

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.

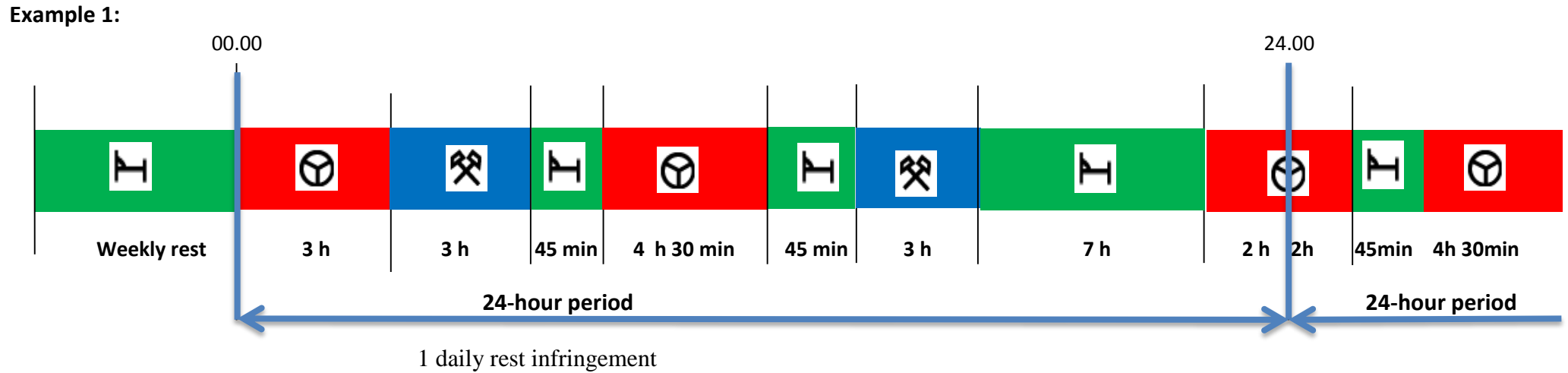
Where the end of such a 24-hour period falls within the on-going rest period, which is not a qualifying rest as its lawful minimum duration has not been accomplished within the 24-hour period, but which continues into the next period of 24 hours and reaches a minimum required duration, sometime thereafter, 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.

SOCIAL LEGISLATION IN ROAD TRANSPORT
Regulation (EC) No 561/2006, Directive 2006/22/EC, Regulation (EU) No 165/2014

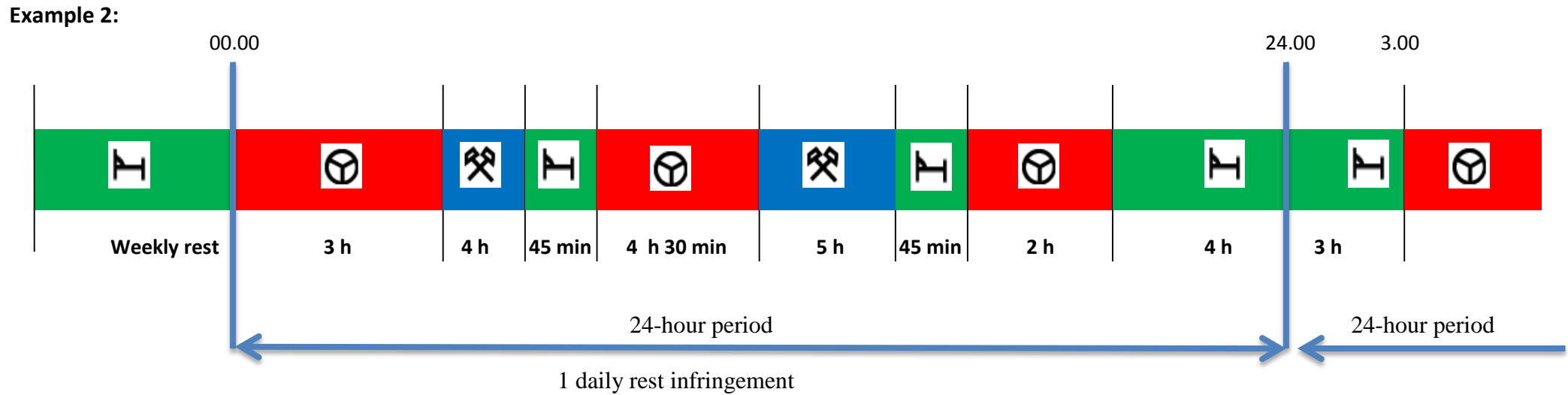


According to GN7: In cases where enforcers are confronted with periods of activity following a qualifying daily or weekly rest period, during which drivers do not accomplish a qualifying daily rest period, it is recommended that enforcers:

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

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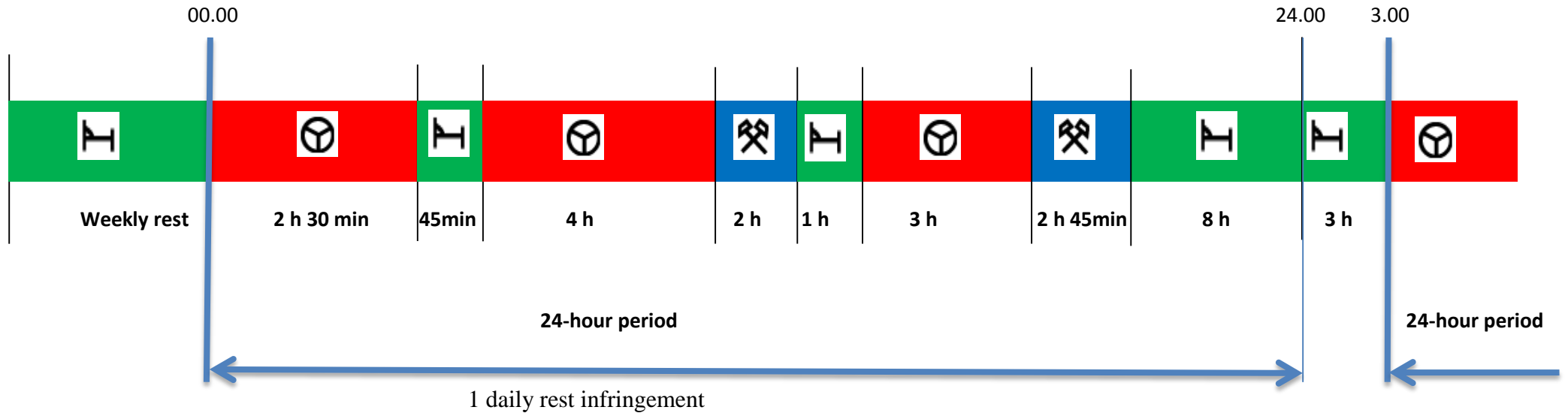
According to GN7: In cases where enforcers are confronted with periods of activity following a qualifying daily or weekly rest period, during which drivers do not accomplish a qualifying daily rest period, it is recommended that enforcers:

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

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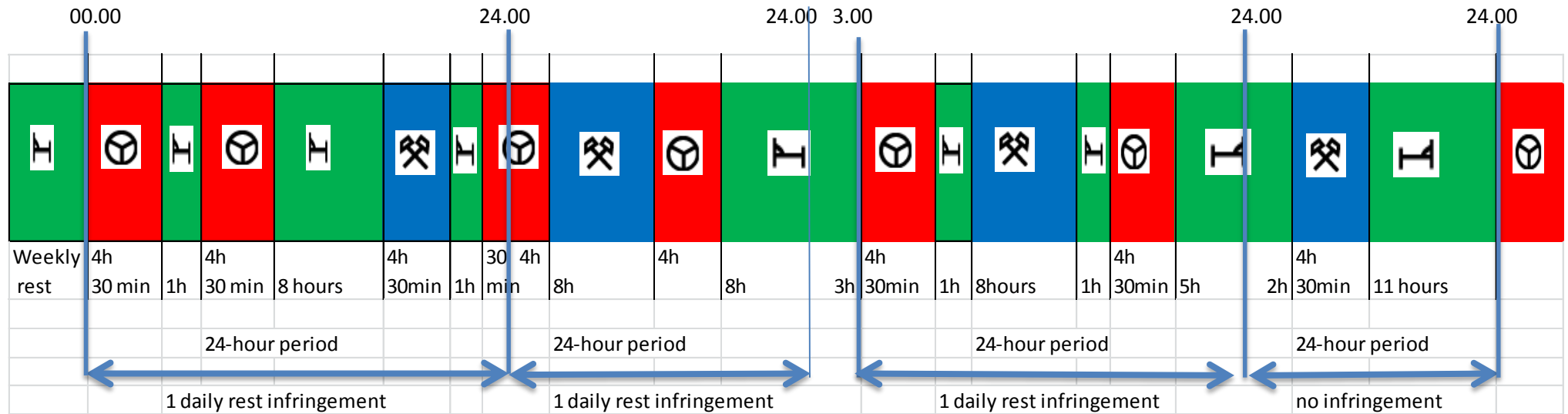
Example 3:



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.

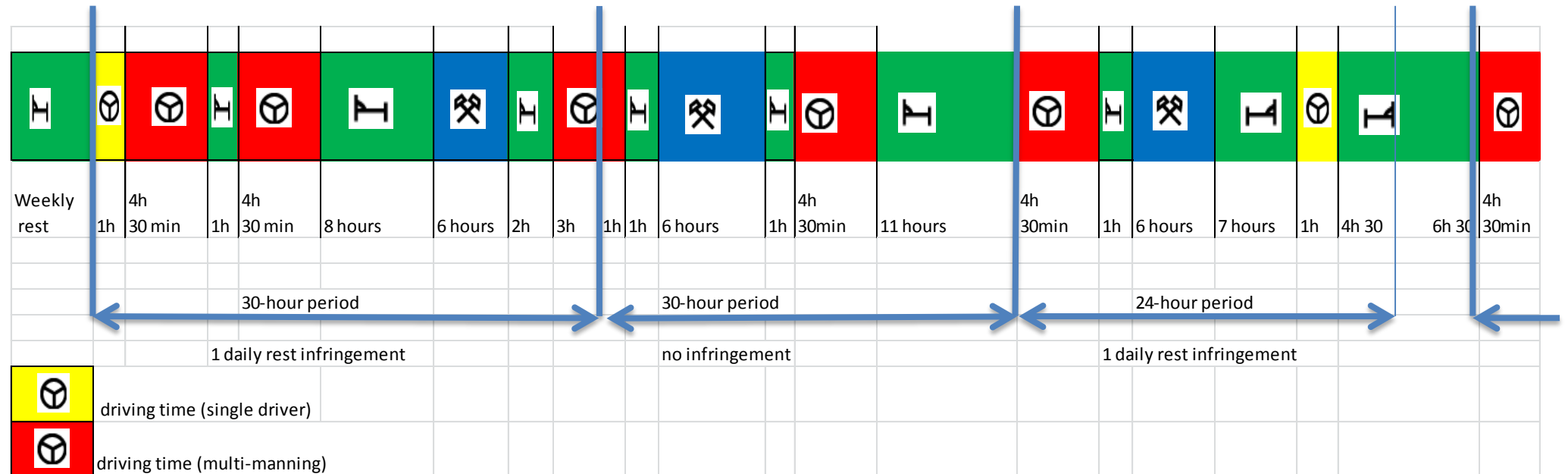
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Example 4:



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Example 5: Multi-manning



The above examples are meant purely for visualizing how the **infringements of a daily rest provision** could be identified based on 24 hour period reference period.