



**Regulation (EC) 561/2006 of the
European Parliament and of the
Council on the harmonization of
certain social legislation relating to
road transport
(OJ L 102 of 15.03.2006)**



Regulation (EC) 561/2006:

- Replaces and repeals Regulation (EEC) 3820/85
- Replaces the provisions of Regulation (EEC) 3820/85 on 11 April 2007.
- Introduces the obligation for all new vehicles put into service for the first time from 1 May 2006 to be fitted with a digital tachograph.



Underlying Aims:

- harmonise the conditions of competition
 - improve working conditions
 - improve road safety by limiting driving times and providing minimum rest periods
 - improve enforcement and industry working practices
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Scope:

- **Any driver of a vehicle used for the carriage of goods or passengers by road within the Community, subject to certain general exemptions and derogations**
 - **Applicable to EU–EEA/CH journeys**
 - **AETR provisions apply to transport operations to all other third countries.**
 - **Member States may impose tighter restrictions for drivers of vehicles registered in their territory**
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Main Provisions:

- **daily driving period** -
up to 9 hours; extendable twice a week to 10 hours
 - **weekly driving limit** -
56 hours
 - **fortnightly driving limit** -
90 hours
 - **breaks** -
45 minutes after 4 1/2 hours driving, unless daily or weekly rest starts; may be split in two – 15-minute followed by 30-minute portions
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Main Provisions:

- **daily rest period**
at least 11 hours in every 24 hour period
which may be reduced to 9 hours 3 times a
week. If split, at least 12 hours in total, the
minimum period of one break being 9 hours
 - **weekly rest period**
regular weekly rest period is 45 hours
reduced weekly rest period is 24 - 44 hours
One 45-hour rest period must be taken every
two weeks.
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Other Provisions

- **minimum age of driver's mates and conductors**
- **prohibits linkage of driver pay to distances covered or load**

Enforcement

- **undertakings to organise the drivers' work and ensure that provisions of the Regulation are followed**
 - **presumption of liability of employer for infringements**
 - **extraterritoriality in roadside sanctions**
 - **common range of administrative sanctions available**
 - **mutual assistance between Member States for enforcement**
 - **Co-liability for infringements extended to the whole transport chain**
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Information

- **Member States submit data every two years in a standard form (as set out in Commission decision 93/173/EEC) to the Commission.**
 - **The Commission produces a report on the basis of this information**
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Related Community Measures

- **Regulation (EEC) 3821/85** on recording equipment in road transport
- **Directive 2006/22/EC** on minimum conditions for the implementation of Regulations (EEC) 3820/85 and 3821/85
- **Commission Decision 93/172/EEC** on standard form for exchange of information between Member States



**Directive 2006/22/EC of the European
Parliament and of the Council on minimum
conditions for the implementation of
Council Regulations (EEC) 3820/85 and
(EEC) 3821/85 concerning social legislation
relating to road transport activities**

(OJ L 102 of 15.03.2006)



Aim:

to lay down minimum conditions for the implementation of Regulations (EEC) No. 3820/85 and (EEC) No 3821/85

Scope:

All transport categories falling within the scope of Regulations (EEC) 3820/85 and 3821/85



Application

- Directive 2006/22/EC entered into force on 1 May 2006.
- Member States have until 1 April 2007 to transpose its provisions



Main provisions: Member States shall

- check:
 - each year at least 1% of days worked by drivers of vehicles falling within the scope of the Regulations. From 1 January 2008 this rises to at least 2% and from 1 January 2010 this rises to at least 3%.
 - at least 15% of these checks at the roadside. From 1 January 2008, this percentage rises to 30%
 - at least 25% of these checks at the premises of the undertakings. From 1 January 2008 this percentage rises to 50%
 - undertake at least 6 joint roadside operations per year;
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Roadside Checks

- **daily and weekly driving times**
- **daily and weekly rest periods**
- **breaks**
- **recording equipment**
- **no discrimination of vehicles, companies, drivers, origin or destination of vehicle or type of tachograph used.**

All such checks go back as far as the current week and previous 15 calendar days. From 1 January 2008 this shall be increased to the previous 28 days



Checks at the premises of undertakings

- weekly driving times and rest periods
 - fortnightly driving times and rest periods
 - compensation for reduced weekly rest periods
 - record sheets and driver card data
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Standard equipment to be available for enforcement units

- **Equipment capable of downloading data from the vehicle unit and driver card of the digital tachograph, reading data and analysing data and/or transmitting findings to a central database for analysis.**
- **Equipment to check the tachograph sheets.**



Committee powers

- Promote a common approach to implementation
 - Update annexes to best practice – roadside and premises enforcement; equipment; infringements
 - Consider increasing minimum enforcement level to 4% from 2012
 - Define a common methodology for information exchange between Member States
 - Discuss rules for a common risk rating system
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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

(OJEU L 80 of 23 March 2002)



- Aim: to prevent excessive working hours for mobile road transport workers, thereby
 - Improving their health and safety
 - Improving road safety
 - Aligning the conditions of competition in the road transport sector



■ Definitions:

- Working time – driving; loading and unloading; cleaning and technical maintenance; all other work connected to safety of vehicle, passengers or load
 - Periods of availability – worker not required to be at workstation but available to answer calls/resume work
 - Workstation – vehicle/undertaking's location
 - Mobile worker – any worker forming part of the travelling staff
 - Self-employed driver – not tied to a particular employer; freedom to have commercial relations with several customers; free to organise his working activities; entitled to work for himself.
 - Night time – a period of at least four hours, as defined by national law between 00.00 and 07.00
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- Main provisions: applicable to mobile workers
 - 48 hours average maximum weekly working time over a four month reference period
 - 60 hours maximum weekly working time in any one week
 - Working time for different employers is the sum of the working hours
 - Break of at least 30 minutes after 6 hours work and of 45 minutes after 9 hours work
 - For night workers, the maximum working time in any 24 hour period is 10 hours
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■ Main Provisions

- Member States may apply more favourable provisions for the protection of the health and safety of persons carrying out mobile road transport activities
- Transposing the Directive should not be an excuse to reduce the level of social protection



■ Self-employed drivers:

- The Directive's provisions will automatically be applicable to them from 23 March 2009

However

- The Commission must present a report by 23 March 2007 to the Council and Parliament analysing the consequences of exclusion of the self-employed and thereafter present a proposal either:
 - ↪ To exclude the self-employed from the Directive's scope
 - ↪ To set out the modalities for the inclusion of certain types of self-employed drivers