



Changes in the EU rules on driving and resting times and implementation

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Mobility Package I

- **Adoption by the European Parliament and the Council**

- Entry into force : August 2020
- Application :
 - Driving and rest times, tachographs (Regulation (EU) No 2020/1054): **20 August 2020***
 - Posting : transposition by the Member States (Directive (EU) No 2020/1057): **2 February 2022**
 - Access to profession and to the market (Regulation (EU) No 2020/1055): **21 February 2022**

- **Objectives of Mobility Package I**

- Fair competition between EU road transport operators (“Level Playing Field”)
- Better working conditions for drivers
- More efficient enforcement of EU law

* Most provisions.

Regulation (EC) No 561/2006

- Changes introduced by **Regulation (EU) No 2020/1054**
- Started applying on 20 August 2020
- **Q&A on the implementation of Mobility Package 1** (Reg. 561/2006) available on the Commission website in all EU languages: [Mobility Package: Questions and Answers \(europa.eu\)](#)

Main new provisions

- I. Scope – New exceptions and LCVs
- II. Regular return of the driver
- III. Ban to take the regular weekly rest in the cabin
- IV. Possibility to take two consecutive reduced weekly rests
- V. Extension of the ferry derogation to reduced and regular weekly rests
- VI. Exceptional exceeding driving time
- VII. *[Tachographs – New smart tachograph v2 and border crossings]*

I. Scope – new exceptions and LCVs

- General scope of Regulation (EC) 561/2006:

Carriage of goods by vehicles exceeding 3.5t and carriage of passengers with vehicles +9 persons including the driver

- From 1 July 2026, **vehicles of + 2.5t involved in international transport** for hire and reward will fall into the scope of Regulation (EC) No 561/2006 – Light commercial vehicles (LCVs)
- **New exceptions in Art 3** for vehicles of max 7.5t delivering goods produced on a **craft basis**
- **New national exceptions in Art 13(1)** for
 - Vehicles carrying **construction machinery** within 100 km radius
 - Vehicles delivering **ready-mixed concrete**

II. Return of the driver

Article 8(8a) of Regulation (EC) No 561/2006

- **Objective of the rule:** Improve working conditions of drivers by spending longer rests at home and fight against nomadic driving.
- **Obligation for operators:** to organise work of drivers to ensure that they are able to go back “home” at least every 4 weeks (or 3 weeks in case of two consecutive reduced rests).
- **Places of return:** employer’s operational centre where the driver is normally based or drivers’ place of residence (at the choice of the driver)
- **Evidence:** Transport undertakings shall use tachograph records, duty rosters of the drivers or other documentation to prove compliance. Evidence must be kept at the premises of the undertaking

III. Rest outside the cabin

Article 8(8) of Regulation (EC) No 561/2006

- **Ban to take the regular weekly rest in the cabin** of the truck : nothing new (cf “Vaditrans” case)
- **Cost of accommodation:** to be covered by the employer
- **Burden of proof on control authorities:** there is no obligation for drivers to present proofs such as hotel bills. Fines can only be given when drivers caught on the spot.

IV. Reduced weekly rests

Article 8(6b) of Regulation (EC) No 561/2006

- **Flexibility for weekly rests:** possibility for drivers to take 2 consecutive reduced weekly rests subject to conditions
- Only for drivers engaged in **international freight transport**
- The 2 consecutive reduced rest periods must be taken **outside of the Member State of establishment and Member State of the driver's place of residence**
- The 2 compensations must be taken ***en bloc* and attached to the obligatory regular weekly rest** following the two consecutive reduced weekly rests.

V. Ferry/train derogation

Art 9 of Regulation (EC) No 561/2006

- Possibility to interrupt twice (max 1 h in total for two interruptions) :
 - **reduced weekly rest** when accompanying a vehicle on ferry/train
 - **regular weekly rest journey** on ferry/train is longer than 8 h (only sleeper cabin)
- Driver must have access to a sleeper cabin, bunk or couchette at their disposal
- **For regular weekly rests:** Drivers may not, before embarking and/or after disembarking from the ferry/train, spend a part of their regular weekly rest in the vehicle.

VI. Exceptional circumstances derogation

Art 12(2) and (3) of Regulation (EC) No 561/2006

- Possibility to exceed **daily and weekly driving time by 1h** if a driver is to reach home **for a weekly rest**
- Possibility to exceed **daily and weekly driving time by 2h** if a driver is to reach home **for a regular weekly rest**. The driver must take a **30 min break** before additional driving time.
- **Conditions:**
 - Exceptional situation
 - Must not reduce rest period
 - Must compensate the extension by additional rest attached to other rest period within 3 weeks

VII. Tachographs – timeline for smart tacho v2 (1/2)

Article 3(4) of Regulation (EU) No 165/2014

- **Timeline for smart tachograph v2**

- **Smart tachograph v2**: Regulation (EU) 2021/1228 entered into force on **19 August 2021**, applies from **21 August 2023**.
- **Smart tachograph v2 in new vehicles**: **21 August 2023**
- **Retrofit analogue & digital tachographs**: last day to retrofit is **31 December 2024**
- **Retrofit smart tacho v1**: last day to retrofit is **19 August 2025**

Consequence of Article 2(1)(aa) of Regulation (EC) No 561/2006

- **Smart tacho v2 in LCVs engaged in international transport**: by/from **1 July 2026**

VII. Tachographs - (2/2)

- **Early detection equipment:** Obligation to equip control authorities with early detection equipment to an appropriate extent by **21 August 2024**.
- Enforcement of driving times and rest periods from 28 to 56 days – increase of records to be stored

Article 34 of Regulation (EU) No 165/2014

- For international road transport within the EU, obligation for drivers with analogue tachographs **to manually record border crossings** as of 20 August 2020 (for analogue tachographs) or as of 2 February 2022 (for digital and smart tachographs). **Smart tachograph 2 will automatically record border crossings** (but also loading/unloading activities).
- Obligation to record country code of start and finishing of daily working period.

Contact:

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