.2011
C(2011) 3759 final

COMMISSION IMPLEMENTING DECISION

of 7.6.2011

**on the calculation of daily driving time in accordance with Regulation (EC) No 561/2006
of the European Parliament and of the Council**

(Text with EEA relevance)

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THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to 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 3820/85¹, and in particular Article 25(2) thereof,

Whereas:

- (1) Daily driving time is defined in point (k) of Article 4 of Regulation (EC) No 561/2006 as 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.
- (2) Daily rest period is defined in point (g) of Article 4 of Regulation (EC) No 561/2006 as the daily period during which a driver may freely dispose of his time and covering 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.
- (3) Article 8(2) of Regulation (EC) No 561/2006 provides that a 24 hour period, within which a driver shall have taken a new daily rest period, shall start after the end of the previous daily or weekly rest period.
- (4) The enforcement authorities of the Member States apply different rules for the calculation of the daily driving time when drivers have not taken the rest periods required by Regulation (EC) No 561/2006 in their entirety.
- (5) These differences lead to an uneven application of Regulation (EC) No 561/2006, as the non-respect of the provisions on rest periods may lead to a different number of infringements with a different level of seriousness according to Annex III to Directive

¹ OJ L 102, 11.4.2006, p.1.

2006/22/EC of the European Parliament and of the Council², depending on the Member State where the infringement is ascertained. The information on infringements which is exchanged between Member States is thereby also affected.

- (6) This is without prejudice to the fact that non-compliance with the provisions on the rest periods laid down in Regulation (EC) No 561/2006 should always be considered as an infringement of that Regulation.
- (7) It is desirable in the interests of clear, effective, proportionate and uniform enforcement of the provisions of Regulation (EC) No 561/2006 to ensure a harmonised interpretation of the rules and a coherence of approach between enforcement authorities of the Member States, and therefore to adopt a recommended approach on this issue.
- (8) This Decision is in accordance with the opinion of the Committee established under Article 18 (1) of Council Regulation (EEC) No 3821/85³,

HAS ADOPTED THIS DECISION:

Article 1

Without prejudice to Article 4 of Regulation (EC) No 561/2006, the recommended approach for the sole purpose of calculating the driving period when a driver has not taken rest periods in their entirety as required by Regulation (EC) No 561/2006 is the following: the calculation of the daily driving time shall end at the beginning of an uninterrupted rest period of at least seven hours. The calculation of the subsequent daily driving time shall consequently start at the end of this rest period of at least seven hours.

² OJ L 102, 11.4.2006, p. 35.

³ OJ L 370, 31.12.1985, p. 8.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 7.6.2011

For the Commission
Siim KALLAS
Vice-President

CERTIFIED COPY
For the Secretary - General

Jordi AYET PUIGARNAU
Director of the Registry