



Trace 2

Efficient and harmonised enforcement of Mobility Package 1

REPAIRED BY: CORTE, ETF, IRU and SQUARIS Consultants



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**FOR THE
EUROPEAN COMMISSION**

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TRACE 2 Enforcement Guidance Document on Regulation (EC) No 561/2006 – Driving and Resting Times



Contents

- 1. Purpose and Scope 2
- 2. Drivers' Hours Rules..... 4
 - 2.1 Introduction** 4
 - 2.1.1 AETR Treaty** 5
 - 2.1.2 Trade and cooperation agreement (TCA)**..... 5
 - 2.1.3 Penalties and Prohibitions** 5
 - 2.1.4 Roadside Checks**..... 6
 - 2.1.5 Engagement with Drivers** 6
 - 2.1.5.1 Communication..... 6
 - 2.1.5.2 Production of information/evidence..... 6
 - 2.1.5.3 Attitude 7
 - 2.1.6 Document Structure** 8
 - 2.2 Regulation (EC) 561/2006** 8
 - 2.2.1 Article 1** 8
 - 2.2.1.1 Text 8
 - 2.2.1.2 Infringements 8
 - 2.2.1.3 Roadside Check 8
 - 2.2.2 Article 2** 8
 - 2.2.2.1 Article. 2.1**..... 8
 - 2.2.2.1.1 Text..... 8
 - 2.2.2.1.2 Infringements..... 9
 - 2.2.2.1.3 Roadside Check 9
 - 2.2.2.2 Art. 2.2**..... 11
 - 2.2.2.2.1 Text..... 11
 - 2.2.2.2.2 Infringements..... 11
 - 2.2.2.2.3 Roadside Check 11
 - 2.2.2.3 Art. 2.3**..... 12
 - 2.2.2.3.1 Text..... 12
 - 2.2.2.3.2 Infringements..... 13
 - 2.2.2.3.3 Roadside Check 13
 - 2.2.3 Article 3** 19
 - 2.2.3.1 Text 19
 - 2.2.3.2 Infringements 20
 - 2.2.3.3 Roadside Check 20
 - 2.2.4 Article 4** 25
 - 2.2.4.1 Text 25
 - 2.2.4.2 Infringements 26
 - 2.2.4.3 Roadside Check 26
 - 2.2.5 Article 5** 29
 - 2.2.5.1 Text 29
 - 2.2.5.2 Infringements 29
 - 2.2.5.3 Roadside Check 29
 - 2.2.6 Article 6** 30
 - 2.2.6.1 Text 30
 - 2.2.6.2 Infringements 30
 - 2.2.6.3 Roadside Check 30
 - 2.2.7 Article 7** 35
 - 2.2.7.1 Text 35









2.2.7.2	Infringements	35
2.2.7.3	Roadside Check	36
2.2.8	Article 8	39
2.2.8.1	Text	39
2.2.8.2	Infringements	41
2.2.8.3	Roadside Check	42
2.2.8.4	'12 Day rule'	55
2.2.8.5	Emergency interruptions of rest periods	55
2.2.9	Article 9	55
2.2.9.1	Text	55
2.2.9.2	Infringements	56
2.2.9.3	Roadside Check	57
2.2.10	Article 10	60
2.2.10.1	Text	60
2.2.10.2	Infringements	61
2.2.10.3	Roadside Control	61
2.2.11	Article 11	61
2.2.11.1	Text	61
2.2.11.2	Infringements	62
2.2.11.3	Roadside Check	62
2.2.12	Article 12	62
2.2.12.1	Text	62
2.2.12.2	Infringements	62
2.2.12.3	Conditions for departure from Articles 6 to 9 to reach a suitable stopping place: 63	
2.2.12.4	Conditions for departure from Article 6(1) and (2) and Article 8(2) to reach operational centre or place of residence:	63
2.2.12.5	Roadside Check	63
2.2.13	Article 13	66
2.2.13.1	Text	66
2.2.13.2	Infringements	67
2.2.13.3	Roadside Check	68
2.2.14	Article 14	68
2.2.14.1	Text	68
2.2.14.2	Infringements	68
2.2.14.3	Roadside Check	69
2.2.15	Article 15	69
2.2.15.1	Text	69
2.2.15.2	Infringements	69
2.2.15.3	Roadside Check	69
2.2.16	Article 16	70
2.2.16.1	Text	70
2.2.17	Article 17	70
2.2.18	Article 18	70
2.2.19	Article 19	70
2.2.19.1	Text	70
2.2.19.2	Infringements	71
2.2.19.3	Roadside Check	71
2.2.20	Article 20	72
2.2.20.1	Text	72

2.2.20.2	Infringements	72
2.2.20.3	Roadside Check	72
2.2.21	Article 21	72
2.2.21.1	Text	72
2.2.21.2	Infringements	72
2.2.21.3	Roadside Check	73
Annex 1 –	European Commission Guidance Notes	74
Guidance Note 1	.....	74
Guidance Note 2	.....	75
Guidance Note 3	.....	75
Guidance Note 4	.....	76
Guidance Note 5	.....	76
Guidance Note 6	.....	77
Guidance Note 7	.....	78
Annex 2 –	European Commission Clarification Notes	81
Commission Clarification 1	.....	81
Commission Clarification 2	.....	81
Commission Clarification 3	.....	82
Commission Clarification 4	.....	82
Commission Clarification 5	.....	83
Commission Clarification 6	.....	83
Commission Clarification 7	.....	83
Annex 3 –	Synopsis of Regulation (EC) No 561/2006	85
Annex 4 –	EU Attestation of activities form.....	86
Annex 5 –	AETR Attestation of activities form.....	87
Annex 6 –	Roadside check form	88
Sources	.....	90

Abbreviations and acronyms

AETR	European agreement concerning the work of crews of vehicles engaged in international road transport
CORTE	Confederation of Organizations in Road Transport Enforcement
ECJ	European Court of Justice
ECR	Euro Contrôle Route
ETF	European Transport Workers' Federation
EU	European Union
IRU	International Road Transport Union
POA	Period of Availability
ROADPOL	European Roads Policing Network
TCA	EU-UK Trade and Cooperation Agreement
UK	United Kingdom

Guide for the Graphics

“JOURNEY”	The term “journey” in the examples below means a single road transport operation.
	<p>Map with colours indicating different countries and their specificities.</p> <ul style="list-style-type: none"> • Yellow for EU Member States, • Green for EEA countries, • Pink for AETR countries, • Blue for UK (TCA signatory), and • Red for special cases, such as Switzerland (signatory of AETR, not an EU Member State, but adheres to Regulation (EC) No 561/2006).
	Arrow indicating a journey governed by Reg. (EC) No 561/2006
	Arrow indicating a journey governed by AETR
	Arrow indicating a journey governed by TCA
	Arrow indicating a journey from a 3 rd country not falling under any of the categories mentioned above.
	Icon indicating the country where the transport undertaking is registered
	Icon indicating unloading during the same journey. In the event the arrows do not have this icon in between, it means that it is not the same journey, but a new one, and hence the applicable rules may change.
	Icon indicating where the roadside check occurs.

1. Purpose and Scope

The purpose of this document is to present a commonly agreed and simplified explanation of [Regulation \(EC\) No 561/2006](#)¹ within the context of roadside checks as specified by [Directive 2006/22/EC](#)² and adapted by [Mobility Package 1](#)³. Where necessary, it also makes a reference to other related regulations such as [Regulation \(EU\) No 165/2014](#)⁴, Annex IB to Council [Regulation \(EEC\) No 3821/85](#)⁵ and [Annex IC annexed to Commission Implementing Regulation \(EU\) 2016/799](#)⁶. However, implications of Mobility Package 1 changes to Regulation (EU) No 165/2014 are presented in a separate document.

The document also considers some interactions of Regulation (EC) No 561/2006 with [EU-UK Trade and Cooperation Agreement](#)⁷ and [AETR](#)⁸. Furthermore, implications of some of the recent court cases have been discussed and some aspects relevant for company checks have been included in the document.

This document is based on a previous action called “TRACE” that was funded by the European Commission to create a harmonised enforcement guidance related to driving/rest time laws applicable at the time. After the adoption of the Mobility Package 1 in 2020, a follow-up action TRACE 2 was funded by the European Commission to review and update the contents of documents developed under TRACE. TRACE 2 was prepared by the Confederation of Organizations in Road Transport Enforcement (CORTE) in collaboration with the International Road Transport Union (IRU), the European Transport Workers Federation (ETF) and Squaris Consultants. Other road transport enforcement organisations such as ROADPOL and Euro Control Route (ECR) also supported the initiative.

To develop TRACE 2, a working group was established consisting of experts in the enforcement field. Furthermore, the deliberations of this working group were routinely shared with the larger road transport community, including members of CORTE, IRU and ETF as well as with the European Commission and its expert groups. The aim of this exercise was to collect extensive feedback and generate consensus on a harmonised approach to the enforcement of relevant road transport legislation.

The working group considered all the feedback received and where possible incorporated it into the document. Although the document is not binding, it does reflect opinions that are widely shared and accepted in the road transport community.

The explanations provided in this document are based on existing uncontentious enforcement practices used by enforcers across the EU. Where consultations with enforcers indicated differences in practices, available notes, clarifications, Questions and Answers from the European Commission and European Court of Justice (ECJ) rulings were used as a basis to provide explanations.

¹ <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX:32006R0561>

² <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex%3A32006L0022>

³ https://transport.ec.europa.eu/transport-modes/road/mobility-package-i_en

⁴ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32014R0165>

⁵ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:31985R3821>

⁶ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02016R0799-20200226>

⁷ [EU-UK Trade and Cooperation Agreement](#)

⁸ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A21978A0408%2801%29>

The explanations contained in this document will be widely disseminated and will also be used for creating different training materials in the form of power point presentations, guide notes, info graphs, etc. The training materials will be used to train control officers (both new entrants as well as experienced enforcers) who have the ultimate responsibility for analysing and detecting infringements, regardless of any help provided to them by software and tools.

The content of this document is based on the most up-to-date information available at the time of implementing the project and any future value will depend on updates to the content to reflect court decisions, legal interpretations and amendments when they occur.

This guidance document is not legally binding. It is to be noted that only the Court of Justice of the European Union is competent to authoritatively interpret Union law.

2. Drivers' Hours Rules

2.1 Introduction

Drivers' hours and tachograph rules were introduced on a community-wide basis with the adoption of Council Regulation (EEC) 543/69⁹ on 25 March 1969. This Regulation introduced:

- Minimum age limits for drivers, drivers' mates and conductors
- Limits on continuous and daily driving time
- Minimum durations and other conditions in respect of breaks and daily and weekly rest periods
- The requirement to record activity and the promotion of the use of automated recording.

The Regulation aimed to improve the social conditions of those involved in the road transport industry, improve road safety and also address competition issues with transport by road, rail and inland waterways.

Regulation (EEC) 3820/85¹⁰ was adopted on 20 December 1985 and repealed Regulation (EEC) 543/69, being itself repealed by Regulation (EC) No 561/2006 on 11 April 2006. The last amendment to Regulation (EC) No 561/2006¹¹ was introduced by Regulation (EU) 2020/1054 of the European Parliament and of the Council of 15 July 2020.

As of today, only **Regulation (EC) No 561/2006**, as last amended by Regulation (EU) 2020/1054, is applicable. The repealed regulations indicated above do not apply.

Regulation (EC) No 561/2006 is complemented by Directive 2002/15/EC¹² on the organisation of the working time of persons performing mobile road transport activities, which contains rules that are also relevant for driving and rest times of drivers. In accordance with its article 2(1), this Directive applies to mobile workers employed by undertakings established in a Member State who participate in road transport activities covered by Regulation (EC) No 561/2006. There may be situations where rules regulating the working time of persons performing mobile road transport activities in one Member State differ from another. In such situations the specific national rules can be enforced on domestic drivers only by their national authorities.

It is also to be noted that Regulation (EU) No 165/2014¹³ sets the requirements on the installation and use of tachographs in vehicles within the scope of Regulation (EC) No 561/2006. Separate guidance was prepared on Regulation (EU) No 165/2014.

⁹ REGULATION (EEC) No 543/69 of the Council of 25th March 1969 on the harmonisation of certain social legislation relating to road transport.

¹⁰ COUNCIL REGULATION (EEC) No 3820/85 of 20th December 1985 on the harmonisation of certain social legislation relating to road transport.

¹¹ 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 (OJ L 102, 11.4.2006, p. 1).

¹¹ 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 (OJ L 80, 23.3.2002, p. 35).

¹² 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 (OJ L 80, 23.3.2002, p. 35).

¹³ Regulation (EU) No 165/2014 of the European Parliament and of the Council of 4 February 2014 on tachographs in road transport, repealing Council Regulation (EEC) No 3821/85 on recording equipment in road transport and amending Regulation (EC) No 561/2006 of the European Parliament and of the Council on the harmonisation of certain social legislation relating to road transport (OJ L 60, 28.2.2014, p. 1).

Note: Article 47 of Regulation (EU) No 165/2014 repeals Regulation (EEC) No 3821/85. However, Annex 1B of Regulation (EEC) No 3821/85 (providing technical requirements of Generation 1 of the Digital Tachograph) continues to apply as per Commission Implementing Regulation (EU) 2016/799.

Directive 2006/22/EC¹⁴ establishes minimum levels of roadside checks and controls at the premises of transport undertakings to verify compliance with the provisions of Regulation (EC) No 561/2006, Regulation (EU) No 165/2014 and Directive 2002/15/EC.

2.1.1 AETR Treaty

The AETR is the European Agreement Concerning the Work of Crews of Vehicles Engaged in International Road Transport (AETR). It is applicable for specific transport operations and journeys.

Depending on the nature of a vehicle/driver journey, AETR may or may not apply.

AETR and Regulation (EC) No 561/2006 were closely aligned on 26 September 2010. But AETR has not been updated after the introduction of Regulation (EU) No 165/2014 and of the Mobility Package 1. Therefore, there are now differences between the AETR rules and EU law.

For control officers it is thus important to correctly identify the nature of a vehicle/driver journey, by considering various factors, before deciding which legal instrument applies. Control officers will have to correctly identify the regulation and breach(es) when infringements are discovered, in order to satisfy legal requirements, otherwise challenges in courts to the charge could be successful, based on legal technicalities. This aspect has been explained further in the sections below.

2.1.2 Trade and cooperation agreement (TCA)

After Brexit, a trade and cooperation agreement (TCA) has been established between the EU and the UK. The agreement applies similar rules on driving and rest times as EU regulations for transport of goods between the EU and UK. However, passenger transport is not covered within the scope of TCA for driving and resting times. As a result, the AETR applies to regulate passenger transport.

2.1.3 Penalties and Prohibitions

The levels of the penalties applied in relation to infringements of these regulations falls within the competence of each country, provided that they are effective, proportionate to the gravity of the infringements, dissuasive and non-discriminatory. Prohibitions may be imposed by

¹⁴ Directive 2006/22/EC of the European Parliament and of the Council of 15 March 2006 on minimum conditions for the implementation of Regulations (EC) No 561/2006 and (EU) No 164/2014 and Directive 2002/15/EC as regards social legislation relating to road transport activities, and repealing Council Directive 88/599/EEC (OJ L 102, 11.4.2006, p. 35).

control officers as a result of the stated infringement, in line with Article 21 of Regulation (EC) No 561/2006. For example, drivers may be prohibited from continuing their journey or do other work until an ongoing infringement is corrected. It is up to the enforcers to evaluate the severity of the infringement to take action, in line with the applicable EU and national legislation.

2.1.4 Roadside Checks

Roadside checks are conducted to monitor compliance with Regulation (EC) No 561/2006, Regulation (EU) No 165/2014, Directive 2002/15/EC, AETR, TCA and other regulations.

Recital 9 of Directive 2006/22/EC requires that ‘roadside checks are executed efficiently and quickly, with a view to completing the check in the shortest time possible and with the least delay for the driver’.

Moreover, controls on bus and coach drivers should be carried out in a manner to minimize the inconvenience for passengers. When controls are conducted on vehicles carrying passengers, steps should be taken to ensure that adequate explanations are provided to passengers and arrangements are made to reduce their inconvenience.

Enforcement checks can be conducted at the roadside or at premises of undertakings. When determining the location of enforcement checks at the roadside, some consideration must be given to the welfare of the drivers affected by those checks. As an example, as prohibitions may be issued to drivers found to be non-compliant with driving and rest times, it would be recommended to conduct roadside checks in places near facilities where drivers can rest.

Also, control officers must be seen to be honest and impartial when exercising their duties. They should aim to treat others as they themselves would expect to be treated.

All these considerations are to be set against the stated objectives of Regulation (EC) No 561/2006.

2.1.5 Engagement with Drivers

2.1.5.1 Communication

Control officers will encounter many drivers from many different countries. Therefore, communication difficulties are inevitable.

It can be expected that any driver from any country, encountered in an enforcement check, will be aware that they are likely to be required to produce for inspection certain specific information.

However, control officers must do more than inspect and validate this information; they must interpret such information to verify compliance. Invariably this will require that some form of dialogue is conducted, and officers could for example make use of interpreter services and translated explanatory notes to aid understanding by both driver and control officer.

2.1.5.2 Production of information/evidence

To control compliance with driving and rest times, Article 36(3) of Regulation (EC) No 165/2014 applies. According to that provision, an authorised control officer may check compliance with Regulation (EC) No 561/2006 by analysing the record sheets, the displayed, printed or downloaded data which have been recorded by the tachograph or by the driver card or, failing that, of any other supporting document that justifies non-compliance with a provision.

However, for the assessment of whether Regulation (EC) No 561/2006 applies to the transport operation in question, control officers may get to the truth by examining other information that the driver may have in their possession, e.g., fuel receipts, ferry tickets, etc. However, officers should be aware of any limitation of the right to demand documents. Non-production of such items is not necessarily an indication that they are being suppressed to cover up infringements.

Some documents that may prove useful include:

Passport/ID, driving licence, tachograph records/data, driver card, print outs, Community Licence, vehicle technical papers, driver training certificate, insurance documents, authority to drive (if driver non-EU), proof of disposal of an historic infringement, CMR, passenger waybill and all paperwork associated with a hazardous load.

Enforcers should also be aware of the note published by the commission in March 2023¹⁵ which reiterates the list of documents that can be requested by the enforcers, especially for controlling regular weekly rest periods.

2.1.5.3 Attitude

In order for control officers to carry out their function of promoting road safety and fair competition by monitoring compliance with those regulations which are designed for that purpose, they should accept the driver's records as being a true version of events unless they find reasons to suspect otherwise. In that case, control officers should make all necessary enquiries to establish all facts and satisfy themselves of the authenticity of the records and compliance with the Regulations.

Officers should refrain from a presumption of guilt on the part of drivers or undertakings unless they detect evidence to the contrary, although they are entitled to take into account the outcomes of previous enforcement checks carried out on an undertaking's vehicles when targeting their control activities.

They should guard against adopting behaviour which would be seen by drivers as superior and condescending and which only builds barriers between the officer and the driver.

Exercising professional judgement when evaluating infringements, control officers should take into account mitigating circumstances and *force majeure* events arising from the pressures exerted upon commercial transport operations from many quarters, affecting regulatory compliance.

They should ensure their enquiries are carried out in a professional manner with objectivity and impartiality.

¹⁵ https://transport.ec.europa.eu/system/files/2023-03/2023_note_enforcement_practices_weekly_rest_periods.pdf

2.1.6 Document Structure

This document will consider each of the Articles of Regulation (EC) No 561/2006 as last amended by Regulation (EU) 2020/1054, and consider specifically their impact and influence on compliance checks carried out at the roadside by control officers. As a consequence of this approach, several articles, important as they are, are not considered in detail here as they are deemed to be of no significance within the stated context.

Similarly, certain Articles of Regulation (EU) No 165/2014 that are a pre-requisite to effective roadside controls are included in this consideration.

Where typical infringements are identified, reference is made to the classification of seriousness of infringements that is contained within Annex III to Directive 2006/22/EC.

2.2 Regulation (EC) 561/2006

2.2.1 Article 1

2.2.1.1 Text

The Regulation lays down rules on driving times, breaks and rest periods for drivers engaged in the carriage of goods and passengers by road in order to harmonise the conditions of competition between modes of inland transport, especially with regard to the road sector, and to improve working conditions and road safety. This regulation also aims to promote improved monitoring and enforcement practices by Member States and improved practices in the road transport industry. No changes MP I

2.2.1.2 Infringements

None

2.2.1.3 Roadside Check

There is no direct impact for consideration by control officers but serves as a useful reminder of the purpose of this Regulation.

2.2.2 Article 2

2.2.2.1 Article. 2.1

2.2.2.1.1 Text

This regulation shall apply to the carriage by road:
(a) of goods where the maximum permissible weight of the vehicle, including any trailer, or semi-trailer, exceeds 3,5 tonnes, or
(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 9 persons including the driver, and are intended for that purpose.

2.2.2.1.2 Infringements

None

2.2.2.1.3 Roadside Check

The Article defines the scope of the Regulation. It specifies in terms of weight and capacity those vehicles whose drivers are required to observe the requirements of the Regulation. This paragraph deals with the physical weight and capacity of in-scope vehicles.

It will be necessary for control officers to determine whether a vehicle being considered for compliance monitoring falls within this scope. The exemptions in Article 3 and the national derogations listed in Article 13 must be taken into account.

Article 3 specifies certain types of vehicles and certain types of carriages which are exempted from the scope of the Regulation.

Each Member State may grant exemptions from Articles 5-9, and make such exceptions subject to individual conditions on its own territory, for vehicles falling within the derogations in Article 13 used within the territory of that Member State (for further details see Article 13).

- Establish if the inspected vehicle is in scope of Regulation.

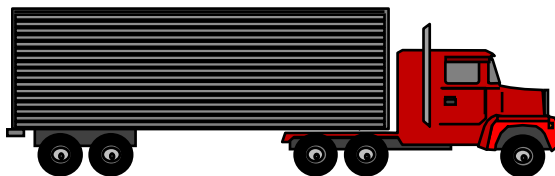


Figure above: Example of a vehicle weighing more than 3.5 tonnes.

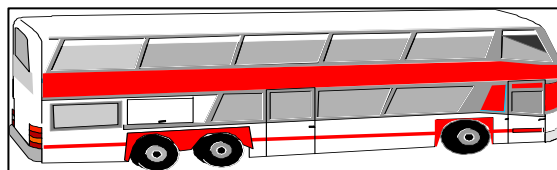


Figure above: Example of a vehicle that can carry more than 9 persons including the driver.



Figure above: Examples of light commercial vehicles above 2.5 tonnes but below 3.5 tonnes

- **Goods vehicles** – For most large goods vehicles a visual observation will be sufficient to establish whether they fall within the scope of the Regulation, but with smaller vehicles it will be necessary to examine technical papers carried by the driver and/or manufacturers data attached to the vehicle to establish its maximum permissible weight. In most cases, official documents, such as the Community licence, can also offer confirmation of the visual observation.
- **Passenger vehicles** – Count the number of passenger seats and refer to the technical papers of the vehicle.
- If the possibility of reduction of the number of seats is mentioned in the registration document of the vehicle, that only means that the seats can be uninstalled without technical inspection and updating the document, but the vehicle itself can still be considered as classified in the superior category (for example still in M2 category and not M1, even after the reduction of the number of seats, for example, from 12 to 9). Such vehicles will continue to remain in scope.



Figure above: Examples of vehicles not designed to carry goods or passengers.

Note: The vehicle must be designed to carry goods or passengers and normally used as such; hence a mobile crane or a pumping machine on its own (as shown above) cannot be used to carry goods and therefore immediately fall out of scope.

Outcomes –

In scope – in terms of vehicle construction – an inspection to establish compliance with the requirements of Regulation (EC) No 561/2006 may continue.

Out of scope – Discontinue or proceed with other inspections not related to Regulation (EC) No 561/2006.

Where a vehicle, such as defined by this article, is engaged in the carriage by road of goods or passengers, the journey is always in scope, unless an exemption or derogation as contained in

Articles 3 or 13 applies (Article 13 may exempt drivers, at national level, from the provisions of Articles 5-9 only).

A vehicle is, in principle, in scope if all the following conditions below are met:

1. As regards the transport of goods, it must be above weight limits defined in Article 2(1)(a) or (aa) – either by itself or in combination.
2. As regards the transport of passengers, it must be constructed or permanently adapted for carrying a number of persons greater than that defined in Article 2(1)(b).
3. Must be normally used for carrying goods/passengers – either by itself or in combination with another vehicle.
4. Exemption should not apply (as per Article 3 and Article 13).

Note: “Used for” carrying goods implies that the vehicles (either alone or in combination) should be designed to carry goods.

When a vehicle is combined with another (trailer, semi-trailer etc.) the combination is to be considered as one “vehicle” – as defined by Article 2(1)(a) and (aa) of Regulation (EC) No 561/2006.

2.2.2.2 Art. 2.2

2.2.2.2.1 Text

This regulation shall apply, irrespective of the country of registration of the vehicle, to carriage by road undertaken:

(a) exclusively within the Community; or

*(b) between the Community, Switzerland and the countries party to the Agreement on the European Economic Area. **No changes MP I***

2.2.2.2.2 Infringements

None

2.2.2.2.3 Roadside Check

The Article specifies which journey types fall under the Regulation and, as a consequence, which fall under AETR. It demands, therefore, that the exact nature of a journey undertaken by a vehicle is understood before a decision can be made as to which legal act is applicable to that journey or parts of that journey.

Note that these journeys are to be carried out **exclusively** within the areas mentioned.

- Establish home base of vehicle and journey details via on-board documentation or driver consultation.
- See Article 2(3) on whether the AETR applies.
- When considering weekly and two weekly driving limits where mixed journey types occur (i.e., weeks where both journeys falling under Regulation (EC) No 561/2006 and journeys falling under AETR occur), it is recommended to apply the rules governing the last journey. For example, if the last journey is AETR based, then the weekly times are also as per AETR;

if however, the last journey falls within the scope of Regulation (EC) No 561/2006, then this Regulation would apply.

- Where in-scope vehicles registered in a Member State or European Economic Area (EEA) countries are not on 'AETR journeys', then Regulation (EC) No 561/2006 applies.
- Any vehicle regardless of country of registration, which undertakes a journey which is wholly within the areas mentioned in Article 2(2) falls within the scope of Regulation (EC) No 561/2006.

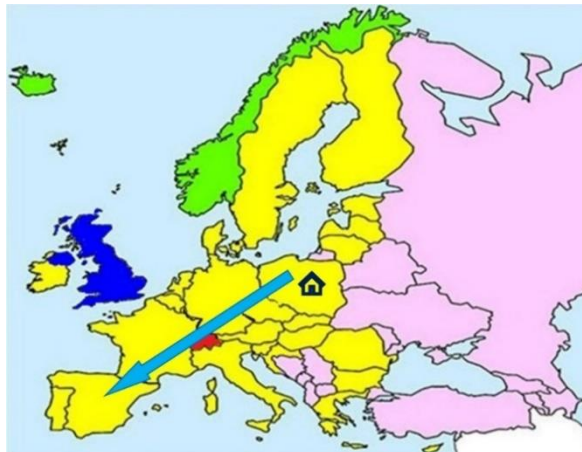
Outcomes –

In scope - an inspection to establish compliance with the requirements of Regulation (EC) No 561/2006 may continue.

Out of scope or exempt - Discontinue or proceed with inspections not related to Regulation (EC) No 561/2006.

Note: Close to full alignment of the AETR with Regulation (EC) No 561/2006 took place on 26 September 2010. Following this, after the adoption of Regulation (EU) No 165/2014 and of the Mobility Package 1, changes have been made in the EU, which have resulted in significant differences between the AETR and EU Regulations. 'AETR' country registered vehicles must comply with Regulation (EC) No 561/2006 when engaged in transports carried out wholly within the Union or between the Union, Switzerland and the EEA countries.

- Example 1:** Driving a Polish registered vehicle on a journey from Poland to Spain is within the scope of Regulation (EC) No 561/2006.



2.2.2.3 Art. 2.3

2.2.2.3.1 Text

The AETR shall apply, instead of this Regulation, to international road transport operations undertaken in part outside the areas mentioned in paragraph 2, to:

(a) vehicles registered in the Community 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 the Community or of countries which are contracting parties to the AETR.

The provisions of the AETR should be aligned with those of this Regulation, so that the main provisions in this Regulation apply, through the AETR, to such vehicles for any part of the journey made within the community. No changes MPI

2.2.2.3.2 Infringements

None

2.2.2.3.3 Roadside Check

The Article defines those journeys which fall under the AETR; thus, the exact nature of the journey being undertaken must be established.

- Establish starting point and journey details including transit points by examining on-board documentation and via driver consultation. The whole journey is to be considered, and not the splits caused by national borders or rest periods.
- Use the table below to establish which rules apply¹⁶:

Applicability of Rules

When Vehicle is stopped for check in EU		Journey				
		EU↔EU	EU↔ non-EU AETR	EU↔UK	EU↔3 rd Country (non-AETR)	UK↔ non-EU AETR
Country of Registration of the transport undertaking	EU					
	Non-EU AETR					
	UK					
	3 rd country (non-AETR)					

EU Regulations
AETR
TCA (only for goods transport)

The TCA does not cover the transport of passengers. Therefore, for passenger transport between the EU and the UK, the AETR applies.

For transport operated by EEA companies and Swiss companies to the EU and back, Regulation (EU) No 561/2006 applies. But if transport operated by these companies goes to/comes from/passes through the UK, the AETR applies.

Outcomes –









¹⁶ To be noted that the table does not reflect whether, in which conditions or under which legal bases the transport operations in question may be performed.

AETR applies — an inspection to establish compliance with the requirements of AETR may continue.

Out of scope of AETR rules — assess if journey falls into scope of Regulation (EC) No 561/2006 and if so, proceed checking compliance with Regulation (EC) No 561/2006.

Out of scope of both EC and AETR – Discontinue or proceed with inspections not related to Regulation (EC) No 561/2006.

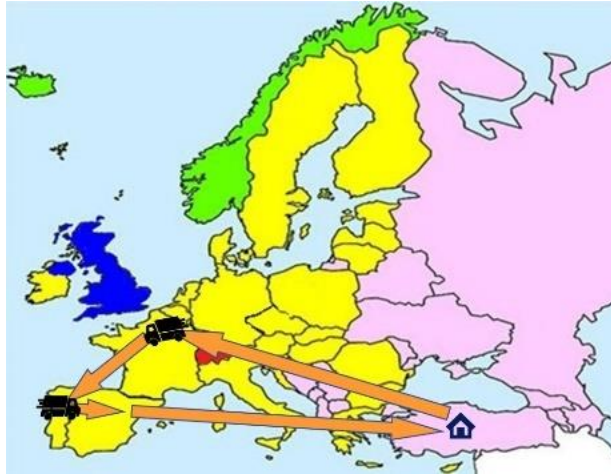
For the examples listed below, please use the following guide for the graphics used to explain applicable laws and journeys.

<p>“JOURNEY”</p>	<p>The term “Journey” in the examples below means a single road transport operation.</p>
	<p>Map with colours indicating different countries and their specificities.</p> <ul style="list-style-type: none"> • Yellow for EU Member States, • Green for EEA countries, • Pink for AETR countries, • Blue for UK (TCA signatory), and • Red for special cases, such as Switzerland (signatory of AETR, not an EU Member State, but adheres to Regulation (EC) No 561/2006).
	<p>Arrow indicating a journey governed by Reg. (EC) No 561/2006</p>
	<p>Arrow indicating a journey governed by AETR</p>
	<p>Arrow indicating a journey governed by TCA</p>
	<p>Arrow indicating a journey from a 3rd country not falling under any of the categories mentioned above.</p>
	<p>Icon indicating the country where the transport undertaking is registered</p>
	<p>Icon indicating unloading during the same journey. In the event the arrows do not have this icon in between, it means that it is not the same journey, but a new one and hence the applicable rules may change.</p>
	<p>Icon indicating where the roadside check occurs.</p>

ii. Example 2: A Turkish registered vehicle (single driver) on a multi-stop trip to the EU must observe AETR rules. In the journey¹⁷ depicted the vehicles starts in Turkey and unloads goods first in France, then in Portugal. This is a single journey where AETR rules apply.

The vehicle then loads new goods in Spain and heads back to Turkey. This is a separate journey, but AETR rules again apply to this new journey.

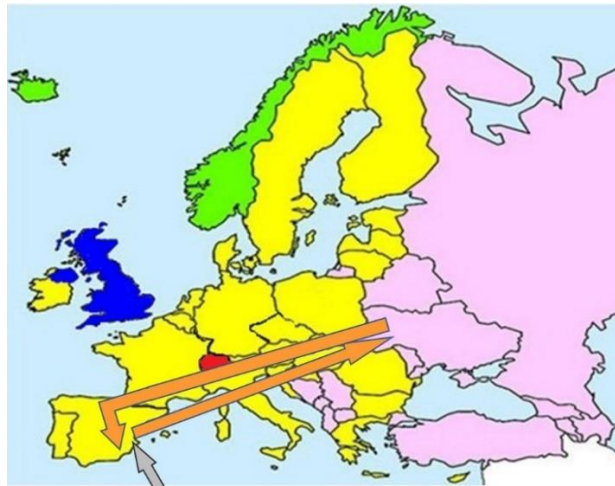
¹⁷ Journey ‘means’ a single road transport operation.

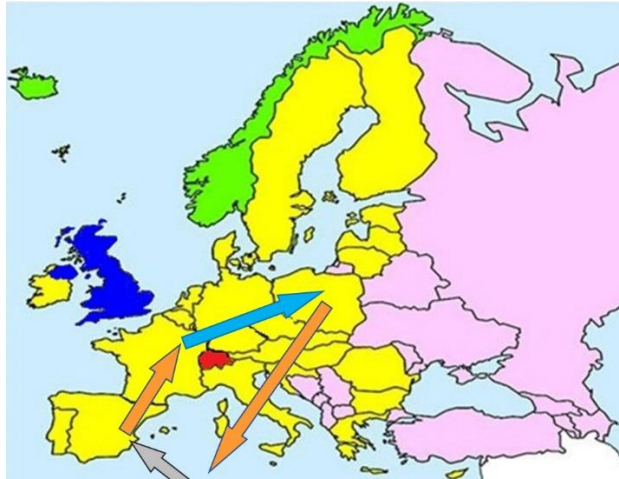


- iii. **Example 3:** A vehicle registered in a '3rd' (non-AETR) country must observe AETR rules for the part of its journey within EU and of countries which are contracting parties to the AETR. However, if a new journey is started within the EU, then Regulation (EC) No 561/2006 will apply.

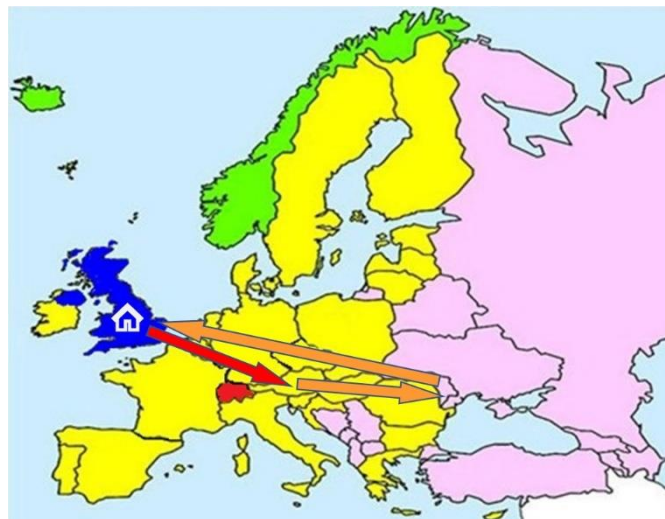
In the first figure below, a vehicle traveling from Morocco (a 3rd country) to Spain would observe AETR for the part of the journey in the EU territory.

In the second figure below, for a new journey from France to Poland, Regulation (EC) No 561/2006 will apply.

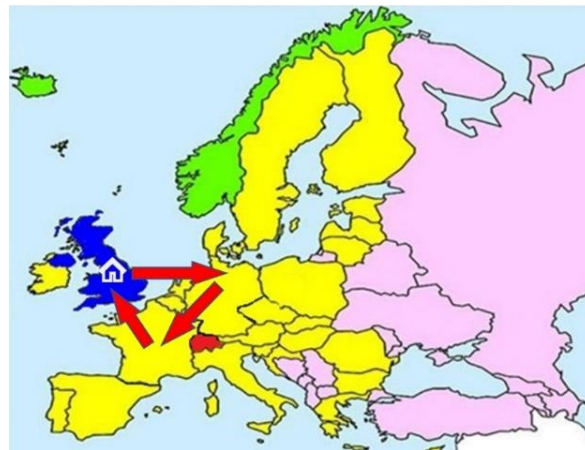
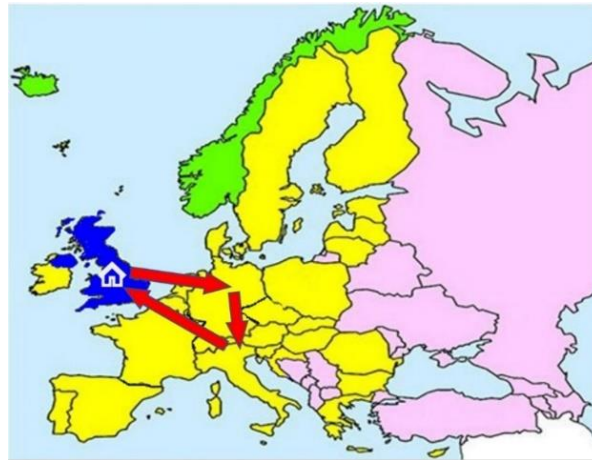




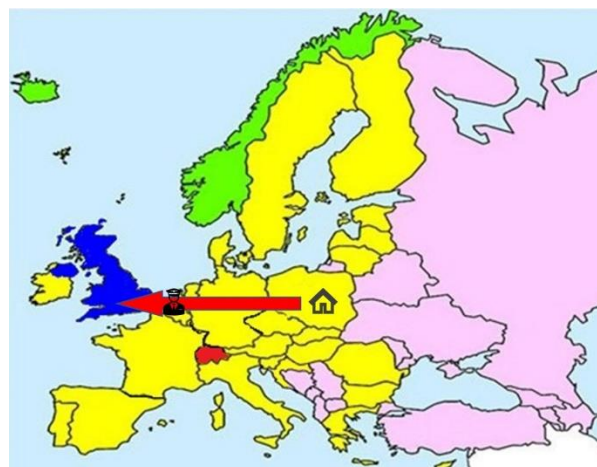
- iv. **Example 4:** If a UK registered truck (single driver) operates a journey to deliver goods to the Czech Republic – TCA rules will apply. If, however, it is then dispatched to Moldova on a separate journey – then AETR rules will apply. The same is also true for a journey from Moldova to UK via EU Member States.



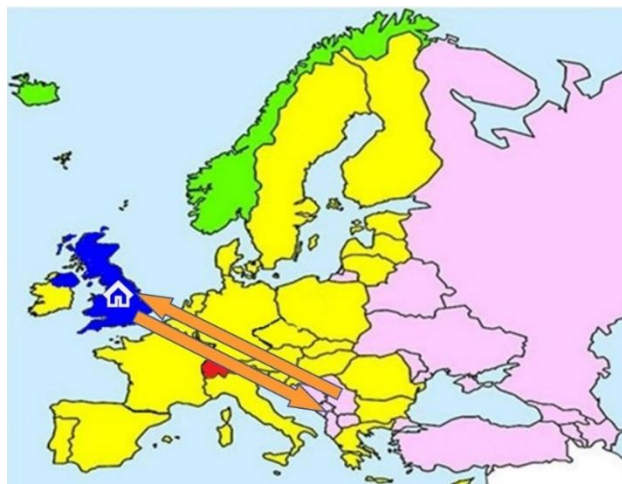
- v. **Example 5:** For a UK registered vehicle travelling between EU Member States (as shown below), the TCA applies, according to Annex 31, Part B, Section 2 (titled Driving Times, Breaks and Rest Periods), Article 1, paragraph 2 of TCA.



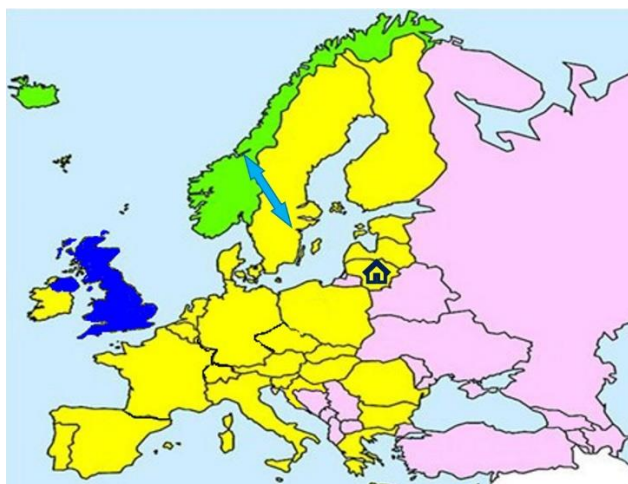
- vi. **Example 6:** For a Polish vehicle travelling from Poland to the UK and stopped in the Netherlands, the TCA applies, according to Annex 31, Part B, Section 2 (titled Driving Times, Breaks and Rest Periods), Article 1, paragraph 2 of TCA.



- vii. **Example 7:** For a UK registered truck going from UK to Turkey (and vice-versa) on a single journey, while transiting through EU Member States, AETR rules apply.



- viii. **Example 8:** A Lithuanian truck driving only between Sweden and Norway is in scope of Regulation (EC) No 561/2006.



In summary, control officers must establish whether any vehicle considered for a roadside check fall within the scope of a Regulation (EC) No 561/2006 inspection, taking into consideration the specified exemptions and national derogations which may apply.

At the same time, the nature of the journey being undertaken by the vehicle in question will determine which set of rules are applicable, i.e., Regulation (EC) No 561/2006, AETR or TCA.

The enforcers should also investigate the driver's journey and whether it differs from the vehicle journey. If there is a difference between vehicle and the driver's journeys, they should decide which rules to apply, depending on the particular circumstances.

The Commission Legal Service has indicated that although the wording of Article 2(3) might suggest that the journey carried out by the vehicle is the deciding factor when considering the applicable Regulation, Article 1 of Regulation (EC) No 561/2006 specifies that it is the driver's activity that is under consideration, so a journey is commenced when a specific driver joins a vehicle and is concluded when the driver concludes the journey in that vehicle. Thus, in this context, where reference is made to a journey, it should be taken as meaning a vehicle/driver journey.

For example, a vehicle is used to transport a load from Turkey via Serbia to France. A single driver used for the complete journey must comply with the AETR rules. A driver who drives the vehicle from Moldova to the Polish border must comply with AETR Rules. A second driver, who joins the vehicle at the Polish border and completes the journey, must comply with Regulation (EC) No 561/2006.

Use the following list to identify European and near European countries. The alphabetical codes in parentheses are those assigned to countries by European Commission Joint Research Centre (JRC) as per EU regulations. The colour of text indicates the colour used to signify countries in graphics and diagrams in this document.

EU Member States:

Austria (A), Belgium (B), Bulgaria (BG), Croatia (HR), Cyprus (CY), Czech Republic (CZ), Denmark (DK), Estonia (EST), Finland (FIN), France (F), Germany (D), Greece (GR), Hungary (H), Ireland (IRL), Italy (I), Latvia (LV), Lithuania (LT), Luxembourg (L), Malta (M), Netherlands (NL), Poland (PL), Portugal (P), Romania (RO), Slovakia (SK), Slovenia (SLO), Spain (E), Sweden (S).

EEA signatory:

EU Member States + Iceland (IS), Liechtenstein (FL) and Norway (N)

TCA signatory:

EU + United Kingdom (UK)

Special Cases:

Switzerland (CH) is a signatory of AETR and though not an EU Member State it adheres to Regulation (EC) No 561/2006

AETR signatory:

EU Member States + EEA signatories (except Iceland) + Switzerland (CH) + United Kingdom (UK) + Albania (AL), Andorra (AND), Armenia (ARM), Azerbaijan (AZ), Belarus (BY), Bosnia and Herzegovina (BIH), Georgia (GE), Kazakhstan (KZ), Kyrgyzstan¹⁸, North Macedonia (MK), Moldova (MD), Monaco (MC), Montenegro (MNE), Russia (RUS), San Marino (RSM), Serbia (SRB), Tajikistan (TJ), Türkiye (TR), Turkmenistan (TM), Ukraine (UA), Uzbekistan(UZ).

2.2.3 Article 3

2.2.3.1 Text

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 50Kms

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

¹⁸ The country code for Kyrgyzstan is not available on the JRC website.

(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 40kph

c) Vehicles owned or hired without a driver by the armed forces, 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 100km 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 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 carriage of passengers or goods.

2.2.3.2 Infringements

None

2.2.3.3 Roadside Check

After control officers have established that a vehicle falls in scope of an inspection under Regulation (EC) No 561/2006 (Article 2), they must also ascertain whether the type of vehicle and the nature of its operation does not exempt it from the requirements contained in Regulations (EC) No 561/2006 and Regulation (EU) No 165/2014. The following should assist in establishing the validity of any exemption provided under Article 3. All exceptions must be interpreted and applied strictly.

Note: The exemptions contained in this Article are accompanied by equivalent exemptions regarding the fitting of tachographs (and their use) as specified in Article 3(1) of Regulation (EU) No 165/2014.

a) Can be verified by referral to the service timetable and a map/route planner if these are in the driver's possession. Note that the exception refers to the actual "route" distance, and not, for example, to the radial distance.

In cases where this exemption applies, Member States must still *provide adequate protection in terms of permitted driving times and mandatory breaks and rest periods* (See Article 15 and Article 16(2) below).

aa) (i) This exemption cannot be applied to vehicles which are used simply for delivery of goods to a site where the driver does not use these goods in the course of their work.

This derogation relates more to tradesmen, such as plumbers or builders, or other professionals who carry their "materials, equipment or machinery". However, many, if not most of these vehicles will also carry their stock, which can only be regarded as goods. However, in case these are meant to be used for the work of the driver, the exception applies.

aa) (ii) "Craft goods" are the items produced on a small scale, such as hand-crafted items, made with or without the aid of tools, such as sewing, weaving, carving, glassblowing, furniture making, baking, pottery, etc. The person who produces these items can then use a vehicle to deliver the items, whether that is to an individual customer as part of the terms of the sale or to a place where they sell these items e.g., their own shop or craft fairs, markets, etc.

For the above exceptions, reference should be made to the judgment of the Court of Justice in Case C-13/21 – *Pricoforest SRL v Inspectoratul de Stat pentru Controlul în Transportul Rutier* which clarifies the concept of "100 km radius from the base of the undertaking" as referring to "a straight line not exceeding 100 km, drawn on the map from that base and joining the base to any point in a circular geographical area surrounding that same base".

b) The maximum authorised speed is either indicated on the vehicle or on the vehicle specific documents. This includes vehicles where such a restriction is by virtue of a set speed limiter.

c) Such exempted vehicles are commonly evident by their visual appearance.

In such cases seek confirmation from the driver that this is the case, and not a similarly operated private service.

In respect of hired or un-liveried vehicles, questioning of the driver as well as relevant documents regarding the purpose of the journey will indicate validity of the exemption. It may be necessary to verify with the employers/commanding officer on occasions where doubt exists.

This exemption **does not** apply to commercial operators contracted to those bodies mentioned in the text, which are not carrying out tasks assigned to these services or are under their control.

d) This aid supply must be in response to an emergency or rescue. Verify this by examining load documents and questioning the driver.

The concept of emergency may include:

- actions resulting from natural disasters (such as an earthquake) or when the life/health of people or animals are in danger.
- serious interruption of essential public services, such as telecommunication or postal services, of the use of roads, railways, ports or airports, or serious damage to property, particularly in the context of a humanitarian crisis or natural disaster.

The exemption applies for the duration of the emergency or rescue operation only. When the emergency or rescue operation is brought under control the exemption ceases to apply.

Major disruptions to the transport infrastructure such as exceptionally serious or unexpected meteorological conditions could also lead to such an emergency.

e) Vehicles such as ambulances, blood donor vehicles and body scanners must be equipped with specialised equipment that delivers some kind of medical treatment. Verify this by a physical inspection of the vehicle. Primary purpose of the journey must be for treatment, so a coach or bus fitted out to enable the transport of sick or disabled persons to Lourdes, for example, cannot be exempt from the Regulation by claiming that it is an ambulance.



Figure above: Vehicles used as Ambulance.

f) A specialised breakdown vehicle must be constructed or adapted to enable the recovery of a disabled vehicle (see the judgment of the Court of Justice in Case C-79/86 – *Hamilton v Whitelock*). The vehicle operating base must be ascertained in order to verify the 100-km radius condition for the exemption to apply.

Be aware that, within the 100 km radius, the vehicle may be used for activities that are not related to breakdown recovery; as an example, a breakdown vehicle fitted with a sliding bed facility for recovering a disabled car could, within a 100 km radius of the vehicle base, be engaged in the carriage of goods other than broken-down vehicles and be exempt from the Regulation.¹⁹

This type of vehicle may be fitted with a tachograph, but within the terms of this exemption there is no obligation to use it.

¹⁹ In Case C-79/86 – *Hamilton v Whitelock* the Court states that “It is apparent from the very words of the provisions quoted above that the derogation in question is conditional only on the nature of the vehicle as a ‘specialized breakdown vehicle’, **regardless of the kind of transport operation carried out.**”

A 'recovery' journey exceeding the 100 km radius would require the fitment and the use of a tachograph and compliance with driving and rest times.

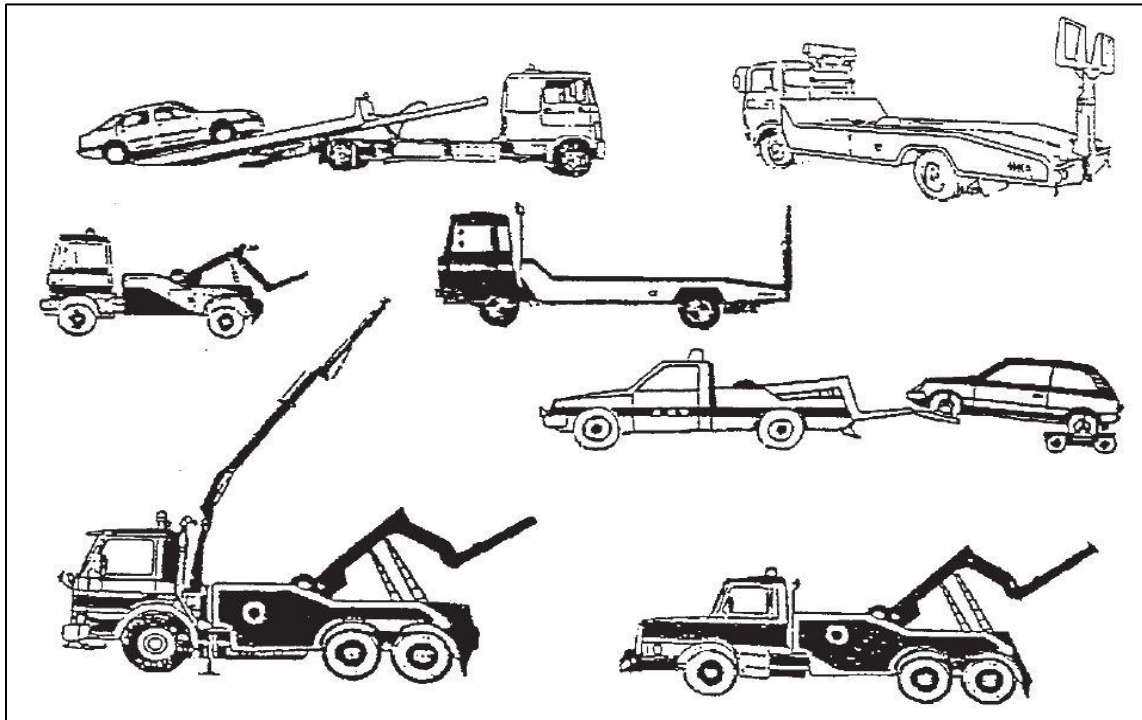


Figure above: Specialised breakdown vehicle

g) The nature and purpose of the journey being undertaken must be established (for example, by questioning the driver and checking documents, such as the contract for repairing the vehicle) to verify application of this exemption. The on-board equipment and nature of any load being carried may give an indication that this exemption may not apply. This exemption does not apply when taking a vehicle to a compulsory periodic test. A typical example of an exempt activity could be a mechanic engaged in a journey to check the satisfactory repair of a vehicle's steering.

Vehicles undergoing road tests for technical development, repair or maintenance purposes, and new or rebuilt vehicles which have not yet been put into service are exempt.

h) The vehicle type/capacity is evidenced by vehicle specific documents. There must be no hire or reward or own-account element to the journey and the goods carried cannot be in

connection with a trade or business (see definition of non-commercial carriage of goods in Article 4(r)). The driver should be questioned, and the load inspected to verify these facts. A combination of vehicles means a vehicle plus trailer or semi-trailer. Vehicles exceeding a maximum permissible mass of 7.5 tonnes are in-scope, including where they are fitted out as a temporary private living area and used also for the non-commercial loading of goods. (See the judgment of the Court of Justice in Case C-666/21 – *Åklagarmyndigheten*).

ha) Light commercial vehicles will fall within the scope of Regulation (EC) No 561/2006, and will have to be equipped with a smart tachograph version 2 as from 1 July 2026, when their maximum permissible mass, including any trailer or semi-trailer, exceeds 2,5 tonnes (but not 3,5 tonnes) and they are used in international transport for hire or reward (Article 2(1) in conjunction with Article 3(ha) of Regulation (EC) No 561/2006).

These vehicles are exempted 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.

As to the “*own-account*” nature of the transport operations, the carriage of goods must be, in particular, “*no more than ancillary to the overall activities of the undertaking*” (see point (v) of Article 1(5)(d) of Regulation (EC) No 1072/2009).

As to the “*main activity of the driver*” (referred to in Article 3(aa) and (ha) and Article 13(1)(d) and (q)), the description provided in the recital to Directive (EU) 2018/645 amending Directive 2003/59/EC and Directive 2006/126/EC can be considered. The recital indicates that “*Generally, driving is deemed not to be the driver's principal activity where it occupies less than 30 % of the rolling monthly working time.*”

i) 'Historic' vehicles are defined in the legislation of each Member State. Such vehicles cannot be used to convey goods or passengers commercially. Drivers and passengers should be questioned to verify these conditions.

In Summary, vehicles identified in Article 3 as exempt are not inspected on the basis of Regulation (EC) No 561/2006, but this does not exempt them from other forms of inspection. Claimed exemptions should be tested by control officers and where such claims prove to be unfounded, a full inspection under the scope of Regulation (EC) No 561/2006 should follow.

As per Article 6(5) drivers are required to record ‘out of scope driving’ as “*other work*” either by manually entering on a record sheet or printout, or by use of manual input facilities on recording equipment (i.e., using the ‘out of scope’ button/switch on the tachograph).

The control officers and drivers should be mindful of the fact that – the tachograph does not by itself distinguish between ‘in-scope’ and ‘out of scope driving’.

‘Out of scope driving’ should always be calculated as “*other work*”.

2.2.4 Article 4

2.2.4.1 Text

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 Article 3(a) of Directive 2002/15/EC except ‘driving’, including any work for the same or another employer, within or outside of the transport sector;

(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 Annex I and Annex IB of Regulation (EEC) No 3821/85, or
— Manually as required by Article 16(2) of Regulation (EEC) No 3821/85;

(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 as defined in Article 2 of Council Regulation (EEC) No 684/92 of 16 March 1992 on common rules for the international carriage of passengers by coach and bus (10);

(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.

2.2.4.2 Infringements

None

2.2.4.3 Roadside Check

The Article gives the appropriate definitions which serve to enable the intended meaning to be correctly and more easily understood. When explaining the Articles of Regulation (EC) No 561/2006 frequent reference to these definitions will be required. In many cases the definitions themselves need elaboration and clarification, and where applicable this follows:

a) A road open to the public is for each Member State to define. A journey (in this case) starts from when a driver takes over a vehicle and finishes when he stops being in control of the vehicle or when he takes a qualifying rest period. In this case, a journey can comprise numerous short journeys. This definition, in effect, brings into the scope of the Regulation off-road driving (e.g., on private property) where this is carried out on a journey which also comprises a journey on roads open to the public during a daily driving period. This definition maintains empty vehicles within scope.

b) Reminder: a vehicle can refer to a vehicle combination (vehicle and trailer).

c) This defines persons who are driving the vehicle, even for a short period, or are available to drive as drivers (as a part of their duty) and are thus in scope of Regulation (EC) No 561/2006 and of Regulation (EU) No 165/2014.

d) A break may be taken in a moving vehicle (multi-manning) provided that the driver is inactive and the period is used exclusively for recuperation. In the case of multi-manning in a vehicle equipped with a digital tachograph, given that digital tachographs do not allow the recording of a break in moving vehicles, where a break is taken in a moving vehicle, it is a common practice among the enforcers to consider a period of 45 minutes of availability as a recorded break.

e) To include any work other than driving for any employer within or outside the transport sector, including out of scope driving. For example, where a person was employed as a security guard for 3 hours by an employer before taking over control of a vehicle in scope of Regulation (EC) No 561/2006 for another employer, the first activity is deemed 'other work' in the context of Regulation (EC) No 561/2006 and must be recorded as such. Please see the description provided under Article 6 (under section 2.2.6.3 of this document).

f) 'driver may freely dispose of his time' means that the driver is not at the disposal of any employer.

g) A regular daily rest is either at least 11 hours continuous or, when taken in 2 periods, the first shall be at least 3 hours and the second at least 9 hours.

A reduced daily rest is at least 9 hours but less than 11 hours.

For the purposes of aggregating daily driving (see point k) below), it is necessary to identify when a daily rest period is commenced. Therefore, for this purpose, daily rest taken as a 'split' is deemed to have started once the '9 hour' portion has commenced.

A daily rest period may be attached to a period of compensation for a previously reduced weekly rest.

h) A weekly rest period is a period of continuous rest of sufficient duration such that it can be **at least** either a regular weekly rest period or a reduced weekly rest period.

A regular weekly rest period is at least 45 hours continuous.

A reduced weekly period is at least 24 hours but less than 45 hours continuous.

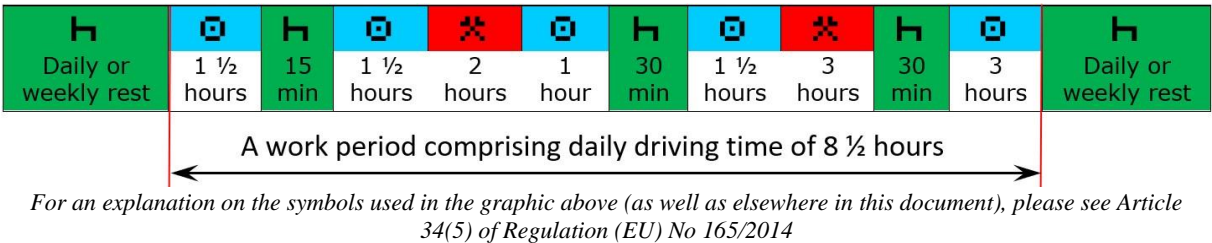
So, a weekly rest of 49 hours qualifies as a regular weekly rest, and one of 31 hours qualifies as a reduced weekly rest.

A weekly rest period may comprise a regular or reduced weekly rest plus compensation for a previously reduced weekly rest.

- i) A week means the 'fixed week', i.e., 00:00 hours Monday – 24:00 hours Sunday (local).
- j) This refers to the time spent driving as recorded automatically or semi-automatically by a correctly operated tachograph or manually when required.

Note that due to limitations of digital recording equipment, this may differ slightly from actual driving time (see Guidance Note 4).

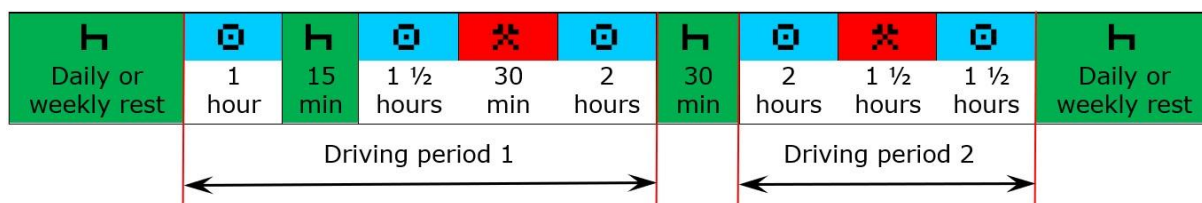
k) It is accepted that this definition also encompasses driving between weekly rest periods and daily rest periods, or between two weekly rest periods.



l) Weekly driving time means total accumulated driving time during a week. It will also include any driving time resulting from interruptions to regular daily rest periods as a result of ferry or train movements.

m) The Regulation applies to vehicles or vehicle combinations with a maximum authorised mass in excess of 3,500 kgs, and will apply (from 1 July 2026) to vehicles or vehicle combinations with a maximum authorised mass between 2,500 kgs and 3,500 kgs under certain conditions. Control officers must take care to correctly interpret the vehicle technical papers or the manufacturer’s data. The maximum authorised mass will commonly be given for both types of operation, i.e., in solo or combination mode. Some vehicles will be out of scope of the Regulation when operated ‘solo’ but fall into scope when operated as a combination.

- n) No clarification needed.
- o) One driver (Driver A) may be joined by one or more other drivers in the course of the journey (e.g., Driver B and Driver C). This also falls within the concept of multi-manning.
- p) No clarification needed.
- q) A **daily driving period** will be made up of several driving periods which in themselves may be continuous or broken.



r) This point provides for the definition of non-commercial carriage, being particularly relevant for Articles 3(d), 3(h) and 3(i). It covers vehicles being used on own-account for non-commercial carriage (e.g., to transport horses or racing cars as a hobby), which are not receiving any direct or indirect money. In addition, the ‘carriage’ “*is not linked to professional or commercial activity*”. In this case, control officers would need to assess whether the activity (such as a horse show or a race car event) can be classified as a professional/commercial activity, or if it is just a hobby.

2.2.5 Article 5

2.2.5.1 Text

1. *The minimum age for conductors shall be 18 years.*
2. *The minimum age for drivers' mates shall be 18 years. However, Member States may reduce the minimum age for drivers' mates to 16 years, provided that:*
 - (a) *the carriage by road is carried out within one Member State within a 50-kilometre radius of the place where the vehicle is based, including local administrative areas the centre of which is situated within that radius;*
 - (b) *The reduction is for the purposes of vocational training; and*
 - (c) *There is compliance with the limits imposed by the Member State's national rules on employment matters. No changes MP I*

2.2.5.2 Infringements

Ages of crew	561- 5
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2.2.5.3 Roadside Check

Control officers should establish the vehicle base and journey details through information provided by the driver. Examination of the conductor or drivers’ mate identity or licensing documents can be used to establish age.

An infringement occurs if the conductors’ or drivers’ mate is underage.

If drivers’ mates are aged between 16-18 years, check that the radius limit of 50km has not been breached²⁰.

²⁰ For the calculation of the radius limits, see the judgment of the Court of Justice in Case C-13/21 – *Pricoforest SRL v Inspectoratul de Stat pentru Controlul în Transportul Rutier*

A breach of the minimum age requirement for conductors should be considered a *serious infringement* according to the guidelines contained in Annex III to Directive 2006/22/EC.

2.2.6 Article 6

2.2.6.1 Text

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 laid down in Directive 2002/15/EC 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 on the territory of the Community or of a third country.*

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 (*1). This record shall be entered either manually on a record sheet or printout or by use of manual input facilities on recording equipment.

(*1) Regulation (EU) No 165/2014 of the European Parliament and of the Council of 4 February 2014 on tachographs in road transport, repealing Council Regulation (EEC) No 3821/85 on recording equipment in road transport and amending Regulation (EC) No 561/2006 of the European Parliament and of the Council on the harmonisation of certain social legislation relating to road transport (OJ L 60, 28.2.2014, p. 1)

2.2.6.2 Infringements

Exceed 10 hours driving	561- 6-1
Exceed 9 hours when only 9 allowed (no 10s left)	561- 6-1
Exceed weekly driving limit of 56	561- 6-2
Exceed 2 weekly limit of 90	561- 6-3
Breach of 165 concerning recording of activities.	561- 6-5

2.2.6.3 Roadside Check

Control officers should analyse each tachograph record sheet produced (or digital data) to establish the daily driving time, and accumulate these appropriately to establish weekly driving

totals. Weekly driving totals are then reviewed to establish two-weekly driving totals. Use the following two-step process:

Step 1

- Verify recorded driving time from the tachograph record sheet or digital data. To do this, accumulate the driving periods between the end of a daily or weekly rest and the beginning of the next daily/weekly rest period to establish the daily driving period.

[The Commission has recommended²¹ that for the purposes of establishing daily driving times when a driver has not taken rest periods in their entirety as required by Regulation (EC) No 561/2006, driving periods interrupted by rest periods of at least 7 hours should not be aggregated. Note that despite this, such an inadequate rest period would still constitute an infringement of daily rest requirements.]

- Verify that the 10-hour driving limit has not been breached. If “more than 9 h” is reached before midnight, then the extension should be counted to the first week.
- Repeat this for each record produced.
- Where this limit is breached it constitutes an infringement on each occasion. Infringements severity categorization as per Annex III to Directive 2006/22/EC (Infringements B5, B6, B7 and B8):
 - $10\text{h} < \dots < 11\text{h}$ a *minor infringement*
 - $11\text{h} \leq \dots < 12\text{h}$ a *serious infringement*
 - $12\text{h} \leq \dots$ a *very serious infringement*
 - Exceed daily driving time of 10h by 50 % or more without taking a break of or without any rest of at least 4,5 hours, $15\text{h} \leq \dots$ and no break/rest ... a *most serious infringement*.
- Verify that in a week (see definition of ‘week’ in Article 4), the 9-hour daily driving period has been exceeded not more than twice.
- Where this has occurred, each event that exceeds the permitted two occasions is a daily driving (9 hours) infringement. Infringement severity categorization as per Annex III to Directive 2006/22/EC (infringements B1, B2, B3 and B4):
 - $9\text{h} < \dots < 10\text{h}$ a *minor infringement*
 - $10\text{h} \leq \dots < 11\text{h}$ a *serious infringement*
 - $11\text{h} \leq \dots$ a *very serious infringement*
 - Exceed daily driving time of 9h by 50 % or more without taking a break or without any rest of at least 4,5 hours, $13\text{h}30 \leq \dots$ and no break/rest ... a *most serious infringement*. (However, it must be noted that this infringement (i.e., “exceeding daily driving time of 9h by 50% or more in combination with a break/rest of 4.5 hrs”) emerges from a breach of two distinct provisions of Regulation (EC) No. 561/2006 relating to driving time, breaks and resting times)
- Accumulate the daily driving periods in each week applicable to the produced records to establish weekly driving. Note that when a driver's work pattern is not aligned to the 'fixed

²¹ See Commission Implementing Decision of 07.06.2011, C(2011) 3759 final
https://transport.ec.europa.eu/system/files/2016-09/2011_3759_en.pdf

week' it is possible for a driver to accumulate 58 hours driving between weekly rest periods and still comply. Where, in any week, the weekly driving exceeds 56 hours, this is an infringement. Infringement severity categorization as per Annex III to Directive 2006/22/EC (infringements B9, B10, B11 and B12)

- $56h < \dots < 60h$ a *minor infringement*
 - $60h \leq \dots < 65h$ a *serious infringement*
 - $65h \leq \dots < 70h$ a *very serious infringement*.
 - Exceed weekly driving time by 25 % or more, $70h \leq \dots$ a *most serious infringement*.
- Add together (fixed) consecutive weekly driving to establish two-weekly total. Each two-(fixed) weekly total that exceeds the permitted 90 hours is an infringement. Infringement severity categorization as per Annex III to Directive 2006/22/EC (infringements B13, B14, B15 and B16):
 - $90h < \dots < 100h$ a *minor infringement*
 - $100h \leq \dots < 105h$ a *serious infringement*
 - $105h \leq \dots < 112h30$ a *very serious infringement*
 - Exceed maximum total driving time during 2 consecutive weeks by 25 % or more, $112h30 \leq \dots$ a *most serious infringement*.

Step 2

- Examine each record in order to establish that all drivers' activities have been accounted for, such as other work. The record must include work carried out before taking control of the vehicle and after relinquishing control. The requirement is to record as "other work":
 - any time spent defined as working time in Article 3(a) of Directive 2002/15/EC;
 - any time spent driving a vehicle used for commercial operations not falling within the scope of Regulation (EC) No 561/2006;
- And, in addition, appropriately record:
 - any periods of availability as defined in Article 34(5)(b)(iii) of Regulation (EU) No 165/2014.
- It must be recorded either manually on a record sheet, a printout or by use of manual input facilities on recording equipment.
- A non-continuous record will require that the driver needs to explain the reasons for this. Where it is established through questioning of the driver or other evidence that is available to the control officer that regulated activities were undertaken and these were not recorded, this indicates a failure to record and is an infringement of this Article.
 - Such a breach constitutes a *very serious infringement*.
- An attestation form, if submitted by drivers voluntarily, can help provide information about the activities of drivers who are away from the vehicles. This form can come, however, in addition to the [tachograph](#) records, and should only reflect activities which could not be recorded via the tachograph due to technical reasons. The template for the attestation form is available through the following link: https://transport.ec.europa.eu/transport-modes/road/social-provisions/driving-time-and-rest-periods/form-attestation-activities_en (also see Annex 4 of the present document). At the AETR level, there is a form which replicates the EU attestation form (Appendix 3 of AETR Agreement) and the same is also

available through the following link: <https://unece.org/DAM/trans/doc/2010/sc1/ECE-TRANS-SC1-2010-AETR-en.pdf> (see also Annex 5 of the present document).

However, it must be noted that Member States cannot impose on drivers a requirement to present the attestation forms (see Article 34(3), second subparagraph of Regulation (EU) No 165/2014).

The European Commission is working on a harmonised solution to record and control periods away from the vehicle.

EXAMPLES

i. Example 1 – A 10-hour driving day with correctly taken breaks

h Daily or weekly rest	o 1 hour	h 45 min	o 2 hours	h 15 min	o 2 ½ hours	h 30 min	o 2 hours	h 15 min	o 2 ½ hours	h Daily or weekly rest	✓
↔ Driving period		↔ Driving period				↔ Driving period					

ii. Example 2 – Incomplete daily rest may lead to a breach on a daily driving time (daily driving period of 20 hrs)

h Daily or weekly rest	o 4½ hours	h 45 min	o 4½ hours	h 6½ hours	o 4 ½ hours	x 2 hours	h 5½ hours	o 3 ½ hours	h 45 min	o 3 hours	h Daily or weekly rest	✗
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iii. Example 3 – correct distribution of driving time and weekly rests.

S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	
Week 1		Week 2						Week 3						Week 4				✓		
Weekly rest (week 1)		Driving 9 hours	Driving 9 hours	Driving 9 hours	Driving 9 hours	Red. weekly rest (week 2)	Driving 10 hours	Driving 10 hours	Driving 10 hours	Driving 10 hours	Driving 9 hours	Driving 5 hours	Weekly rest (week 3)			Driving 10 hours	Driving 9 hours		Driving 9 hours	Driving 10 hours
		4 24-hours periods				6 24-hours periods						4 24-hours periods								
Weekly driving time: 56 hours						Weekly driving time: 34 hours						Weekly driving time: 38 hours								

S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T
Week 1		Week 2						Week 3						Week 4					
Weekly rest (week 1)		Driving 9 hours		Driving 9 hours		Driving 9 hours		Driving 9 hours		Driving 10 hours		Driving 10 hours		Driving 10 hours		Driving 10 hours		Driving 10 hours	
		4		Red. weekly rest (week 2)		6		Weekly rest (week 3) Despite the completed qualifying weekly rest, the two-weekly driving limit permits no more driving until the start of a new fixed week		Other works		5							
		24-hours periods						24-hours periods						24-hours periods					
Weekly driving time: 56 hours									Weekly driving time: 34 hours						Weekly driving time: 38 hours				
Two weeks driving time: 90 hours																			

✓

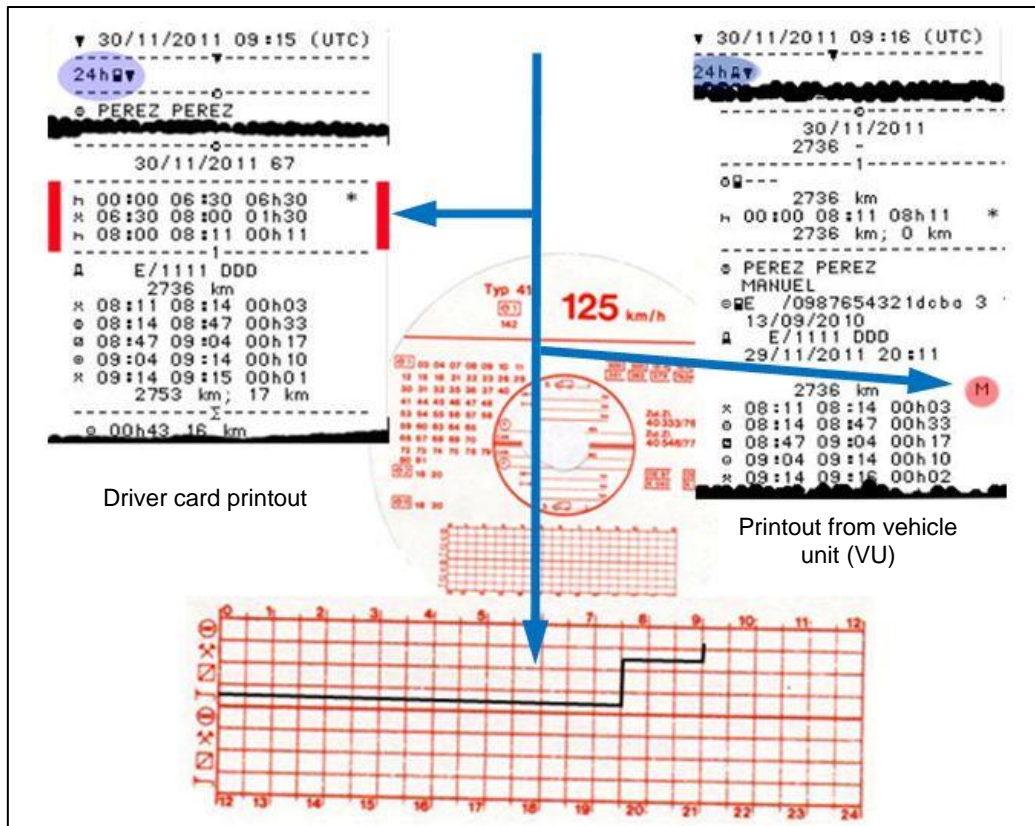
Week 1			Week 2				Week 3				Week 4				Week 5				Week 6														
S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S				
Weekly rest		Driving 7 h		Driving 8 h		Driving 8 h		Red. weekly rest		Driving 10 h		Driving 10 h		Driving 10 h		Driving 10 h		Driving 9 h		Driving 9 h		Weekly rest		Driving 10 h		Driving 10 h		Driving 9 h		Driving 9 h		Red. weekly rest	
		3		6		5		Weekly rest		6		Red. weekly rest		5		6		Weekly rest		6													
		24-hours periods		24-hours periods		24-hours periods		24-hours periods		24-hours periods		24-hours periods		24-hours periods		24-hours periods		24-hours periods		24-hours periods		24-hours periods		24-hours periods		24-hours periods		24-hours periods		24-hours periods			
Weekly driving time			Weekly driving time				Weekly driving time				Weekly driving time				Weekly driving time				Weekly driving time														
Two weeks driving time (week 1 and 2)						Two weeks driving time (week 3 and 4)						Two weeks driving time (week 5 and 6)																					
						Two weeks driving time (week 2 and 3)						Two weeks driving time (week 4 and 5)																					

✓

Note: Once the driving time of 56 hours has been reached in a ‘week’ (i.e., period of time between 00:00 on Monday and 24:00 on Sunday), the driver is not allowed to drive any further in this ‘week’.

The above approach is also valid for the two-weekly driving time limit.

- iv. **Example 4 – activities undertaken away from the vehicle that are recorded manually.**



Driver card printout

Printout from vehicle unit (VU)

Note: This example shows the manual entry on the reverse of a record sheet of a driver who took rest from 00:00 hours to 07:30 hours in local time and then was engaged in ‘other work’ from 07:30 hours to 09:00 hours at which point he commenced driving. From that point on the record sheet was inserted into the recording equipment and the subsequent activities were recorded automatically on the waxed side of the record sheet.

2.2.7 Article 7

2.2.7.1 Text

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.

2.2.7.2 Infringements

Failure to take a qualifying break.

561- 7

2.2.7.3 Roadside Check

- For each record, accumulate the driving time (starting from the first period of driving after a rest period) until 4 ½ hours is reached.
- this driving period must either *include* a 45-minute break, or a period of at least 15 minutes followed by a further period of at least 30 minutes, or,
- this driving period must *be followed by* a 45 min break, before recommencing another driving period.

Note: The requirement to record ‘breaks’ as ‘breaks’ is explicit. This must be done using the “bed” symbol.

- Where the above conditions are not met an infringement has occurred.
- Where a qualifying break (at least 45min or 15+30mins) is taken before 4 ½ hours of driving are accumulated, this 'wipes the slate clean' and the calculation starts again.
- Starting at the end of each qualifying break, continue evaluating recorded driving periods in this manner until a daily rest period is commenced.
- Where a breach is discovered, accumulate the periods of driving recorded between qualifying rest or break periods. This then establishes the severity of the breach.
- Where the accumulated driving period before a qualifying break is taken exceeds the permitted 4 ½ hours, it constitutes an infringement. Infringement severity categorization as per Annex III to Directive 2006/22/EC (infringements C1, C2 and C3):
 - $4\text{h}30 < \dots < 5\text{h}$ – a *minor infringement*.
 - $5\text{h} \leq \dots < 6\text{h}$ – a *serious infringement*
 - $6\text{h} \leq \dots$ – a *very serious infringement*
- This approach to establish compliance with this regulation (i.e., Regulation (EC) No 561/2006) has been defined in the Judgment of the Court of Justice in case C-116/92 – *Charlton and others*²².

In case the break is split, the first break should be at least 15 minutes; if it is more than 15 minutes, it will still be counted as 15 minutes. If it is less than 15 minutes, it will not be counted as a break at all.

Accordingly, there will be an infringement if a driver first takes a 30-minute break followed by a 15-minute break. Because the first break will be considered as 15 minutes, consequently, the second break should be at least 30 minutes long, not 15 minutes.

Similarly, if a driver first takes a 25-minute break, and then another 25-minute break at the end of a 4 ½ hour driving period, there will be an infringement, despite the 50-minute duration of the break. Because the first 25 minutes break will be counted as 15 minutes, consequently the second break should be at least 30 minutes long, not 25 minutes.

²² The Court ruled that where a driver has taken 45 minutes' break either as a single break or as several breaks of at least 15 minutes during or at the end of a four-and-a-half-hour period, the calculation provided for by Article 7(1) of the Regulation should begin afresh, without taking into account the driving time and breaks previously completed by the driver.

Note: There are only two instances where the time spent travelling can be regarded as a 'break':

Where a vehicle is multi-manned – in this scenario there is a crew member who is available for driving when necessary and is sitting next to the driver of the vehicle recording a 'period of availability'. If the driver starts driving or carrying out other work before the break is over (i.e., before 45 minutes), this will not be considered a qualifying break. Further, during the break, the driver taking the break may not be involved in assisting the driver driving the vehicle.

The second is when a driver accompanies a vehicle which is transported by ferry, boat or train. However, practical application of this case is limited.

- ‘Out of scope’ driving periods should be excluded from these calculations.
- Other breaches of this requirement may also seem trivial in nature especially when accumulated breaks exceed the required quantity but do not meet other criteria. Nevertheless, control officers must defend the Regulation, it is not acceptable to adapt and modify the Regulation to suit operational needs. Nevertheless, where isolated instances of this nature occur, they should be treated with some pragmatism.

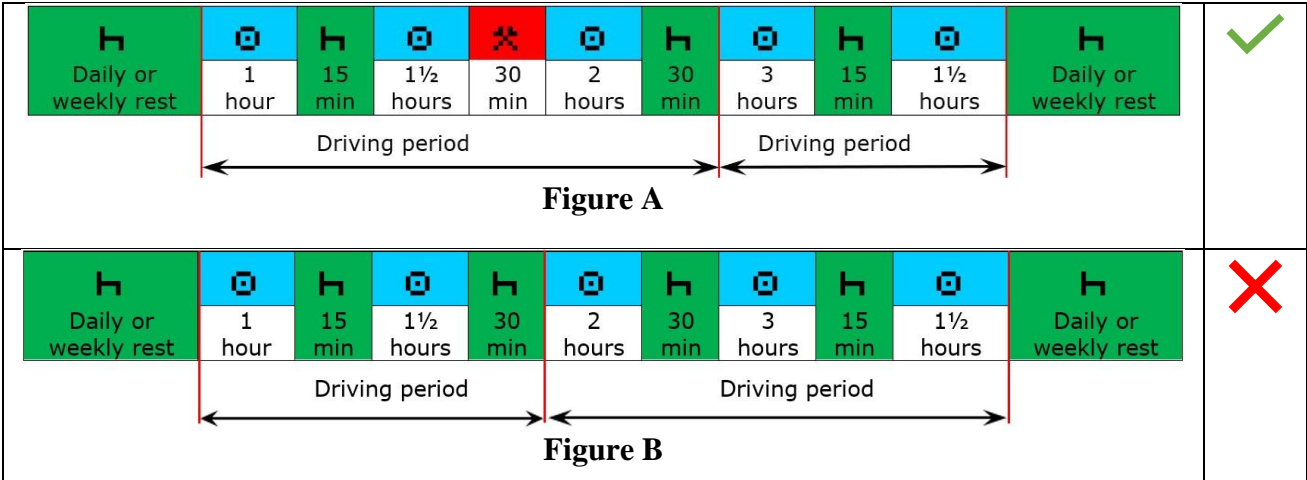
EXAMPLES

i) Example 1 - Correctly taken breaks.

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Daily or weekly rest	1 hour	45 min	2 hours	15 min	2½ hours	30 min	2 hours	15 min	2½ hours	Daily or weekly rest																									
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h	⊙	✘	h	⊙	✘	⊙	h																												
Daily or weekly rest	4½ hours	1½ hours	45 min	1½ hours	1½ hours	2 hours	Daily or weekly rest																												

The control officer should also check whether such breaks also comply with Article 5(1) of Directive 2002/15/EC.

ii) Example 2 – Extra breaks



In the Figure B above, the second driving period includes recorded breaks of 45 (30+15) minutes.

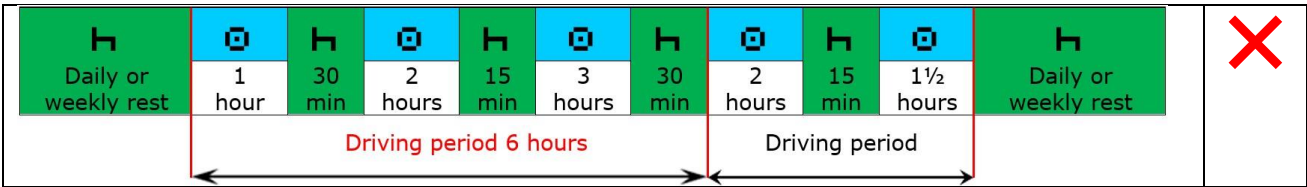
- a) after a total of 5 hours driving and
- b) the 45 minutes are not distributed in the prescribed manner.

The distribution in the Figure B above shows an anomaly, as too many breaks distributed badly throughout the driving period actually constitutes a breach of the Regulation. If the driver had not taken one of the 2 breaks in the first driving period, there would have been no infringement.

Control officers should view such breaches as technical and minor in nature, and apply common sense by adopting a constructive approach instead of a penalty, where purely textual application would lead to absurd results.

iii) Example 3 –

In the example below, 6 hours have been driven before taking a 45 minute-break in the prescribed manner (i.e., 15+30 minutes).

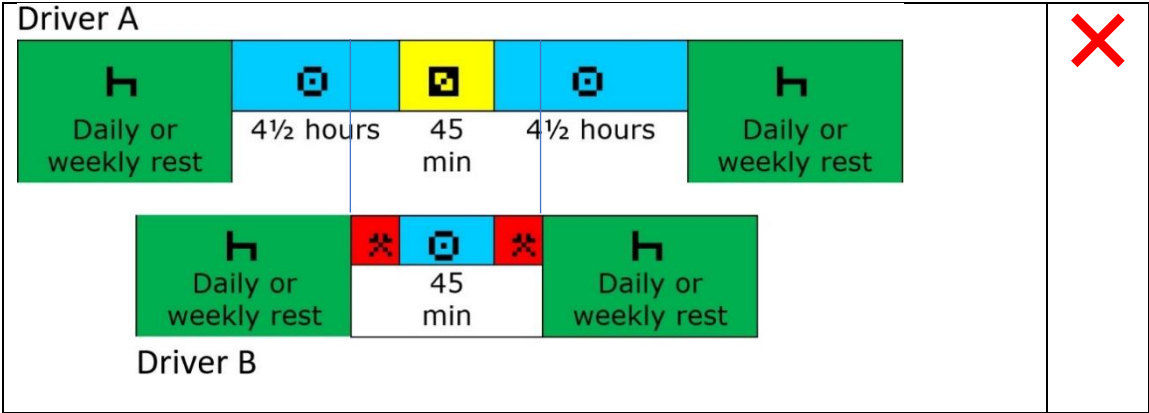


iv) Example 4 –

Driver A is not in a multi-manning situation, because he drove for the first and the second 4.5 hrs periods partly as a single driver. The 45 minute-period of availability where Driver A is not driving is therefore not considered as a break.

The below-mentioned example is not allowed because of the infringement of taking a break as availability while the vehicle is not manned with two drivers.

Driver B is driving in a multi-manning situation but there is no infringement.



2.2.8 Article 8

2.2.8.1 Text

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) two regular weekly rest periods; or

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

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 the first subparagraph, a driver engaged in international transport of goods may, outside the Member State of establishment, 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.

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 (11), 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 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 (*2), 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.

(*2) Regulation (EU) No 1315/2013 of the European Parliament and of the Council of 11 December 2013 on Union guidelines for the development of the trans-European transport network and repealing Decision No 661/2010/EU (OJ L 348, 20.12.2013, p. 1).

2.2.8.2 Infringements

Insufficient daily rest.

561- 8-2

Insufficient daily rest (DM)	561- 8-5
Failure to take sufficient weekly rest.	561- 8-6

2.2.8.3 Roadside Check

To carry out a compliance check, the produced tachograph records (or digital data) should be examined to identify rest periods that would make up or constitute qualifying daily rest periods (11, 3+9 or 9 hours). In addition, it is necessary to identify qualifying weekly rest periods (24 hours, 45 hours, 45 hours + compensation).

Control officers should be aware that any rest period over 9 hours may comprise a reduced daily rest plus compensation (see ‘Weekly rest rules’) and should ascertain from the driver if this is the case before assessing compliance.

Daily and weekly rest periods may not be taken in a moving vehicle. EC Q&A Part II Response to Question.8 reads:

“Article 4(f) of Regulation (EC) 561/2006 defines ‘rest’ as any uninterrupted period during which a driver may freely dispose of his time. It is clear from this definition that a daily or reduced weekly rest can only be taken in the vehicle when it is stationary, as it is the only circumstance that allows for the driver to freely dispose of his/her time.”

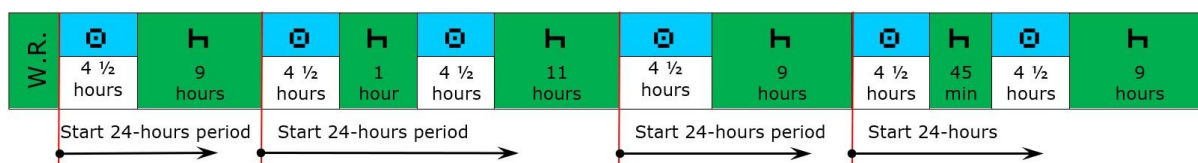
A. Daily rest rules

As a general rule, a new 24-hour period commences after the last qualifying weekly or daily rest period.

However, as per guidance note 7 (see Annex 1 below): *“in cases where enforcers are confronted with periods of activity following a qualifying daily or weekly rest period, during which drivers do not accomplish a qualifying daily rest period, it is recommended that enforcers:*

1. *divide the above-mentioned periods of activity into consecutive periods of 24 hours starting from the end of the last qualifying daily or weekly rest, and*
2. *apply the rules on daily rest periods to each of these reference periods of 24 hours.”*

A driver must complete a regular daily rest period (at least 11 hours **or** 3+9 hours) or a reduced daily rest period (at least 9 hours but less than 11 hours) within the 24 hours of the last qualifying weekly or daily rest period.



A driver may have completed this daily rest requirement within the 24 hours at which point the next 24-hour period is started.

Between qualifying weekly rest periods, a driver may substitute a regular daily rest period for a reduced daily rest period no more than 3 times. If this number is exceeded, then a regular

daily rest infringement will have been committed on each occasion (apart from the permitted 3 occasions) where less than 11 hours is taken.

A qualifying daily rest period can be extended in duration to qualify as a weekly rest period. In this way a driver is not required to take both a daily and a weekly rest at the end of a week.

Multi-manning: Different rules apply where more than one driver is operating as a crew. Each driver is obliged to complete a daily rest period of at least 9 hours in the 30 hours since the commencement of duty following a weekly or daily rest period. In order to qualify for this derogation there must be at least two drivers on board the vehicle available for driving except for the first hour (aggregated) when one driver may drive alone. Remember: rest cannot be taken in a moving vehicle.

Note: Tachograph records (if correctly kept) will show whether a driver has been driving as part of a crew. On analogue record sheets, periods of availability and break will be recorded in a moving vehicle and a digital record will contain a 'crew' indicator.

Breaches of Articles 8.2 and 8.5 are detected by examining each 24-hour (or 30-hour period in the case of multi-manning) period since the last qualifying weekly or daily rest, to verify the duration of uninterrupted rest taken. The duration of such a period of driver activity indicates the severity of the breach.

Insufficient daily rest periods are categorised in the following way by Annex III to Directive 2006/22/EC (infringements D1 to D9)

Regular daily rest period:

- $10\text{h} \leq \dots < 11\text{h}$ – a minor infringement
- $8\text{h}30 \leq \dots < 10\text{h}$ – a serious infringement
- $\dots < 8\text{h}30$ – a very serious infringement

Reduced daily rest (if permitted) or a multi-manning rest:

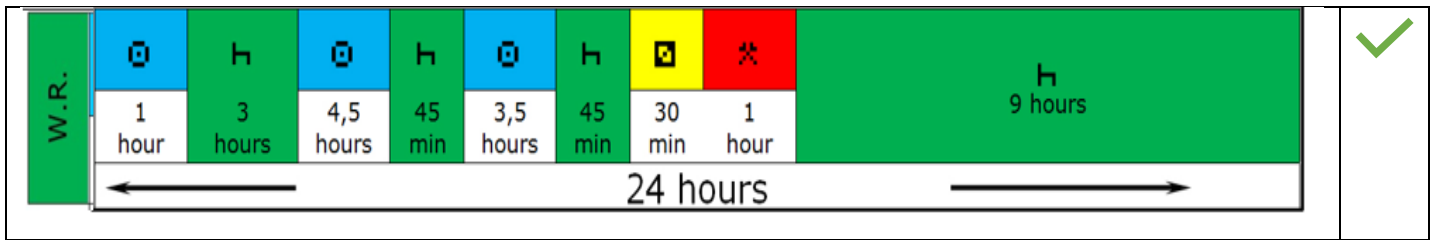
- $8\text{h} \leq \dots < 9\text{h}$ – a minor infringement
- $7\text{h} \leq \dots < 8\text{h}$ – a serious infringement
- $\dots < 7\text{h}$ – a very serious infringement

Where the 9-hour portion of a split daily rest period is reduced by:

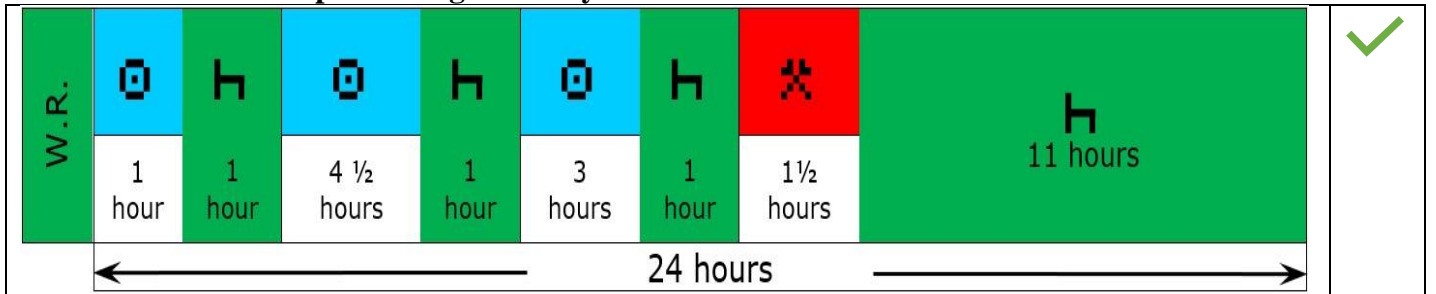
- $3\text{h} + [8\text{h} \leq \dots < 9\text{h}]$ – a minor infringement
- $3\text{h} + [7\text{h} \leq \dots < 8\text{h}]$ – a serious infringement
- $3\text{h} + [\dots < 7\text{h}]$ – a very serious infringement

EXAMPLES OF DAILY RESTS

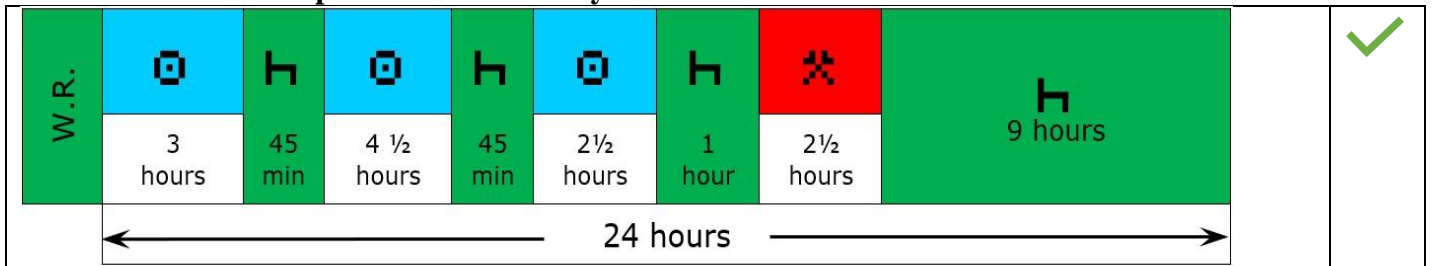
i. Example 1 – Regular daily rest (Split daily rest):



ii. Example 2 – Regular daily rest:



iii. Example 3 – Reduced daily rest:



iv. Example 4 – Driver’s day less than 24 hours:



B. 2-week rule and compensation

A weekly rest period as defined in Article 4 may be a regular weekly rest of at least 45 hours duration or a reduced weekly rest of at least 24 hours (but less than 45 hours) duration.

A driver is required to start a weekly rest period no later than 144 hours (6X24 hours) since the completion of the previous qualifying weekly rest period.

- In any two consecutive 'fixed weeks' (Mon-Sun), a driver is required to take (or start) at least:
- two regular weekly rests (minimum of 45 hours); OR
 - a regular weekly rest (minimum of 45 hours) and a reduced weekly rest (minimum of 24 hours)

Note: This number of weekly rests is a minimum requirement and other qualifying weekly rests may be taken in addition to this minimum requirement.

A reduction in weekly rest period must be compensated for by taking the equivalent reduction of rest *en bloc*, attached to a rest period of at least 9 hours before the end of the 3rd week following the week when the reduction took place.

Note: When using the new 4-week rules beware that different compensation rules may apply.

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

However, a rest period of a minimum of 69 hours duration may be considered as two consecutive weekly rests (in separate fixed weeks) provided the 6x24(144) hour rule is not breached before or after the period in question.

A compliance check carried out by a control officer should include the following steps:

- **Step 1:** Starting with the oldest record (data) produced, identify two weekly rest periods (45 + 45, 45 + 24 or 24 + 45) in any two successive fixed weeks. If there are not two qualifying weekly rest periods, it means an infringement has been identified.

Note: If you cannot fulfil the conditions in the step 1 above, you also have to look at the (new) 4-week rule on international journey. See explanation below, under the heading 4-Week Rule.

- **Step 2:** If there are sufficient weekly rest periods, establish that there are no more than 6 X 24 hours in between any two successive weekly rest periods. If not, that indicates an infringement.

Then move one week forward and start calculating from step 1 again.

- **Step 3:** In the event of a check carried out at company premises, a realistic evaluation of compliance with compensation requirements is possible. At the roadside however such checks are restricted by the limited number of records that are required to be produced.

Note: Merely checking that the gap between qualifying weekly rests does not exceed 6 X 24 hours is not sufficient.

Where a rest period has been taken within a fixed week but is found to be of insufficient duration to meet with the requirement of the Regulation, this also constitutes a breach.

A reduction of a reduced weekly rest (when permitted) is an infringement. Offence severity categorization (Annex III to Directive 2006/22/EC, offences D13, D14 and D15)

- 22h ≤ ... < 24h 24h a minor infringement
- 20h ≤ ... < 22h 22h a serious infringement
- ... < 20h a very serious infringement

A reduction of a regular weekly rest is an infringement. Infringement severity categorization as per Annex III to Directive 2006/22/EC (infringements D16, D17 and D18):

- 42h ≤ ... < 45h a *minor infringement*
- 36h ≤ ... < 42h a *serious infringement*
- ... < 36h a *very serious infringement*

When checking for compliance with compensation requirements, an officer should attempt to establish when compensation for the reduced weekly rest has been taken by questioning the company or the driver.

In determining whether the rule concerning ‘the 3rd week following etc’, is complied with, it will be necessary to determine which week the weekly rest is assigned to (see above). Failure to satisfy the compensation requirements in respect of a reduced weekly rest makes that weekly rest insufficient and constitutes a breach.

A compliance check of a multi-man crew will require that all the drivers' records are examined together (if possible) to verify that the conditions of multi-manning derogation have been complied with. In the event where only one driver’s records are available, a limited inspection is still possible based on the 30-hour period.

It is forbidden to take the regular weekly rest periods and any weekly rest period of more than 45 hours taken in compensation for previous reduced weekly rest periods in a vehicle.

The enforcers should investigate in what way the driver spent his regular weekly rest time. In case it was taken in the vehicle, there is an infringement and it should be penalized (i.e., fine for the undertaking). It must be noted that control officers cannot require hotel bills from drivers for this investigation. Article 34 (3) of Regulation (EU) No 165/2014 states that Member States shall not impose on drivers a requirement to present forms attesting to their activities while away from the vehicle.

These rest periods should be taken in suitable gender-friendly accommodation with adequate sleeping and sanitary facilities. The guidance provided from the European Commission on “gender friendly” accommodation and facilities can be useful in this regard (see EC Questions and Answers on the implementation of Mobility Package 1 (part 1) Question 5).

EXAMPLES

i. Example 1 - inadequate weekly rest:

In the 2-week period comprising week 2 and week 3 there is only one weekly rest period.

S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T
Week 1		Week 2							Week 3						Week 4				X
Work / driving	Red. weekly rest (week 1)	Work / driving	Work / driving	Work / driving	Work / driving	Work / driving	Work / driving	Weekly rest (week 2)	Work / driving	Work / driving	Work / driving	Work / driving	Work / driving	Work / driving	Red. weekly rest (week 4)	Work / driving	Work / driving	Work / driving	
		6							6							3			
		24-hour periods							24-hour periods							24-hour periods			

ii. Example 2 – Correctly taken weekly rest:

S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T
Week 1		Week 2						Week 3						Week 4					
Weekly rest (week 1)		Work / driving (☼/☼)	Work / driving (☼/☼)	Work / driving (☼/☼)	Work / driving (☼/☼)	Work / driving (☼/☼)	Work / driving (☼/☼)	Weekly rest (week 2)		Work / driving (☼/☼)	Work / driving (☼/☼)	Work / driving (☼/☼)	Work / driving (☼/☼)	Work / driving (☼/☼)	Red. weekly rest (week 3)	Work / driving (☼/☼)	Work / driving (☼/☼)	Work / driving (☼/☼)	Work / driving (☼/☼)
6 24-hour periods							5 24-hour periods					4 24-hour periods							

S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T
Week 2		Week 3						Week 4										
Weekly rest		Work / driving (☼/☼)	Work / driving (☼/☼)	Work / driving (☼/☼)	Work / driving (☼/☼)	Work / driving (☼/☼)	Red. weekly rest	Work / driving (☼/☼)	Work / driving (☼/☼)	Work / driving (☼/☼)	Work / driving (☼/☼)	Work / driving (☼/☼)	Work / driving (☼/☼)	Weekly rest	Work / driving (☼/☼)	Work / driving (☼/☼)	Work / driving (☼/☼)	Work / driving (☼/☼)
5 24-hour periods							6 24-hour periods						3 24-hour periods					

iii. Example 3 – Weekly rest compensation:

S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S
Week 1		Week 2						Week 3						Week 4								
Red. weekly rest (week 1)		Driving 10 hours	Driving 9 hours	Driving 9 hours	Driving 9 hours	Weekly rest (week 2)	Driving 10 hours	Driving 10 hours	Driving 10 hours	Driving 10 hours	Driving 9 hours	Driving 9 hours	Red. weekly rest (week 3)	Driving 3 hours	Driving 2 hours	Driving 9 hours	Driving 10 hours	Driving 9 hours	Driving 9 hours	Driving 9 hours	Weekly rest (week 4) and compensation of reduced weekly rest from Week 1	
4 24-hour periods				6 24-hour periods						6 24-hour periods						from Week 1						
Weekly driving time: 47 hours						Weekly driving time: 43 hours						Weekly driving time: 37 hours										
Two weeks driving time: 90 hours												Two weeks driving time: 80 hours										

European Commission Questions and Answers on the implementation of Mobility Package 1 (part 2)

Question.7: *Can a driver take more than two reduced weekly rest periods within the reference period of four weeks set out in the third subparagraph of Article 8(6)? Do all reduced weekly rest periods have to be compensated?*

Answer: The term ‘at least’ means that a driver can take more weekly rest periods than the minimum required over the reference periods of 2 or 4 weeks.

Article 8(6) allows, under certain conditions, for taking two reduced weekly rest periods in two consecutive weeks. However, nothing prevents a driver from taking other rest periods of 24 hours or longer within these two consecutive weeks.

When over a 4-weeks reference period a driver takes more than 2 reduced weekly rest periods, the additional reduced weekly rest periods do not have to be compensated. On the other hand, they have no effect on the obligation of compensation for the two reduced weekly rest periods, as required by Article 8(6b). In case of more than 2 reduced weekly rest periods, the reduced weekly rest period taken the closest to the required deadline of six periods of 24 hours from the end of the previous weekly rest period set out in Article 8(6) should be considered as the reduced weekly rest period that should be compensated.

For example, within a period of four consecutive weeks a driver can take the minimum required weekly rest periods in combination with additional rest periods in the following sequence:

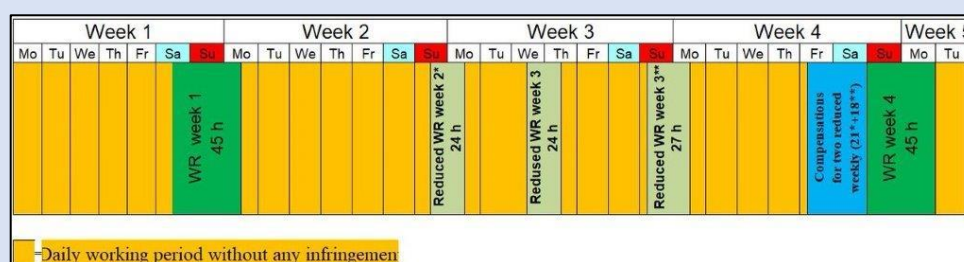
Week 1: 45 hours (e.g., Saturday - Monday)

Week 2: 24 hours (at the latest: Sunday – Monday)

Week 3: 24 hours (e.g., Wednesday-Thursday) and 27 hours (at the latest: Sunday – Monday)

Week 4: 21+18 (Friday-Sunday) +45 hours (at the latest: Sunday-Tuesday) (the rest periods of 21h and 18h are compensations for two reduced weekly rest periods taken in weeks 2 and 3 (Sunday- Monday), in accordance with Article 8(6b), while the additional rest period taken in week 3 (Wednesday-Thursday) does not have to be compensated).

See Graphic below:



C. 4-week rule: Article 8.6 weekly rests in international journeys

The ‘4-week rule’ is a derogation from the ‘2-week rule’ that provides that in two consecutive weeks, a driver can take (or start) at least (see section B):

- two regular weekly rests (minimum of 45 hours); OR
- a regular weekly rest (minimum of 45 hours) and a reduced weekly rest (minimum of 24 hours).

when certain conditions are met.

To enforce the 4-week rule the below steps could be followed:

- **Step 1:** Consider if there is compliance with the 2-week rule.
- **Step 2:** If 2-week rule is not infringed, stop the check on weekly rests.
- **Step 3:** If the 2-week rule is not complied with, consider if the conditions for applying the 4-week rule are met.

Conditions when the 4-week rule applies:

- drivers are engaged in international transport of goods (not passengers): drivers are engaged in international transport when they start 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.
- drivers take two consecutive reduced weekly rest periods outside the Member State of establishment, provided they have taken at least four weekly rest periods in any four consecutive weeks, of which at least two shall be regular weekly rest periods.
In practice this means checking 2 regular weekly rests before and after the two reduced weekly rests.

Step 4: If the above conditions are not met, there is an infringement of the 2-week rule under Article 8(6).

- **Step 5:** If the above conditions are met, then continue to check compliance with the 4 week-rule.
- **Step 6:** If infringement of the 4-week rule is not detected, then in the 4 weeks being considered, there is also no infringement of the 2-week rule. Now go back to Step 1 and repeat the calculation starting from the week after.
- **Step 7:** If infringement of the 4-week rule is detected, make a report on the same. Note that in this case infringement of the 2-week rule should not be considered any more. Now go back to Step 1 and repeat the calculation starting from the week after.

EXAMPLES

Note: Symbols used in the examples in this section of the document below:

R

Indicates a 24-hour rest period, unless otherwise indicated. In case a rest of less than 24 hrs is taken, then this will be indicated by specifying the number hours for which rest is taken. E.g., a rest of 16 hrs will be specified as **R16**

C

Indicates the number of hours taken as compensation for reduced weekly rest.

i. **Example 1:**

International Journey								
Week	Mo	Tu	We	Th	Fr	Sa	Su	Sum
1						R	R	48
2							R	24
3			R				R27	24+27
4				C21	C18	R	R	87
5			R					24
6		R	R					48

Start checking compliance with the 2-week rule:

- ✓ In weeks 1 and 2, we find a regular (48 hrs) and a reduced (24 hrs) weekly rest; hence there is no infringement.
- ✓ In week 2 and 3, we find a reduced (24 hrs) and a reduced (24 + 27 hrs) weekly rest; hence **there is non-compliance with** the 2-week rule.

Since there is non-compliance with the 2-week rule in weeks 2 and 3, check if conditions for applying the 4-week rule are met:

- ✓ The condition of drivers being engaged in international transport of goods, is met.
- ✓ Now check if the condition of having 4 weekly rest periods in any 4 weeks (of which at least 2 are regular) is met. To do this, always consider *2 weeks before and after* the 2 reduced weekly rests. Doing so, we see that in week 1 to 4, this condition is also met.

Now start checking compliance with 4-week rule (start in week 1):

- ✓ Week 1 has a regular weekly rest. Weeks 2 and 3 have reduced weekly rests and there is compensation for these before a regular weekly rest in week 4; hence there no infringement of the 4-week rule.
- ✓ In weeks 1 to 4, since there is no infringement of the 4-week rule, we also do not consider the 2-week rule as infringed.

Now go back to Step 1 and start in the week after (i.e., week 2 to 5)

- ✓ After following the steps, we see that in weeks 2 to 5, the conditions for applying the 4-week rule are not met (week 2 & 3 - reduced weekly rest, week 4 is 45 hrs, and week 5 is reduced weekly rest).
- ✓ Because the conditions to apply the 4-week rule are not met in week 2 to 5, we only penalise the 2-week rule infringement in week 2 and 3.

ii. Example 2:

Week	Mo	Tu	We	Th	Fr	Sa	Su	Sum
1		R	R16					40
2	R				R	R		24 + 48
3				R				24
4				R				24
5		C21	C21	R	R	R	R	42 + 75
6	R							45
7	R						R	24+24
8							R	48
9	R						R	24

Start with checking the compliance with the 2-week rule:

- ✓ In weeks 1 and 2 we find a reduced (40 hrs) and a regular (24 + 48 hrs) weekly rest, hence there is compliance with the 2-week rule.
- ✓ In weeks 2 and 3 we find a regular (24+ 48 hrs) and a reduced (24 hrs) weekly rest, hence there is compliance with the 2-week rule.
- ✓ In weeks 3 and 4, we find two reduced weekly rests of 24 hrs each, hence **there is non-compliance** with the 2-week rule.

Since there is non-compliance with the 2-week rule in weeks 3 and 4, check if conditions for applying the 4-week rule are met:

- ✓ The condition of drivers being engaged in international transport of goods is met.
- ✓ Now check if the condition of having 4 weekly rest periods in any 4 weeks (of which at least 2 are regular) is met. To do this, always consider *2 weeks before and after* the 2 reduced weekly rests. Doing so, we see that:
 - In weeks 1 to 4 this condition is not met, **so there is an infringement of the 2-week rule to be penalized.**
 - In weeks 2 to 5 this condition is met.
 - In weeks 3 to 6 this condition is again met.

Now start checking compliance with 4-week rule in the weeks where the conditions are met:

- ✓ **In week 2 to 5** – Week 2 has a regular weekly rest. Weeks 3 and 4 have two reduced weekly rests and there is a compensation for these in Week 5 before a regular weekly rest, hence there is no infringement of the 4-week rule. Since there is not infringement of 4-week rule, **for this period we also do not consider the 2-week rule as infringed.**

- ✓ **In week 3 to 6** – Weeks 3 and 4 have reduced weekly rests and there is a compensation for these in week 5 before a regular weekly rest, hence there is no infringement of 4-week rule. Since there is not infringement of 4-week rule, **for this period** we also do not consider the 2-week rule as infringed.

For the rest of the weeks:

- ✓ If we take weeks 6 and 7 there is no infringement of the 2-week rule.
- ✓ If we take weeks 7 and 8 there is no infringement of the 2-week rule.
- ✓ If we take weeks 8 and 9 there is no infringement of the 2-week rule.

So, the infringement of the 2-week rule in week 3 and 4 is penalized only for Week 1 to 4, where the conditions for applying the 4-week rule are not met. For other periods (i.e., week 2 to 5 and week 3 to 6) the infringement of 2-week rule is not penalized, because the 4-week rule was complied with.

iii. Example 3:

Week	Mo	Tu	We	Th	Fr	Sa	Su	Sum
1	R	R						48
2	R					R	R	24+48
3						R	R	48
4						R		24
5						R		24
6					R	R		48

Start with checking compliance with the 2-week rule:

- ✓ In week 1 and 2 we find a regular (48 hrs) and another regular (24 + 48 hrs) weekly rest, hence there is no infringement.
- ✓ In week 2 and 3 we find a regular (24 + 48 hrs) and another regular (48 hrs) weekly rest, hence there is no infringement.
- ✓ In week 3 and 4 we find a regular (48 hrs) and a reduced (24 hrs) weekly rest, hence there is no infringement.
- ✓ In week 4 and 5, we find 2 reduced weekly rests of 24 hrs each, **hence 2-week rule is not complied with.**

Since there is non-compliance with the 2-week rule in weeks 4 and 5, check if conditions for applying the 4-week rule are met:

- ✓ The condition of drivers being engaged in international transport of goods is met.

- ✓ Now check if the condition of having 4 weekly rest periods in any 4 weeks (of which at least 2 are regular) is met. To do this, always consider 2 weeks before and after the 2 reduced weekly rests. Doing so we see that:
 - In weeks 2 to 5 this condition is met.
 - In weeks 3 to 6 this condition is met.

Now Start checking compliance with 4-week rule in the weeks where the conditions are met:

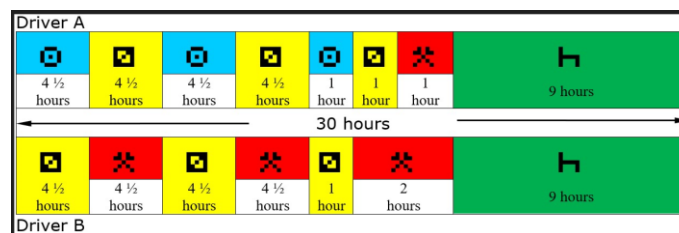
- ✓ We see that there is an infringement of the 4-week rule because in week 6, before starting the regular weekly rest, we do not find the compensation for reduced weekly rests taken in weeks 4 and 5; **there is an infringement of second subparagraph of Article 8.6b.**
- ✓ Here since an infringement of 4-week rule is detected and penalized, infringement of the 2-week rule should not be considered any more.

Note: the company is obliged to organize the work of the driver in manner that the driver can take the compensation and the regular rest at home. This is not an obligation for the driver. Evidence for this obligation should be kept by the company and compliance with this obligation should be checked during company checks and not during roadside checks.

D. Multi-manning

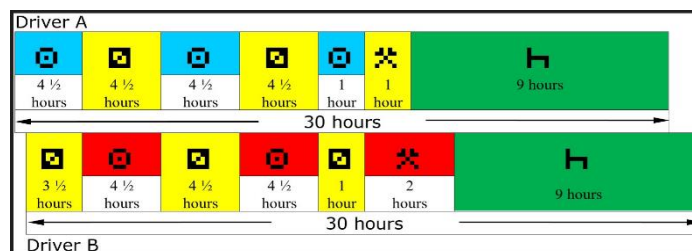
Multi-manning examples: the following examples show possible distributions of activities of drivers acting as crews in compliance with this Regulation.

i. Example 1:



ii. Example 2:

In the case shown below, driver A drives alone for 1 hour before being joined by driver B, this is permitted under multi-manning.



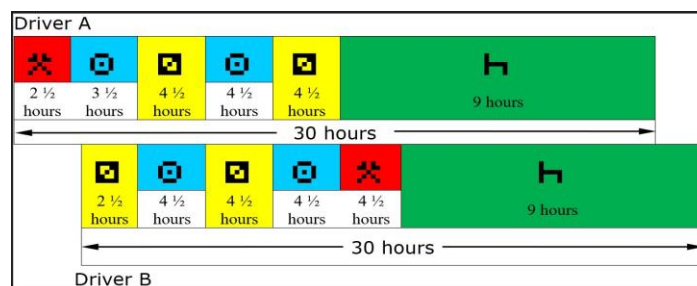
iii. Example 3:

In the case below, driver A carried out ‘other work for 2 ½ hours, then started driving and was joined 1 hour later by driver B. This is permitted under multi-manning. Note, however, that if the multi manned journey resumes, driver B cannot recommence driving until driver A completes his daily rest. Driver B could carry out other work for 1 hour.



iv. Example 4:

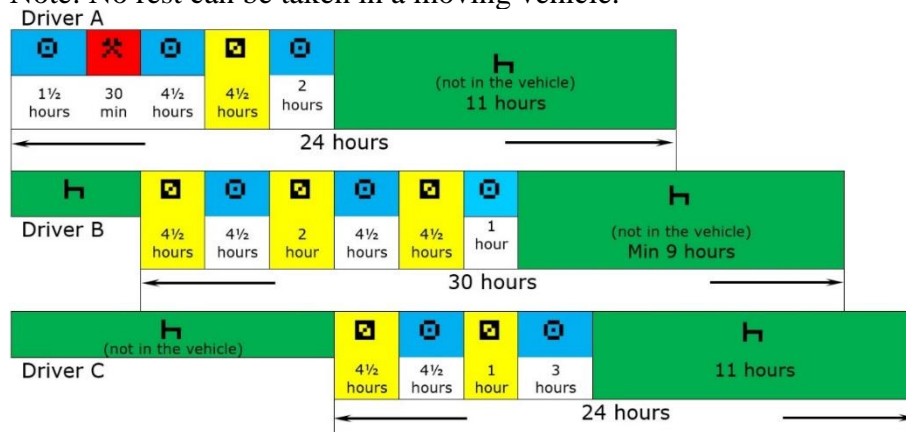
Similarly, the following distribution of activities is also permissible.



v. Example 5:

The example below shows how a vehicle could be driven by 3 drivers. Driver A is not in a multi-manning situation because he drove 1.5 hrs without another driver on board. Driver C is not in a multi-manning situation because he drove 3 hrs without another driver on board. This leaves only driver B in multi-manning situation who was always with another driver on board while he was driving.

Note: No rest can be taken in a moving vehicle.



2.2.8.4 '12 Day rule'

Article 8(6a) of Regulation (EC) No 561/2006 includes a derogation for drivers on single occasional journeys of international carriage of passengers to postpone their weekly rest period until the end of the twelfth day. The calculation of 12 days starts at the end of the weekly rest and counts up to 12 consecutive 24-hour periods thereafter. The derogation also requires the driver to take a regular 45-hour rest period prior to the beginning of the journey. For the driver to be entitled to postpone the weekly rest, he must comply with **all** the requirements:

- (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;
 - (ii) 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 (**note: be aware that the reduced of the uninterrupted driving time is not an infringement but a requirement**).

While driving from 22.00hrs at night to 06.00hrs in the morning, if the vehicle is single manned, then the driving period cannot be more than 3 hours. This is a condition of the 12-day rule and cannot be breached.

Where these requirements are not complied with, a driver is required to take a normal weekly rest period as defined in Article 8(6) and consequently any infringements will be weekly rest infringements.

2.2.8.5 Emergency interruptions of rest periods

Normally, an interrupted daily or weekly rest period constitutes an infringement (except for the 'ferry' rule – see section 2.2.9.1). In an emergency, or on the instruction of the police or other authority, it is acceptable for a driver to interrupt his rest period for a few minutes to reposition or relocate his vehicle (See Annex, Guidance Note 3). The interruption should be recorded, if necessary, manually, with an annotation by the instructing authority. This should not be deemed an infringement.

2.2.9 Article 9

2.2.9.1 Text

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.

European Commission Questions and Answers on the implementation of Mobility Package 1 (part 1)

Question 7. Does a driver accompanying a vehicle transported by ferry or train, for a journey of 8 hours or more, and with access to a sleeper cabin, have to take the other parts of the regular weekly rest period in a suitable accommodation, or is s/he allowed to spend these parts of the regular weekly rest in the vehicle?

Answer: According to Article 8(8) of Regulation (EC) No 561/2006, the regular weekly rest periods and any weekly rest period of more than 45 hours taken in compensation for previous reduced weekly rest periods must not be taken in a vehicle. They must be taken in suitable accommodation, as detailed in the Regulation.

Article 9(1) of the Regulation deals with the situation where a driver accompanies a vehicle which is transported by ferry or train, and in this context provides for certain derogations. While referring to Article 8 as whole, it does not allow to derogate from the ban established in Article 8(8), of taking certain types of rest in the vehicle. Instead, as follows from its terms, derogations permitted thereunder may only concern the possibility to "interrupt" certain rest periods, i.e. a regular daily rest period, a reduced weekly rest period or a regular weekly rest. It thus only derogates from the provision whereby a "rest" constitutes "any uninterrupted period during which a driver may freely dispose of his time".

As a result, the driver may not, before embarking and/or after disembarking from the ferry/train, spend a part of his/her regular weekly rest in the vehicle.

2.2.9.2 Infringements

Insufficient daily rest	561- 8-2
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Fail to keep a record	561- 6-5
Failure to take sufficient weekly rest.	561- 8-6

2.2.9.3 Roadside Check

- This derogation allows a driver to interrupt a regular daily rest period (11hours or 3+9 hours) and a reduced weekly rest period for a maximum of **twice** when accompanying a vehicle on a train or a ferry. The total of these interruptions may not exceed 1 hour.
- During regular daily rest period or reduced weekly rest period, the driver must have access to a sleeper cabin, a bunk or couchette. When a regular weekly rest is interrupted by a ferry or train journey only the sleeper cabin is acceptable and the scheduled journey is at least 8 hour long.
- To check for compliance with the detail of this derogation, identify the daily rest period being interrupted and check that its accumulated duration is not more than 1 hour and that the components of the interrupted daily rest periods still together constitute a regular daily rest period.

In case of using this derogation with regard to regular weekly rest period the ferry or train journey should be scheduled for 8 hours or more. This derogation can be used under the scope of Regulation (EC) No 561/2006 or TCA. In case the journey falls in scope of the AETR, the ferry/train rest can be interrupted only for the regular daily rest.

- To be able to interrupt the daily resting time, according to Article 9.1 the driver should use the tachograph ferry/train symbol as prescribed in Article 34. 5 b of Regulation 165/2014.

Control officers may also request the production of a rail or ferry ticket to assist in the validation of the derogation although officers should be aware that it is not required by the driver to present those tickets (Article 34(3) of Regulation (EU) No 165/2014); moreover, tickets are not always issued by ferry companies.

Where these conditions are not met a **daily rest infringement** (see Article 8) has been committed and this breach continues until a qualifying daily rest period is taken. (See also Annex 1, Guidance Note 7 from European Commission).

EXAMPLES

i. Example 1 –

Below is an example which shows how a regular daily rest is interrupted to embark and disembark a ferry and makes use of this derogation:



Note: The sum of the resting time should be at least 11 hours and the sum of the two interruptions should not be more than one hour. Driving carried out during such an interruption cannot, in accordance with the Regulation, be applied to the daily driving period that applies before and after the interrupted daily rest, however it counts towards both the weekly and two-weekly driving limits. Weekly rest compensation can be added to a daily rest taken in this manner.

ii. **Example 2** – Interruption (ferry) of a split rest:



Note: It should be noted that such interruptions are not permissible where a daily rest of 9 hours is taken during a multi-manned journey. To make use of this derogation, multi-manning drivers must take a **regular** daily rest of at least 11 hours.

iii. **Example 3** –

Below is an example which shows how a regular weekly rest is interrupted to embark and disembark a ferry and makes use of this derogation.

Day 1:



Day 2:

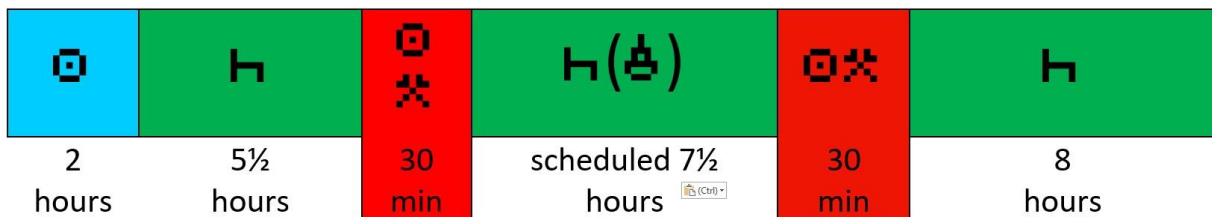


Note: The sum of the resting time should be at least 45 hours, the sum of the two interruptions should not be more than one hour and the ferry or train journey should be scheduled for 8 hours or more. The driver should have access to a sleeper cabin in the ferry or on the train. Part of the regular weekly rest as shown above is not allowed to be taken in the vehicle.

This rule is applicable in case of Regulation (EC) No 561/2006 and TCA. If the journey is under the AETR, this rule cannot apply.

vi. **Example 4** – An irregular interruption (ferry) of a regular weekly rest:

Day 1:



Day 2:



Note: The example is almost the same as the former one. The difference is duration of ferry or train journey. Because the period of the “scheduled” journey is less than 8 hours, the application of derogation is not allowed.

- A driver travelling to a specific place, other than the employer's operating centre, indicated to him by his employer, in order to take over and drive a tachograph equipped vehicle is satisfying an obligation towards his employer and therefore not able to freely dispose of his time. Hence, any time travelling to or from a location which is not the driver's home or the employer's operating centre and where the driver takes charge of or leaves an in-scope vehicle in the scope of Regulation (EC) No 561/2006, regardless of whether the employer gave instructions as to when and how to travel or whether that decision was made by the driver should be recorded as 'availability' or 'other work', depending on the Member States' legislation (see judgement of the Court of Justice in case C-124/09 Smit Reizen²³).

Also, any time spent by a driver driving a vehicle, which is out of scope of Regulation (EC) No 561/2006, to or from a location which is not his usual employer's operational centre or the driver's home and where the driver is supposed to take over or quit a vehicle, which falls within the scope of this Regulation, should be recorded as 'other work'. (See also Annex, Guidance Note 2).

²³ CJEU, judgement of 29 April 2010, case C-124/09.

This means in theory, a driver that completes his working day away from his normal working place cannot carry out any further work, such as driving home, without recording this activity and may be committing an infringement.



Where suspicion exists that in-scope activities within the scope of Regulation (EC) No 561/2006 have been carried out but not recorded (like driving without cards), then the driver should be questioned to clarify exactly what activities have been undertaken during those periods of time.

Records that show that a driver completed his duties at one location and resumed them the following day at a different location may indicate a failure to record activities set out in this Article.

Drivers taking over control of a vehicle far from their home or normal place of employment must be questioned about the journey to collect the vehicle with a view to establishing whether the driver has failed to record all their activities.

Failure to record in scope activities is a breach of Article 34 of Regulation (EU) No 165/2014 and is categorised as a *very serious infringement* as per Directive 2006/22/EC.

2.2.10 Article 10

2.2.10.1 Text

1. *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, 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 transport undertaking shall organise the work of drivers referred to in paragraph 1 in such a way that the drivers are able to comply with Regulation (EEC) No 3821/85 and Chapter II of this Regulation. The transport undertaking shall properly instruct the driver and shall make regular checks to ensure that Regulation (EEC) No 3821/85 and Chapter II of this Regulation are complied with.*
3. *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.

Without prejudice to the right of Member States to hold transport undertakings fully liable, Member States may make this liability conditional on the undertaking's infringement of paragraphs 1 and 2. Member States may consider any evidence that the transport undertaking cannot reasonably be held responsible for the infringement committed.

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) A transport undertaking which uses vehicles that are fitted with recording equipment complying with Annex IB of Regulation (EEC) No 3821/85 and that fall within the scope of this Regulation, shall:

(i) ensure that all data are downloaded from the vehicle unit and driver card as regularly 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' shall be interpreted in accordance with the definition laid down in Annex IB, Chapter I, point (s) of Regulation (EEC) No 3821/85;

(c) the maximum period within which the relevant data shall be downloaded under (a)(i) shall be decided by the Commission in accordance with the procedure referred to in Article 24(2).

2.2.10.2 Infringements

Operator infringements of failing to secure tachograph data.

2.2.10.3 Roadside Control

This article places obligation on operators. The infringements detailed here under paragraphs 1, 2 and 4 cannot realistically be properly detected or investigated during roadside checks and are best left to be investigated during operator checks carried out at their premises where there is likely to be access to the necessary evidence. Where an infringement of Regulation (EC) No 561/2006 in respect of cross-border transport operations is suspected, it is good practice to forward any intelligence collated to the enforcement authorities of the Member State of establishment.

Regarding the infringements made in paragraph 3 ('operator liability'), it will be necessary to consult the national law of each Member State.

Nevertheless, information gathered at roadside checks may be useful for the Member State to identifying those operators that may need investigating.

The infringement under paragraph 5 concerns the obligations of an operator to download and secure digital data and is therefore primarily relevant during company investigations.

2.2.11 **Article 11**

2.2.11.1 Text

A Member State may provide for longer minimum breaks and rest periods or shorter maximum driving times than those laid down in Articles 6 to 9 in the case of carriage by road undertaken

wholly within its territory. In so doing, Member States shall take account of relevant collective or other agreements between the social partners. Nevertheless, this Regulation shall remain applicable to drivers engaged in international transport operations. No changes MP I

2.2.11.2 Infringements

None

2.2.11.3 Roadside Check

While individual Member States may provide for stricter limits than those imposed by Regulation (EC) No 561/2006, the limits imposed by this Regulation still continue to apply to international journeys.

Standard checks should still be applied to drivers/vehicles on international journeys.

Enforcement checks in those Member States that have a stricter regime for national journeys will be carried out in accordance with their own domestic legislation.

2.2.12 Article 12

2.2.12.1 Text

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.

2.2.12.2 Infringements

No infringement.

2.2.12.3 Conditions for departure from Articles 6 to 9 to reach a suitable stopping place:

- road safety should not be jeopardised, and the aim should be to enable the vehicle to reach a suitable stopping place
- extent of the departure should be as necessary to ensure the safety of persons, of the vehicle or its load

Note: Article 12 contains provisions that permit a driver to depart from the minimum rest requirements and maximum driving times contained in Articles 6 to 9 in order to find a suitable stopping place. This article does not authorize a driver to derogate from the Regulation for reasons known before the journey commenced. (See Annex 1 - Guidance Note 1 from European Commission).

2.2.12.4 Conditions for departure from Article 6(1) and (2) and Article 8(2) to reach operational centre or place of residence:

- road safety should not be jeopardised
- extent of the departure should be as necessary to ensure the safety of persons, of the vehicle or its load
- there should be exceptional circumstances (see Annex 1 Guidance Note 1 from the European Commission²⁴)

Note: the driving time to home or operational centre should not be longer than 1 or 2 hours, to reach the employer's operational centre or the driver's place of residence to take a weekly rest period, respectively.

2.2.12.5 Roadside Check

Departure from Articles 6 to 9 to reach a suitable stopping place.

- Provided that road safety is not jeopardised and to enable a driver to reach a suitable stopping place, a departure from EU Rules may be permitted to the extent necessary to ensure the safety of persons (including passengers), the vehicle or its load.
- Drivers must note the reason for the departure on the back of their tachograph record sheets (if using analogue records) or on a printout or temporary sheet (if using a digital tachograph), at the latest on reaching the suitable stopping place.
- According to the judgement of the Court of Justice in Case C-235/94 – Bird, this exemption can only apply in cases where it unexpectedly becomes impossible to comply with the rules on drivers' hours during the course of a journey. In other words, planned breaches of the rules are not allowed. This means that when an unforeseen event occurs, it is for the driver to decide whether it is necessary to depart from the rules. In doing so, a driver will have to take into account the need to ensure road safety in the process.

²⁴ https://transport.ec.europa.eu/system/files/2016-09/guidance_1_en.pdf

Departure from Article 6(1) and (2) and Article 8(2) to reach operational centre or place of residence.

- The deviation from driving time limits cannot be a regular or planned occurrence and must be caused by exceptional circumstances such as: major traffic accidents, extreme weather conditions, road diversions, no place at the parking area, etc. (see Guidance Note 1) This list of possible exceptional circumstances is only indicative. The principle for assessment is that the motive of possible deviation from driving limits cannot be known or even possible to foresee beforehand. It is for the driver, not the operator, to decide to use article 12.
- The extra driving time allows the driver to only exceed the daily and weekly driving time limits and in doing so, not to comply with the obligation to have taken a daily rest period within 24 hours.
- The driver is allowed to exceed the daily and weekly driving time limits 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. In order to take a regular weekly rest period, the driver is allowed to exceed the driving time limits by up to two hours, provided that an uninterrupted break of 30 minutes was taken immediately prior to the additional driving.
- The infringements committed will be caused by exceeding the allowed driving time or failure to take the 30-minute break prior to the extra 2 hours driving. Failure to comply with any part of the derogation means that the driver's activities must be assessed based on the normal rules.
- If a driver takes advantage of the extra driving before taking a daily rest period, then an infringement is committed as the excess driving can only be used to reach base/home to take a weekly rest period.
- The driver is required to indicate the reason for such departures 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.
- As stated in the fifth subparagraph of Article 12 of the Regulation, any period of extension of driving time under this derogation must be compensated by an equivalent period of rest, which must be taken en bloc with any rest period within 3 weeks from using the derogation. Breaks do not need to be compensated, only the additional driving time. For instance, if a driver has driven 1,5 hours longer than the allowed daily driving time limit, he/she should be compensated for this prolonged driving time, by the addition of 1,5 hours of rest time to one of his/her weekly or daily rest periods taken by the end of the third week following the week in question.

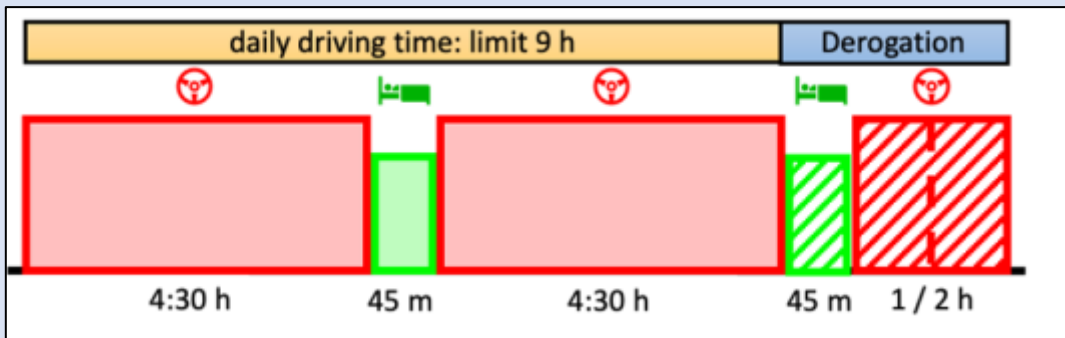
European Commission Questions and Answers on the implementation of Mobility Package 1 (part 2)

Question 13. *If a driver makes use of the derogation under Article 12, after 4,5 hours driving should he/she take a break of 30 minutes or 45 minutes prior to the additional driving?*

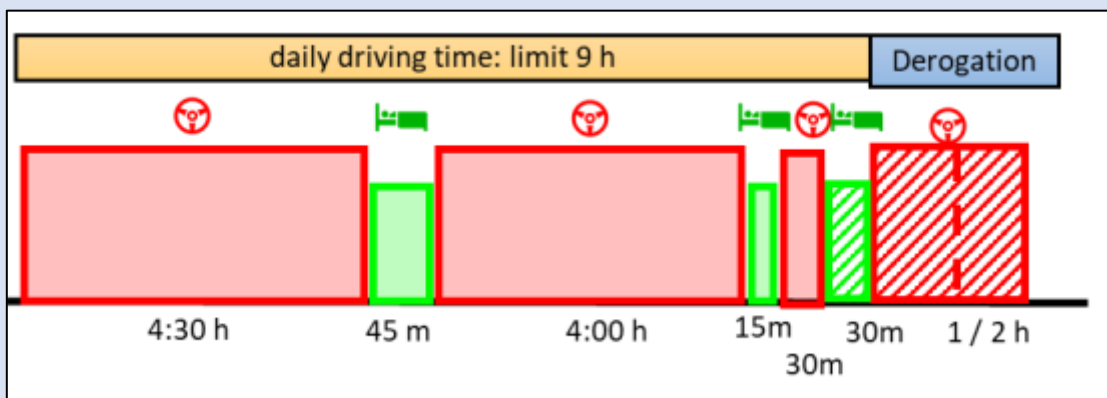
Answer: Article 7, first subparagraph, requires that a driver takes at least a 45-minute break after a driving period of 4,5 hours. Article 12, subparagraphs 2 to 5 does not allow to derogate from this.

Hence, after 4,5 hours of driving, and prior to the following driving period, a driver must take a break of 45 minutes. In case where a driver has taken the 45 minutes break (or 30 minutes break followed by prior 15 minutes break) and after that needs to continue driving for another 1-2 hours, the driver is not obliged to take an additional break of 30 minutes before he/she resumes the additional driving. In cases where he/she is allowed

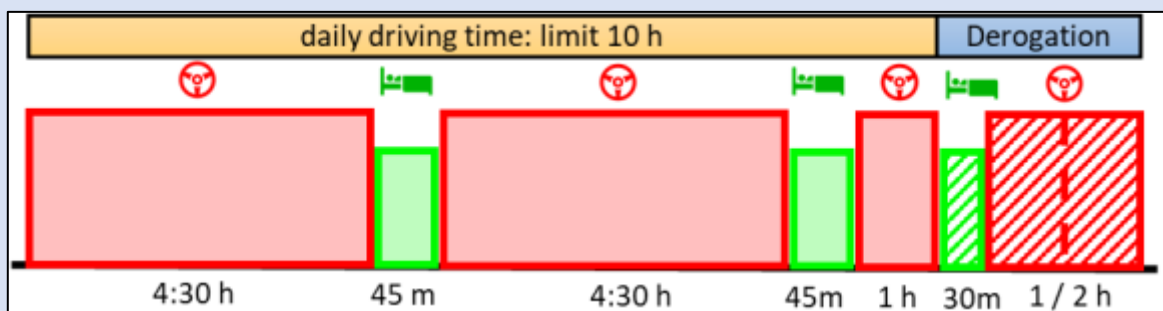
to drive 10 hours during the day and if he/she has already reached that daily driving time limit and needs to continue driving between 1 and 2 hours to reach his/her 'home' for a weekly rest, he/she must take an additional 30-minute break prior to this additional driving. On the other hand, no additional 30-minute break is required when the driver exceeds the daily driving time by less than one hour. Example 1: a driver was driving for 4,5 hours, and then took a 45-minute break; then he/she drove for another 4,5 hours, and took another 45-minute break. He/she reached his/her daily limit of 9 hours driving, but he/she still needs to continue driving between 1 or 2 hours to reach 'home'. In this case, he/she can resume driving after the 45-minute break following the second driving period of 4,5 hours.



Example 2: a driver was driving for 4,5 hours, and then took a 45-minute break; then he/she drove for another 4 hours, and took a part of a break of 15 minutes, then he/she continued driving for another 30 minutes after which he/she stopped to take 30 minutes break. This is in line with Article 7 which allows to split a break of at least 45 minutes to two parts, that is a break of at least 15 minutes followed by a break of at least 30 minutes) If after this 30-minute break, he/she needs to continue driving between 1 or 2 additional hours to reach 'home' he/she does not have to take additional 30 minutes of break.



Example 3: a driver was driving for 4,5 hours, and then took a 45-minute break; then he/she drove for another 4,5 hours, and took another 45-minute break. If his/her daily driving time limit is 10 hours, he/she can still drive for an additional 1 hour. If after this hour of driving, he/she needs to drive for an additional period between 1 and 2 hours to reach 'home', then he/she must take a new 30-minute break prior to the additional driving



In all the above examples a driver may take his/her obligatory break in two parts, i.e. minimum 15 minutes followed by minimum 30 minutes break distributed over the period of 4,5 hours of driving, as allowed by the second paragraph of Article 7. This does not have an effect on the obligation (or not) of taking an additional 30 minute break before the extended driving time of 1-2 hours

Control officers should:

- Verify the exact nature of the event which caused the driver to make use of the provisions in this Article. Be aware of the specific instances contained in **Guidance Note 1** (see Annex 1 below).
- Check the recordings for validation of exemption.
- Check that exemption is used to enable a suitable stopping point to be reached. *Note: this is not a carte blanche dispensation to complete a journey. However, examiners must also be mindful that at the time of the control the journey may not have reached a suitable stopping place and thus the departure from the rules may not have been noted down. In such circumstances such an omission should not be considered an infringement.*
- Check whether the stopping place was the first suitable location.
- Check for systematic and repeated use of exemption via previous records. If this exemption is incorrectly claimed, check for breaches of Articles 6-9.

2.2.13 Article 13

2.2.13.1 Text

1. *Provided the objectives set out in Article 1 are not prejudiced, each 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 States concerned, on the territory of another Member State, applicable to carriage by the following:*
 - (a) vehicles owned or hired, without a driver, by public authorities to undertake carriage by road which do not compete with private transport undertakings;*
 - (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 as defined in Article 2(13) of Directive 97/67/EC of the European Parliament and of the Council of 15 December 1997 on common rules for the development of the internal market of Community postal services and the improvement of quality of service to deliver items as part of the universal service. These vehicles shall be used only within a 100 kilometre 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 or regions isolated from the rest of the national territory 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 vehicle, and which do not border another Member State;*

(f) vehicles used for the carriage 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 for driving instruction and examination with a view to obtaining a driving licence or a certificate of professional competence, provided that they are not being used for the commercial carriage of goods or passengers;

(h) 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;

(i) vehicles with between 10 and 17 seats used exclusively for the non-commercial carriage of passengers;

(j) specialised vehicles transporting circus and funfair equipment;

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

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

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

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

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

(p) vehicles used for the carriage 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;

(q) 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;

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

2. Member States shall inform the Commission of the exceptions granted under paragraph 1 and the Commission shall inform the other Member States thereof.

3. Provided that the objectives set out in Article 1 are not prejudiced and adequate protection for drivers is provided, a Member State may, after approval by the Commission, grant on its own territory minor exemptions from this Regulation for vehicles used in predefined areas with a population density of less than five persons per square kilometre, in the following cases:

— regular domestic passenger services, where their schedule is confirmed by the authorities (in which case only exemptions relating to breaks may be permitted), and

— domestic road haulage operations for own account or for hire or reward, which have no impact on the single market and are needed to maintain certain sectors of industry in the territory concerned and where the exempting provisions of this Regulation impose a limiting radius of up to 100 km. Carriage by road under this exemption may include a journey to an area with a population density of five persons or more per square kilometre only in order to end or start the journey. Any such measures shall be proportionate in nature and scope.

2.2.13.2 Infringements

None if exemption correctly applied.

2.2.13.3 Roadside Check

Control officers should validate the use of this exemption by establishing journey details, usage of vehicle, nature of vehicle specific equipment and load details through engagement with the driver. It should be remembered that this Article grants exemptions from Articles 5-9 only.

Incorrect application by a driver of a derogation should result in a detailed inspection based on Regulation (EC) No 561/2006 and Regulation (EU) No 165/2014.

Note: The corresponding exemption from the requirement to fit (and use) a tachograph is contained in Article 3(2) of Regulation (EU) No 165/2014.

Control officers should also be aware that that a driver or operator may not realise that a specific exemption is applicable and attempt to comply with (EC) 516/2006 etc when other regulations may apply.

These are **national** derogations and will vary from Member State to Member State and commonly will only have validity within national borders of the Member States, although there may well be local agreement between neighbouring states that allows for mutual recognition.

Refer to domestic legislation for further guidance.

Activities carried out under these derogations should be recorded as other work if carried out in combination within in-scope driving during the working day.

Incorrect application by a driver of a derogation should result in a detailed inspection based on Regulation (EC) No 561/2006 and Regulation (EU) No 165/2014.

Where it becomes necessary to validate a claimed derogation, the EU website below offers access to current list of national derogations that prevail in each Member State. Control officers should therefore be aware of them when carrying out roadside inspections:
https://transport.ec.europa.eu/system/files/2021-04/national_exceptions_regulation_2006_561.pdf

2.2.14 **Article 14**

2.2.14.1 Text

1. *Provided that the objectives set out in Article 1 are not prejudiced, Member States may, after authorisation by the Commission, grant exceptions from the application of Articles 6 to 9 to transport operations carried out in exceptional circumstances.*
2. *In urgent cases Member States may grant, under exceptional circumstances, a temporary exception for a period not exceeding 30 days, which shall be duly reasoned and notified immediately to the Commission. The Commission shall immediately publish this information on a public website.*
3. *The Commission shall inform the other Member States of any exception granted pursuant to this Article.*

2.2.14.2 Infringements

None

2.2.14.3 Roadside Check

The Regulation permits Member States (on application to the Commission) to relax the requirement to comply with driving limits imposed by Articles 6-9. Similarly, Member States may respond to exceptional circumstances or emergencies. (E.g., extreme disruptive weather conditions or epidemic) and grant temporary exemptions for a period of up to 30 days while also notifying the Commission.

Whilst for the duration of any emergency, control officers are likely to be aware of such a relaxation, however, they must be aware that such relaxations may have been applicable when inspecting records sometime after the event.

The official updated list of temporary exceptions can be found on the Commission website: https://transport.ec.europa.eu/transport-modes/road/social-provisions/driving-time-and-rest-periods_en

It is recommended to transport companies, whose drivers are currently engaged in exempted operations (example: non-commercial humanitarian transport operations), to fill in and make use of the EU / AETR Attestation forms and keep them available on board of their vehicles for control purposes, when engaged in subsequent commercial transport operations in scope of Regulation (EC) No 561/2006. It is also recommended to professional drivers to present the completed and signed Attestation form to control officers during roadside checks. Should a tachograph be available on board of the vehicle used for exempted operations such as non-commercial humanitarian aid, the driver must record the information about driving out of scope in the tachograph.

Since these are relaxations of the Regulation which apply locally (on the whole or partial territory of a Member State), it can be expected that the competent authority has made control officers aware of them. Thus, they are only of interest to other Member States when a driver subsequently enters another Member State and produces for examination, records which contain apparent infringements but may in fact be authorised breaches.

A control officer should therefore confirm the existence of any relaxation claimed and, in those instances where it is not confirmed, then apply the limits imposed by Articles 6 - 9.

2.2.15 Article 15

2.2.15.1 Text

Member States shall ensure that drivers of vehicles referred to in point (a) of Article 3 are governed by national rules which provide adequate protection in terms of permitted driving times and mandatory breaks and rest periods. Member States shall inform the Commission about the relevant national rules applicable to such drivers.

2.2.15.2 Infringements

None

2.2.15.3 Roadside Check

This article requires Member States to put in place regulations concerning driving and rest times for drivers of vehicles exempted from these regulations by Article 3(a). These are of national interest only.

2.2.16 Article 16

2.2.16.1 Text

1. Where no recording equipment has been fitted to the vehicle in accordance with Regulation (EEC) No 3821/85, paragraphs 2 and 3 of this Article shall apply to:

(a) regular national passenger services, and

(b) regular international passenger services whose route terminals are located within a distance of 50 km as the crow flies from a border between two Member States and whose route length does not exceed 100 km.

2. A service timetable and a duty roster shall be drawn up by the transport undertaking and shall show, in respect of each driver, the name, place where he is based and the schedule laid down in advance for various periods of driving, other work, breaks and availability. Each driver assigned to a service referred to in paragraph 1 shall carry an extract from the duty roster and a copy of the service timetable.

3. The duty roster shall:

(a) include all the particulars specified in paragraph 2 for a minimum period covering the day of control and the previous 56 days; those particulars must be updated on regular intervals, the duration of which may not exceed one month; (as per 31 of December 2024)

(b) be signed by the head of the transport undertaking or by a person authorised to represent him;

(c) be kept by the transport undertaking for one year after expiry of the period covered by it. The transport undertaking shall give an extract from the roster to the drivers concerned upon request; and

(d) be produced and handed over at the request of an authorised inspecting officer.

No further comments on this Article.

2.2.17 Article 17

This article is not considered here as it has no relevance to roadside enforcement activity.

2.2.18 Article 18

This article is not considered here as it has no relevance to roadside enforcement activity.

2.2.19 Article 19

2.2.19.1 Text

1. Member States shall lay down rules on penalties applicable to infringements of this Regulation and Regulation (EU) No 165/2014 and shall take all measures necessary to ensure that they are implemented. Those penalties shall be effective and proportionate to the gravity of the infringements, as indicated in Annex III to Directive 2006/22/EC of the European

*Parliament and of the Council (*3), as well as dissuasive and non-discriminatory. No infringement of this Regulation and of Regulation (EU) No 165/2014 shall be subject to more than one penalty or procedure. The Member States shall notify the Commission of those rules and measures, along with the method and criteria chosen at national level for assessing their proportionality. The Member States shall notify without delay any subsequent amendment affecting them. The Commission shall inform Member States of those rules and measures, and of any amendments thereto. The Commission shall ensure that this information is published on a dedicated public website in all official languages of the Union, containing detailed information on such penalties applicable in Member States.*

*(*3) Directive 2006/22/EC of the European Parliament and of the Council of 15 March 2006 on minimum conditions for the implementation of Regulations (EC) No 561/2006 and (EU) No 165/2014 and Directive 2002/15/EC as regards social legislation relating to road transport activities, and repealing Council Directive 88/599/EEC (OJ L 102, 11.4.2006, p. 35).*

2. 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.

By way of exception, where an infringement is detected:

- which was not committed on the territory of the Member State concerned, and*
- which has been committed by an undertaking which is established in, or a driver whose place of employment is, in another Member State or a third country,*

a Member State may, until 1 January 2009, instead of imposing a penalty, notify the facts of the infringement to the competent authority in the Member State or the third country where the undertaking is established or where the driver has his place of employment.

3. Whenever a Member State initiates proceedings or imposes a penalty for a particular infringement, it shall provide the driver with due evidence of this in writing.

4. Member States shall ensure that a system of proportionate penalties, which may include financial penalties, is in force for infringements of this Regulation or Regulation (EEC) No 3821/85 on the part of undertakings, or associated consignors, freight forwarders, tour operators, principal contractors, subcontractors and driver employment agencies.

2.2.19.2 Infringements

None

2.2.19.3 Roadside Check

At a roadside check, control officers should be aware that this Article enables them to pursue drivers (and operators) for breaches of Regulation (EC) 561/2006 that have been detected as having taken place on the territory of another Member State or a 3rd country. According to the judgement of the Court of Justice in Case C-906/19 – Ministère public, the principle of extra-territoriality does not apply for infringements of Regulation (EU) No 165/2014 committed in another EU Member State. As a consequence, if these infringements are detected they cannot be fined. However, in case such infringements are detected, control officers should then check if they also create an infringement of Regulation (EC) No 561/2006. If this is the case, then these infringements of Regulation (EC) No 561/2006 can lead to a fine.

Infringements of Regulation (EU) No 165/2014 committed in another EU Member State, when detected, must still be recorded and communicated to the authorities in the member state of establishment as per Regulation (EC) No 1071/2009. ERU facilitates such communication.

2.2.20 Article 20

2.2.20.1 Text

1. *The driver shall keep any evidence provided by a Member State 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 pursuant to this Regulation.*

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. No changes MP I*

2.2.20.2 Infringements

None

2.2.20.3 Roadside Check

Where an infringement has been detected/penalized, control officers must provide the driver with written evidence of such procedure or penalty. The standard CORTE approved form (updated after the Mobility Package 1) and adopted by some Member States may be used for this purpose. See Annex 6.

The form is based on similar requirement contained in Directive 2014/47/EU which is concerned with the reporting of the outcome of a roadside technical inspection.

Nonproduction of previous penalty evidence leaves the driver open to further penalty for the same breach. If such a further penalty has been imposed and evidence of the previous penalty is subsequently provided, then the latter penalty must be withdrawn.

2.2.21 Article 21

2.2.21.1 Text

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. The Commission, acting in accordance with the procedure in Article 24(2) shall develop guidelines with a view to promoting a harmonised application of this Article. No changes MP I

2.2.21.2 Infringements

None

2.2.21.3 Roadside Check

This Article empowers Member States to introduce legislation enabling the immobilisation of a vehicle associated with an infringing driver and permits administrative sanctions against operators and drivers.

Articles 22 - 29

These articles are not considered here as they have no relevance to roadside enforcement activity.

Annex 1 – European Commission Guidance Notes

Guidance note number	Article Number
1	Article 12 of Regulation (EC) No 561/2006
2	Article 9 of Regulation (EC) No 561/2006
3	Article 4(d) and (f) of Regulation (EC) No 561/2006
4	Article 1 of Regulation (EEC) No 3821/85 referring to Regulation (EC) No 1360/2002 (Annex 1B)
5	Article 11(3) of Directive 2006/22/EC
6	Article 9 (1) of Regulation (EC) No 561/2006
7	Article 8 (2) and (5) of Regulation (EC) No 561/2006

Guidance Note 1

Issue: Exceptional deviation from minimum rest and maximum driving limits in order to find a suitable stopping place.

Article: 12 of Regulation (EC) No 561/2006

Approach to be followed: Article 12 contains provisions that permit a driver to depart from the minimum rest requirements and maximum driving times contained in Articles 6 to 9 in order to find a suitable stopping place. This article does not authorize a driver to derogate from the Regulation for reasons known before the journey commenced. It is designed to enable drivers to deal with cases where it unexpectedly becomes impossible to comply with the Regulation during the course of the journey, that is in situations of abnormal difficulties, independent of the will of the driver and apparently unavoidable that may not be anticipated, even if all due care is taken. The derogation has also the function of ensuring the safety of persons, of the vehicle and of its load and the requirement that road safety must in any event be taken into account.

Three parties have certain obligations in relation to such situations:

- 1) A transport undertaking must plan carefully a driver's safe trip foreseeing, for instance, regular traffic jams, weather conditions and access to adequate parking places, that is, it must organize work in such a way that drivers are able to comply with the Regulation and should take into account the requirements of shippers and insurance companies concerning safe parking are satisfied.
- 2) A driver must rigorously stick to the rules and not deviate from driving time limits unless exceptional circumstances occur unexpectedly and it becomes impossible to comply with the Regulation without endangering road safety, the safety of persons, the vehicle or its load. If a driver decides that it is necessary to derogate from the Regulation and that this will not jeopardise road safety he/she must indicate the nature and reason for derogation manually (in any Community language, on the record sheet or on the printout from the recording equipment or on the duty roster) as soon as he/she stops.
- 3) An enforcer must apply professional discretion when controlling a driver and assessing whether the departure from driving limits is justified.
When assessing the legitimacy of the deviation on the basis of Article 12 all circumstances must be examined carefully by an enforcer including:
 - (a) a history of driver's driving records to establish the pattern of driver's performance and verify whether the driver normally complies with driving and rest time rules, and that the deviation is exceptional;
 - (b) the deviation from driving time limits must not be a regular occurrence and must be caused by exceptional circumstances such as: major traffic accidents, extreme weather conditions, road diversions, no place at the parking area, etc. (*This list of possible exceptional circumstances is only indicative. The principle for assessment is that the motive of possible deviation from driving limits must not be known or even possible to foresee beforehand*);
 - (c) daily and weekly driving limits should be respected; hence the driver should not have any 'time gains' by exceeding driving limit in search of a parking place;

(d) the deviation from the driving time rules must not lead to a reduction of the required breaks, daily and weekly rest.

Comment: European Court of Justice, Case C-235/94

Guidance Note 2

Issue: Recording the travelling time of a driver to a location that is not the usual place for taking charge or relinquishing of a vehicle in the scope of Regulation (EC) No 561/2006.

Article: 9 of Regulation (EC) No 561/2006.

Approach to be followed: A driver travelling to a specific place, other than the employer's operating centre, indicated to him/her by the employer in order to take over and drive a 'tachograph vehicle' is satisfying an obligation towards his/her employer and therefore he/she does not freely dispose of his/her time.

Hence, in line with Articles 9(2) and 9(3):

- any time spent by a driver travelling to or from a location, which is not the driver's home or the employer's operational centre and where the driver is supposed to take over or to leave a vehicle in the scope of the Regulation, regardless of whether the employer gave instructions as to when and how to travel or whether that choice was left to the driver, should be recorded as either 'availability' or 'other work' depending on the Member State's national legislation; and
- any time spent by a driver driving **a vehicle, which is out of scope of the Regulation, to or from a location, which is not the driver's home or the employer's operational centre and where a driver is supposed to take over or to leave a vehicle which falls within the scope of the Regulation should be recorded as 'other work'**.

In the following three cases the time spent travelling can be regarded as 'rest' or 'break'.

The first case is when a driver accompanies a vehicle which is transported by ferry boat or train. In this case the driver may take his/her rest or break provided that he/she has an access to a couchette or a bunk (Art. 9.1).

The second case is when a driver is not accompanying a vehicle, but is travelling by train or ferry to or from a place where he/she will take charge or has relinquished control of a vehicle within the scope of the Regulation (Art. 9.2) provided that he/she has an access to a couchette or bunk on that ferry or train.

The third is where a vehicle is manned by more than one driver. When a second crew member is available for driving, when necessary, is sitting next to the driver of the vehicle and is not actively involved in assisting the driver driving the vehicle, a period of 45 minutes of that crew member's 'period of availability' can be regarded as 'break'.

There is no differentiation as to the character of the employment contract of the driver. Thus, these rules apply to both permanent drivers and drivers employed by a temporary employment undertaking hiring out of labour.

For a 'temporary driver' the 'employer's operational centre' means an operational centre of an undertaking using the services of that driver for its road transport ('user undertaking'), and not the head office of the 'temporary employment undertaking'.

Comment: European Court of Justice, Case C-76/77 and Case C-297/99.

Guidance Note 3

Issue: Ordering the interruption of a break or daily or weekly rest in order to move a vehicle forward at a terminal, at parking places or at border areas.

Article: 4(d) and (f) of Regulation (EC) No 561/2006.

Approach to be followed: Generally, during a daily or weekly rest a driver should be able to dispose freely of his/her time and should therefore not be obliged to stay in reach of his/her vehicle.

In general, interrupting a break, daily or weekly rest is an infringement (unless the "ferry rule" applies – Article 9(1)). However, at a terminal or a parking place there may occur a sudden abnormal situation or an emergency

where a vehicle needs to be moved. At a terminal there is usually a driver (terminal employee) who moves vehicles, if necessary.

If that is not the case and the movement of the vehicle becomes inevitable due to extraordinary circumstances, the driver may interrupt his/her rest only upon the demand of a competent authority or terminal official who are authorised to order vehicle's movements.

In other places (e.g. at parking places, at border crossings and in cases of emergency), if there are objective emergency reasons for which the vehicle must be moved or if the police or another authority (e.g.: fireman, road administration authorities, customs officer, etc.) give an order to move a vehicle, the driver must interrupt his/her break or rest for a few minutes and in that case should not be prosecuted.

If such a necessity arises Member States enforcers must grant some tolerance following an individual situation assessment.

Such an interruption of a driver's rest or break must be recorded manually by the driver and should, if possible, be authenticated by the competent authority that ordered the driver to move the vehicle.

Guidance Note 4

Issue: Recording of driving time by digital tachographs when drivers are involved in frequent- or multi-drop stop operations.

Article: 1 of Regulation (EEC) No 3821/85 referring to Regulation (EC) No 1360/2002 (Annex 1B).

Approach to be followed: As digital tachographs record more accurately than analogue tachographs drivers involved in frequent or multi-drop stop operations may be faced with higher records of driving time when using a digital tachograph than it would be with an analogue tachograph. This situation is temporary and may affect mainly local delivery transport operations. It will last only for the transitional period during which both the analogue and digital tachograph coexist.

In order to encourage a fast spread of the digital tachograph while providing for equal treatment of drivers - regardless of the recording instrument used - a tolerance should be possible for national enforcement agencies during this transitional period. This transitional tolerance should apply to those vehicles that are involved in frequent-stop or multi-drop journeys and that are equipped with digital tachographs.

However, and at all times, enforcers will be expected to apply professional discretion. Furthermore, whenever a driver is behind the wheel of the vehicle and actively engaged in an in-scope transport operation, he/she will be considered as driving irrespective of his/her circumstances (for example, in cases when the driver is in a traffic jam or at traffic lights).

Therefore:

- Member States should inform their Control Officers that they have the possibility to allow, on checking digital tachograph data, up to a 15-minute tolerance over a four and a half (4.5) hour block of driving time for vehicles involved in frequent- or multi-stop drop journeys, provided such claims can be supported by evidence. This tolerance may be applied, for example, as a deduction of one minute per driving time block, between stops, with a maximum of 15 minutes per four and a half (4.5) hour block of driving time;
- Control Officers should, when exercising their discretion, be guided by the circumstances and use the evidence made available to them at the time (such as verifiable proof that the driver was involved in frequent- or multi-drop stops), and must verify that their interpretation does not detract from the proper application of the Drivers' Hours Rules, and thereby undermine road safety.
- Member States may use analysis software which is configured to integrate a toleration period into the driving-time calculations but should be aware that this may lead to problems of evidence at a later stage. In all circumstances, the tolerance must not exceed the 15-minute toleration threshold for a four and a half hour (4.5) block of driving time.
- The tolerance should not discriminate or disadvantage either national or international drivers, and should only be considered for those operations where the journey clearly involves frequent- or multi-stop operations.

Guidance Note 5

Issue: Form for an attestation of activities established by the Commission Decision of 12 April 2007.

Article: 11(3) of Directive 2006/22/EC.

Approach to be followed: The attestation covers certain activities during the period mentioned in article 15 (7) (a) of Regulation (EEC) No 3821/85, i.e.:

- the current day + the previous 28 days (as of 1 January 2008)

The attestation may be used **only** when a driver has:

- been on sick leave
- been on leave, which forms part of the annual leave according to the legislation of the Member State where the undertaking is established
- driven another vehicle exempted from the scope of Regulation (EC) No 561/2006 or AETR

Member States are not obliged to require the use of the form, but if a Member State requires a form to be used for the cases foreseen in it, this standardised form must be recognised valid for such purposes.

Member States have the possibility to make it obligatory on their territory and require it from all drivers concerned. However, if tachograph records show the driving of a vehicle exempted from the scope of Regulation (EC) 561/2006 or AETR, no form may be requested concerning that period.

The electronic and printable form as well as information regarding the Member States that have made its use obligatory is available at: http://ec.europa.eu/transport/road/policy/social_provision/social_form_en.htm.

The form is accepted all over the EU in any official EU language. Its standard format facilitates understanding as it contains numbered pre-determined fields to be filled in.

All the fields in the form must be filled in by typing. In order to be valid, the form must be signed both by the company representative and by the driver before the journey. For self-employed drivers, the driver signs once as the company representative and once as the driver.

Only the signed original is valid. The text of the form may not be modified. The form may not be pre signed nor may it be altered by handwritten statements. Only under exceptional circumstances and if it is legally possible according to the national legislation, a telecopy (fax) of the form may be accepted.

The form may be printed on paper containing the company logo and contact details, but the fields containing the company information must also be filled in.

If a driver does not drive when already en route e.g. due to sickness or breakdown of the vehicle, the form cannot be used, and the enforcement authorities might request other proof showing the inactivity.

The attestation covers only the types of activity contained in it. The form cannot be used for other activities.

It should be noted that the form does not replace the obligations to record activities as stated in Article 6 (5) of Regulation (EC) No 561/2006 and in Article 15 of Regulation (EEC) No 3821/85.

Guidance Note 6

Issue: Recording of time spent on board of a ferry or train where the driver has access to a bunk or couchette.

Article: 9 (1) of Regulation (EC) No 561/2006.

Approach to be followed: Generally during a rest, a driver shall be able, according to Article 4(f), to dispose freely of his/her time. However, a driver is entitled to take his/her break or rest, daily or weekly, when he/she is travelling by ferry or train, provided that he/she has access to a bunk or couchette. This stems from the wording of Article 9(2) which stipulates that any time spent travelling "shall not be counted as a rest or break *unless the driver is on ferry or a train and has access to a bunk or couchette*".

Furthermore, in line with Article 9(1) a *regular daily rest period* of at least 11 hours taken on a ferry or a train (if a driver has access to a bunk or a couchette) may be interrupted twice as a maximum, by other activities (such as embarking or disembarking from the ferry boat or train). The total time of these two interruptions may not exceed 1 hour. This time must not, in any case, result in any reduction of a regular daily rest period.

In case of a regular daily rest taken in two periods, the first of which must be of at least 3 hours and the second of at least 9 hours (as stipulated in Article 4(g)), the number of interruptions (maximum two) concerns the whole period of daily rest and not each part of a regular daily rest taken in two periods.

The derogation under Article 9(1) does not apply to a weekly rest period, whether reduced or regular.

Guidance Note 7

Issue: The meaning of "each period of 24 hours"

Article: 8 (2) and (5) of Regulation (EC) No 561/2006

Approach to be followed: In line with Article 8(2) of the Regulation a new daily rest period shall be taken within each period of 24 hours after the end of the previous rest period (regular or reduced daily or weekly rest). The next 24-hour period starts from the end of the qualifying daily or weekly rest period taken. The term 'qualifying' rest should be understood as a rest period where a lawful minimum duration is accomplished within the period of 24 hours after the end of the previous qualifying rest. This qualifying rest may end later than 24 hours after the end of the previous rest if its total duration is longer than the minimum required by the legislation.

To determine the compliance with the daily resting time provisions enforcers should look into all 24-hour periods following a qualifying daily or weekly rest.

In cases where enforcers are confronted with periods of activity following a qualifying daily or weekly rest period, during which drivers do not accomplish a qualifying daily rest period, it is recommended that enforcers:

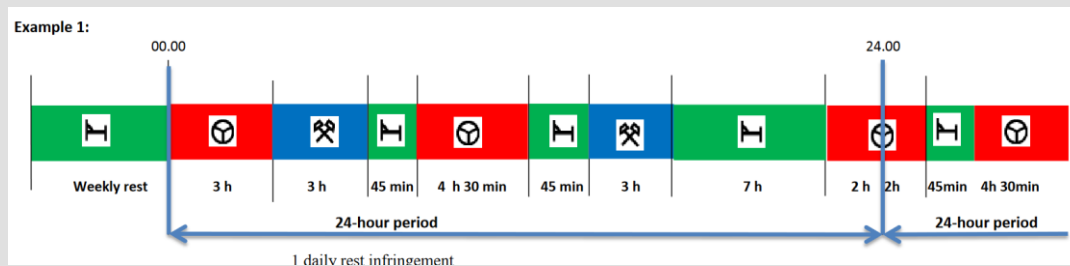
1. divide the above-mentioned periods of activity into consecutive periods of 24 hours starting from the end of the last qualifying daily or weekly rest, and
2. apply the rules on daily rest periods to each of these reference periods of 24 hours.

Where the end of such a 24-hour period falls within the on-going rest period, which is not a qualifying rest as its lawful minimum duration has not been accomplished within the 24-hour period, but which continues into the next period of 24 hours and reaches a minimum required duration, sometime thereafter, then the calculation of the next 24-hour period shall commence when a driver ends his rest period of a total duration of at least 9/11 hours or more and resumes his daily working period.

Where a qualifying daily or weekly rest period is identified, the assessment of the next 24-hour period shall start at the end of this qualifying daily or weekly rest period taken (from the end of the relevant rest period if the rest taken is in fact longer than the required minimum period of time).

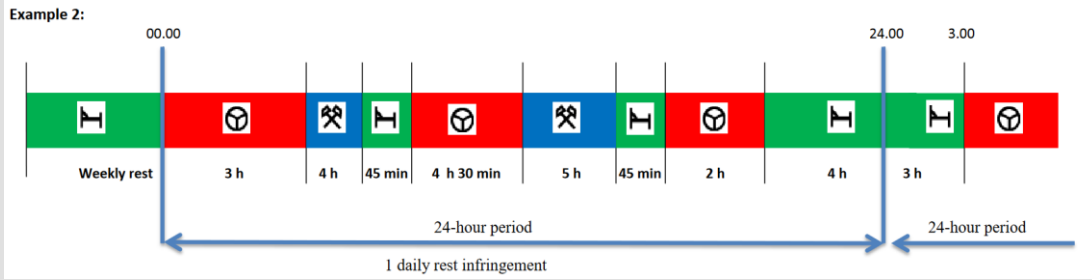
This calculation method should allow enforcers to identify and sanction all infringements of a daily rest provision committed within each period of 24 hours.

The analogue calculation method should apply to drivers engaged in multi-manning, and the reference period of 24-hour period should be replaced by 30-hour period as stipulated by Article 8(5) of the Regulation.



According to GN7: In cases where enforcers are confronted with periods of activity following a qualifying daily or weekly rest period, during which drivers do not accomplish a qualifying daily rest period, it is recommended that enforcers:

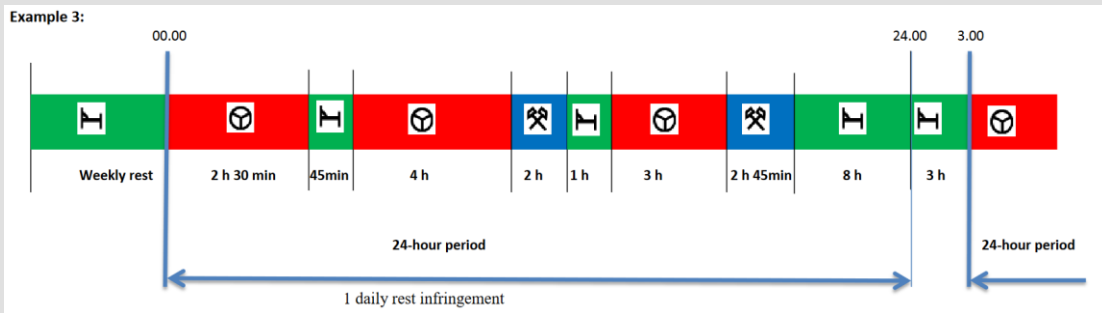
1. divide the above-mentioned periods of activity into consecutive periods of 24 hours starting from the end of the last qualifying daily or weekly rest and
2. apply the rules on daily rest periods to each of these reference periods of 24 hours. The new 24-hour period commences at 24:00



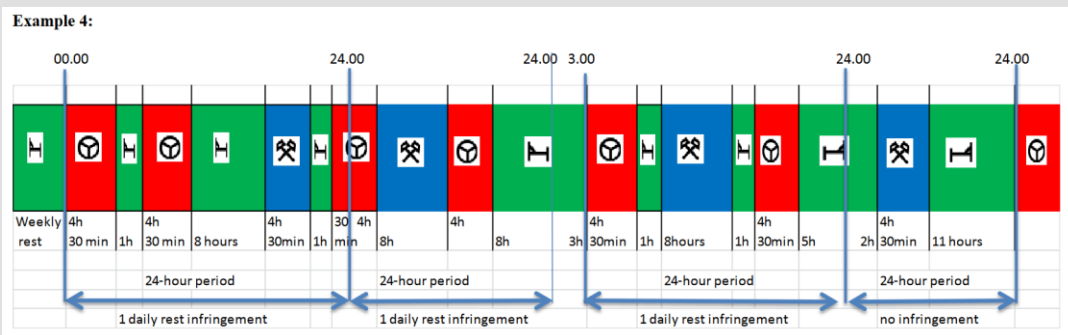
According to GN7: In cases where enforcers are confronted with periods of activity following a qualifying daily or weekly rest period, during which drivers do not accomplish a qualifying daily rest period, it is recommended that enforcers:

1. divide the above-mentioned periods of activity into consecutive periods of 24 hours starting from the end of the last qualifying daily or weekly rest and
2. apply the rules on daily rest periods to each of these reference periods of 24 hours.

The end of 24-hour period falls within the on-going rest period, which is not a qualifying rest as its lawful minimum duration has not been accomplished within the 24-hour period. Also, it is not a daily rest of a required duration. To this end, the new 24-hour period commences at 24:00.



According to GN7: the end of the 24-hour period falls within the on-going rest period, which is not a qualifying rest as its lawful minimum duration has not been accomplished within the 24-hour period, but which continues into the next period of 24 hours and reaches a minimum required duration, sometime thereafter, then the calculation of the next 24 hour period shall commence when a driver ends his rest period of a total duration of at least 9/11 hours or more and resumes his daily working period. To this end, the new 24-hour period commences at 3:00.



Annex 2 – European Commission Clarification Notes

Clarification note number	Article Number
1	Articles 1, 2, 11 of Regulation (EC) No 561/2006
2	Article 1, 2, 4(a), 4(c) of Regulation (EC) No 561/2006
3	Article 13 (f) of Regulation (EEC) No 3820/85 and 13 (d), 2nd indent of Regulation (EC) No 561/2006
4	Article 26
5	Articles 3(h) and 13(i) of Regulation (EC) No 561/2006
6	Article 14 (2) of Regulation (EC) No 561/2006
7	Article 34(1) and (3) of Regulation (EU) No 165/2014, Article 15(7) of Regulation (EEC) No 3821/85, Article 6(5) of Regulation (EC) No 561/2006, and 11(3) of Directive 2006/22/EC.

Commission Clarification 1

Topic: National Regulations inspired by the Community rules.

Article: scope of Regulation (EC) No 561/2006, Articles 1, 2, 11 of the Regulation.

Issue Raised: German law requires that Community rules on driving time, breaks and rest periods introduced by the Regulation (EC) No 561/2006 apply also to smaller ‘goods vehicles’ than those specified in Article 2.1 (a) of the Regulation, namely to vehicles exceeding 2.8 tonnes.

Clarification: The fact that some types of transport are not within the scope of the Regulation does not mean that they are exempt from any legislation. On the contrary, this provision implies that Member States are free to legislate in this domain. If Member States proceed so, nothing prevents them to adopt national rules that are inspired by Community legislation or is identical with it.

Comment: Clarification provided by the European Commission services to the Luxembourg authorities (letter of February 1993).

Commission Clarification 2

Topic: Vehicles being driven for repair, washing or maintenance purposes.

Article: 1, 2, 4(a), 4(c).

Issue Raised: Vehicles being driven for repair, washing or maintenance purposes.

Clarification: According to Article 4(a) of the Regulation, carriage by road is defined as 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. Hence, when a driver drives a vehicle for the purpose of going to a garage, to a washing facility, to a fuel station, to various locations to drop off or take over vehicles from clients etc. by using entirely or in part roads open to the public, this type of journey falls under the definition of carriage by road under the Regulation (EC) No. 561/2006. This is valid for any driver regardless whether his employment is of temporary or permanent nature. Article 1 of the Regulation, however, stipulates that the rules on driving times, breaks and rest periods are applicable for drivers engaged in the carriage of goods and passengers by road. Depending on the particular circumstances, the duties of the employees of certain companies may, by the nature of their functions, not include the activity of transporting goods or passengers by road. In such cases these employees would in fact not be engaged in the carriage of goods as defined by the Regulation and would thus fall outside the scope of its provisions.

In any case, nothing prevents Member States from applying the rules set out in the Regulation also to other transport operations or vehicles or drivers that are not explicitly covered by the Regulation.

Comment: Clarification provided by the European Commission services to Member of the Luxembourg authorities (letter of February 1993).

Commission Clarification 3

Topic: Vehicles used as local shops at local markets.

Article: 13 (f) of Regulation (EEC) No 3820/85 and 13 (d), 2nd indent of Regulation (EC) No 561/2006.

Issue Raised: Vehicles used as local shops at local markets or for door-to-door selling could be exempt from drivers' hours rules under Article 13(f) of Regulation (EEC) No 3820/85. This possibility does not exist anymore under Regulation 561/2006. Drivers of such vehicles do not drive long distances and long hours, and their main professional activity is not transporting goods, but selling them.

Clarification: Regulation (EC) No 561/2006 under Article 13(1) (d), 2nd indent allows for [the] exemption of vehicles with a maximum permissible mass not exceeding 7,5 tonnes used for carrying material, equipment or machinery for driver's use in the course of his work. These vehicles shall be used only within 50 km radius from the base of the undertaking and on condition that driving vehicles does not constitute the driver's main activity. The Court ruling, Case C-128/04, verifies that the terms 'material or equipment' cover not only tools and instruments, but also goods which are required for the performance of the work involved in the main activity of the driver of the vehicle concerned.

In this context it would mean that vehicles used as local shops at local markets could be exempt under this article provided that the distance travelled does not exceed 50kms radius from the base and that driving does not constitute the main activity of the driver.

It must be however recalled that this exception is not automatic but subject to an individual Member State's decision whether to grant it or not on its own territory.

Comment: Clarification provided by the European Commission services to Member of Parliament Patrick Doering (letter of 12 November 2007).

Commission Clarification 4

Topic: Application of Article 26 of the Regulation.

Article: 26.

Issue Raised: According to Article 26 'recording equipment shall be installed and used in vehicles registered in a Member State which are used for the carriage of goods or passengers by road, except the vehicles referred to in Article 3 of Regulation (EC) 561/2006. [...]'

Result of this amendment is an obligation to install recording equipment also in vehicles with a maximum permissible weight of 3,5 tonnes or below.

Clarification: According to Article 3 of Regulation 3821/85, only the list of particular vehicle categories laid down in Article 3 of Regulation 561/2006 is specifically exempted from the obligation to install recording equipment.

That being said, it is clear that the very purpose of the Regulation 3821/85 is to provide for effective enforcement of the rules laid down on driving times, rest periods etc. as now contained in Regulation 561/2006 and that the scope of application of those rules.

However, in the absence of an express reference in Regulation 3821/85 to the new Article 2 of Regulation 561/2006, such a result must be deduced from a combined reading of Articles 2, 4 and 26 of Regulation (EC) No 561/2006.

Thus, according to Article 26(1) of Regulation 561/2006, the definitions set out in its article 4 are to apply 'for the purposes' of Regulation 3821/85. Article 4 contains a definition of 'carriage by road', but this must itself be read in the light of the restriction on the scope of this term in Article 3 of Regulation 3821/85, with the result that the vehicles exempted by Article 2 of Regulation 561/2006 will similarly be exempted from any obligation to install and use recording equipment.

Comment: Clarification provided by the European Commission services to German authorities (letter of 28th June 2006).

Commission Clarification 5

Topic: Recording of a mixed activity of 'in' and 'out' of scope driving.

Article: 3(h), 13(i).

Issue Raised: Recording of a mixed activity of 'in' and 'out' of scope driving.

Clarification: According to Article 3(a), the Regulation does not apply to carriage by road by 'vehicles used for the carriage of passengers on regular services where the route covered by the services in the question does not exceed 50 kms'. This stipulates that the Regulation applies to drivers who perform this type of excluded service only insofar as they also perform activities which fall within its scope, and only in relation to those 'included' activities.

Further to this Article 6(5) of the Regulation requires a driver to record as 'other work' any time spent driving a vehicle used for commercial operations not falling within the scope of the Regulation. In other words, driving activities which do not fall within the definition of 'driving time' for the purposes of the Regulation cannot count as 'rest' as defined in Article 4(f), with the result that they must be taken into account in its overall application.

Hence, should a bus driver be engaged in a mix of regular services, he/she must use tachograph records regardless which driving activity, i.e. out of scope or within the scope of the Regulation, is predominant. For those journeys exceeding 50km a driver should record 'driving time' and for shorter trips he/she should register 'out of scope driving' under 'other work' sign.

Comment: Clarification provided by the European Commission services to the Italian organisation ANAV (letter of 23rd July 2007).

Commission Clarification 6

Topic: Temporary exceptions in urgent exceptional circumstances

Article: 14 (2)

Clarification: According to article 14 (2), each Member State has a possibility to grant, in urgent cases, a temporary exemption from the application of the Regulation's provisions for a period of maximum 30 days. This fact should be immediately notified to the Commission.

This Article is designed to enable Member States to deal with situations of sudden exceptional circumstances that are unavoidable and may not be anticipated, where it unexpectedly becomes impossible to apply the Regulation's provisions in their entirety for a short period of time.

Should the consequences of such exceptional circumstances persist, making the compliance with the Regulation's provisions impossible for a longer period than 30 days, a Member State may request, in accordance with Article 14 (1) for an authorisation from the Commission for further extension of the temporary relaxation from the application of certain provisions of the Regulation.

Commission Clarification 7

Topic: Recording and controlling activities and inactivity periods of drivers when away from a vehicle

Article: 34(1) and (3) of Regulation (EU) No 165/2014, 15(7) of Regulation (EEC) No 3821/85, 6(5) of Regulation (EC) No 561/2006, 11(3) of Directive 2006/22/EC

Clarification: In order to ensure more rapid, effective and comprehensive controls of compliance with the provisions of Regulation (EC) No 561/2006 on driving times, breaks, rest periods, the EU legislation requires from a driver and a transport undertaking producing a full set of records of driver's activities over a relevant period of time.

In this regard Article 34(1) of Regulation (EU) No 165/2014 requires the drivers to use record sheets or driver cards every day on which they are driving, and Article 34(3) stipulates that when, as a result of being away from the vehicle, a driver is unable to use the tachograph fitted to the vehicle, periods of other work, availability and periods of breaks and rest shall be entered by using manual inputs. Second paragraph of Article 34(3) prohibits Member States from imposing the use of the form attesting for driver's activities while away from the vehicle. However, it does not prohibit the use of such a form by drivers for the purpose of attesting activities when away from the vehicle and when it was impossible for them to record such activities retroactively by manual entries. The rationale behind this provision is to prevent unnecessary burdens on drivers and undertakings and to promote the use of tachograph as a main tool to display, record, store and print details on driver's activities and inactivity periods.

In accordance with Article 15(7) of Regulation (EEC) No 3821/85 (which Article 36 of Regulation (EU) No 165/2014 will substitute) a driver should be able to produce and present to the competent authorities the full set of tachograph records, including manual entries, for the current day and the previous 28 days.

This obligation is reiterated by Article 6(5) of Regulation (EC) No 561/2006, which requires the driver to record other work and availability periods on each and every day since his last daily or weekly rest period, and not only on the days when a driver performs operations falling within the scope of the Regulation. It would be against the objectives and the spirit of the Regulation if only records for the day when the 'in-scope' driving is performed would be required. Indeed, other work outside the transport sector or out-of-scope driving may also have bearing on driver's fatigue, and subsequently endanger road safety as well as deteriorate his health and working conditions.

Article 11(3) of Directive 2006/22/EC provides that in certain situations when a driver was away from the vehicle, within the period of 28 days, an electronic and printable form established by Commission Decision of 14 December 2009 [C (2009) 9895] should be used. This "attestation of activity" form serves to register the information which could not be registered in a tachograph via manual entries.

Practical Implementation:

All the above-mentioned provisions must be read jointly. Subsequently, it is to be understood that a driver is obliged to produce and present the full set of tachograph records for the current day and the previous 28 days. These records should cover all periods of activity (driving, availability, out of scope driving, other work, etc.) and inactivity (breaks, rest periods, annual leave, sick leave, etc.) for each and every day. When, as a result of being away from the vehicle, it is not possible to use the tachograph on each and every day to record driver's activities and inactivity periods, these should be recorded retroactively by using manual entries on the day when a driver activates tachograph following the period of being away from the vehicle. If, for technical reasons, such retroactive recording is not possible (e.g., in case of 1st generation of digital tachographs) or appears excessively burdensome (e.g. a driver was working out of scope for a longer period preceding the activity of driving in-scope) a driver may use the standard attestation form established by Commission Decision C(2009) 9895 in order to cover the gaps in the tachograph records. Member States' enforcement authorities are recommended to accept that standard attestation form in such justified situations, but at the same time Member States should not impose the use of this form (or any other form attesting for driver's activities when away from the vehicle) and should not penalize the drivers for a lack of such a form.

Annex 3 – Synopsis of Regulation (EC) No 561/2006

Article	Description	Infringements
1	Introduces Regulation and sets out the purpose and aims of the document	No
2	Specifies the vehicles in scope of the Regulation	No
3	Specifies vehicle types exempted from the Regulation	No
4	Gives definitions of certain terms used in the Regulation text. (Note 'Split Rest' introduced here.)	No
5	Defines minimum ages for conductors and drivers' mates	Yes
6	Sets the daily driving, weekly driving and two weekly driving limits. Requires the recording of out of scope driving and POA on any day when in scope.	Yes
7	Defines the requirement to take a break from driving, the driving limits and makeup of qualifying breaks.	Yes
8	Requirement for drivers to take daily and weekly rests and applicable rules. Introduces regular and reduced rest periods and rules on usage. Requirement to compensate for reduced weekly rest. Includes ban on taking the regular weekly rest in the vehicle.	Yes
8a	Discusses the obligation of the commission to inform drivers about safe and secure parking spaces, establishment of standards for such parking spaces and their certification.	No
9	Introduces the rules regarding permissible splitting of rest in order to make use of ferry or train services. Requires drivers to record work related activities prior to and after taking over a vehicle to be recorded. Requires 'out of scope' driving to be recorded as 'other work'	Yes
10	Defines unacceptable payment regimes. Requires transport operators to respect the Regulation when organising drivers' work. Establishes culpability of operators for breaches of Regulation by drivers wherever committed. Defines limits to operator liability. Requires contractual partners to respect Regulation in drawing up schedules and timings. Defines Operator requirements regarding the regular downloading and securing of digital tachograph data.	Yes
11	Permits Member States to introduce stricter limits for national journeys, these must take into account other agreements. Applicable only to national journeys.	No
12	Sets out the right of driver to depart from the requirements of the Regulation in emergency and defines the conditions attached to this right.	No
13	Allows Member States to grant derogations from a defined list for specific types of traffic circulating nationally from the requirements of Articles 5 -9 inclusive.	No
14	Permits Member States to dis-apply the Regulation in exceptional circumstances for a limited period	No
15	Sets out requirement on Member States to put in place controls applicable to traffic exempted by Art 3(a)	No
16	Concerns regular passenger services where no tachograph is fitted. Imposes the requirement to produce timetables and rosters. Lapses on 31/12/2007 due to Article 26.	Yes
17	Defines reporting and monitoring requirements imposed on Member States	No
18	Requires Member States to put in place legislative measures to give Regulation force	No
19	Concerns the penalties imposed by Member States for infringements of the Regulation. Defines characteristics of these penalties and the requirement that infringements should only be penalised only once. Extraterritoriality.	No
20	Introduces the requirement that a driver must keep and be able to produce evidence of an imposed penalty. Requires drivers to disclose relevant information to multiple employers to enable them to comply with their obligations.	Yes
21	Introduces immobilisation (prohibition) for infringements that impact on road safety. Requires administrative sanctions for Member State own infringing operators.	No
22	Compels Member States to assist each other with compliance monitoring and to exchange information regarding penalties imposed on Member State residents	No
23	Imposes a requirement on the Commission	No
24	Procedural technicalities	No
25	Contains the right of Member State to require the Commission to address differences in application and enforcement of the Regulation.	No
26	Amends 3821/85 (aligns exemptions, limits shelf life of Article 16)	No
27	Amends 2135/98	No
28	Repeals Regulation 3820/85	No
29	Gives date Regulation to come into force	No

Annex 4 – EU Attestation of activities form.

ANNEX

ATTESTATION OF ACTIVITIES¹
(REGULATION (EC) 561/2006 OR THE AETR²)

To be filled in by typing and signed before a journey. To be kept with the original control device records wherever they are required to be kept

FALSE ATTESTATIONS CONSTITUTE AN INFRINGEMENT

Part to be filled in by the undertaking

(1) Name of the undertaking: _____

(2) Street address, postal code, city, country: _____, _____, _____, _____

(3) Telephone number (including international prefix): _____

(4) Fax number (including international prefix): _____

(5) E-mail address: _____

I, the undersigned:

(6) Name and first name _____

(7) Position in the undertaking: _____

declare that the driver:

(8) Name and first name: _____

(9) Date of birth (day/month/year): ____/____/____

(10) Driving licence or identity card or passport number: _____

(11) who has started to work at the undertaking on (day/month/year): ____/____/____

for the period:

(14) was on sick leave: from ____/____/20____ to ____/____/20____ (day/month/year)

(15) was on annual leave: from ____/____/20____ to ____/____/20____ (day/month/year)

(16) was on leave or rest: from (____/____/20____ to ____/____/20____ (day/month/year)

(17) drove a vehicle exempted from the scope of Reg. 561/2006 or the AETR:
from ____/____/20____ to ____/____/20____ (day/month/year)

(18) performed other work than driving: from ____/____/20____ to ____/____/20____ (day/month/year)

(19) was available: from ____/____/20____ to ____/____/20____ (day/month/year)

(20) Place: _____ Date: _____

Signature: _____

(21) I, the driver, confirm that I have not been driving a vehicle falling under the scope of Regulation (EC) 561/2006 or the AETR during the period mentioned above.

(22) Place: _____ Date: _____

Signature of the driver: _____

¹ This form is available in electronic and printable versions at the following address: <http://ec.europa.eu>

² European Agreement concerning the Work of Crews of Vehicles engaged in International Road Transport.

Annex 5 – AETR Attestation of activities form

Attestation of activities* /Formulaire d'attestation d'activités*

(REGULATION (EC) 561/2006 OR THE AETR**)/RÈGLEMENT (CE) 561/2006 OUL'AETR**

To be filled in by typing in Latin characters and signed before a journey/ À remplir en dactylographie en caractères latins et à signer avant tout voyage

To be kept with the original control device records wherever they are required to be kept/ À joindre aux enregistrements de l'appareil de contrôle qui doivent être conservés

False attestations constitute an infringement/ Les fausses attestations constituent une infraction

Part to be filled in by the undertaking (Partie à remplir par l'entreprise)

1. Name of the undertaking/Nom de l'entreprise
2. Street address, postal code, city/ Rue, code postal, ville

Country / Pays:

3. Telephone number (including international prefix)/Numéro de téléphone (y compris le préfixe international)
4. Fax number (including international prefix)/Numéro du télécopieur (y compris le préfixe international)
5. Adresse courrier électronique/e-mail address:.....

I, the undersigned (Le soussigné):

6. Name and first name/ Nom et prénom
7. Position in the undertaking/Fonction dans l'entreprise

declare that the driver/ déclare que le conducteur:

8. Name and first name/ Nom et prénom
9. Date of birth (day/month/year)/Date de naissance: (jour/mois/année):
10. Driving licence or identity card or passport number/Numéro du permis de conduire ou de la carte d'identité ou du passeport

11. who has started to work at the undertaking on (day/month/year)/qui a commencé travailler dans l'entreprise le(jour/mois/année).....
au cours de la période/for the period:

12. from (hour/day/month/year) du (heure/jour/mois/année):.....
13. to (hour/day/month/year) au (heure/jour/mois/année):.....
14. was on sick leave*** / était en congé de maladie
15. was on annual leave*** /était en congé annuel
16. was on leave or rest*** /était en congé ou repos
17. drove a vehicle exempted from the scope of Regulation (EC) 561/2006 or the AETR*** / conduisait un véhicule exclu du champ d'application du règlement (CE) 561/2006 ou de l'AETR
18. performed other work than driving*** /effectuait autre travail que la conduite
19. was available*** / était disponible
20. Place /Lieu:..... Date/date:.....
Signature/signature

21. I, the driver, confirm that I have not been driving a vehicle falling under the scope of Regulation (EC) 561/2006 or the AETR during the period mentioned above (Le soussigné, conducteur, confirme ne pas avoir conduit un véhicule relevant du champ d'application du règlement (CE) 561/2006 ou de l'AETR au cours de la période susmentionnée).


22. Place/Lieu:..... Date/date:.....
Signature of the driver /Signature du conducteur

* This form is available in electronic and printable versions at the following address /Ce formulaire peut être obtenu en version électronique et en version imprimable à l'adresse suivante: <http://www.unecec.org/trans/main/sc1/aetr.html>

** European Agreement concerning the Work of Crews of Vehicles engaged in International Road Transport /Accord européen relatif au travail des équipages des véhicules effectuant des transports internationaux par route.

*** Choose only one box/ Ne cocher qu'une seule case.

Annex 6 – Roadside check form

	Name Contact address Telephone numbers e-mailaddress of Control Authority		<h2>Roadside Check Form</h2> Driving and rest time EU Regulations 561/2006 and 165/2014 AETR Agreement			11. Result of check <input type="checkbox"/> Further enquiries <input type="checkbox"/> Report/Fine <input type="checkbox"/> Warning <input type="checkbox"/> Prohibition of use <input type="checkbox"/> No infringement		
	Place of roadside check							
13. Area code of enforcement authority:		13. Enforcement officer identity:		1. Place of control – Location and road number:		2. Date:	3. Time:	
Road type <input type="checkbox"/> Motorway <input type="checkbox"/> National (trunk) road <input type="checkbox"/> Other road type								
Vehicle								
4. Vehicle registration number:		6. Vehicle type/group:	Gross vehicle weight: (GVW)	8. Nationality:	4. Trailer vehicle registration number:	6. Vehicle type/group:	Gross vehicle weight: (GVW)	8. Nationality:
Operator								
8. Operator, name:			Nationality:	Address:			Phone:	
Number of Community license:								
Driver								
9. Name:		Date of birth:	Nationality:	Address:			Phone:	
Driver card number:								
Employer – if different from section 9:			Nationality:	Address and phone number:			Phone:	
Transport type								
<input type="checkbox"/> National carriage		<input type="checkbox"/> Carriage of goods		<input type="checkbox"/> SMART tachograph (Gen.2)		<input type="checkbox"/> EU journey		
<input type="checkbox"/> International carriage		<input type="checkbox"/> Carriage of passengers		<input type="checkbox"/> Digital tachograph (Gen.1)		<input type="checkbox"/> TCA		
				<input type="checkbox"/> Analogue tachograph		<input type="checkbox"/> AETR		
				<input type="checkbox"/> National / other				
Period for which data have been analysed								
From: (date)		Time:	To: (date)		Time:	Number of days checked:	7. Odometer reading:	
Offences – For offence codes see reverse of form								
EU/AETR Code	ERRU:	Time(s) and date(s):		EU/AETR code	ERRU:	Time(s) and date(s):		
Use of vehicle prohibited until:			Time:	Date:	OR	<input type="checkbox"/> No prohibition of use applied		
12. Comments:							May be continued on page 2	
Data downloaded or charts taken from driver and/or vehicle								
Receipt given for:	<input type="checkbox"/> Number of tachograph cards	<input type="checkbox"/> Number of printouts	<input type="checkbox"/> Digital data from vehicle unit	<input type="checkbox"/> Digital data from driver card	<input type="checkbox"/> Other (specify above)			
13. Controllers signature:			Drivers signature:					

* Numbered boxes follow protocol set out in Directive 2014/47/EU

Areas shaded in green are obligatory fields.

Sources

CORTE/VOSA (DVSA) Working Group
Driving and Resting Time Working Group ECR
MIDT (EU-MIDT/ENC/003 – 2005 rev 6)
MOU (agreed explanation of Regulation (EC) No 561/2006)
Council Regulation (EEC) No 3821/85
Regulation (EU) No 165/2014
Regulation (EC) No 561/2006