

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.

These two interruptions can take place any time during the regular daily rest period, also where this daily rest period exceeds the minimum period of eleven hours and continues beyond 24 hours from the end of the previous rest period. However, at least 11 hours of this daily rest must be taken within 24 hours since the end of the previous rest period. Otherwise it should be regarded an infringement of the provision on regular daily rest.

The derogation under Article 9(1) remains applicable to the regular daily rest, which is longer than the minimum required by the Regulation and which starts on the land before embarking on the ferry/train and continues on the land after disembarking from the ferry/train.

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.