



Driving and rest times

Erik Busser & Frank Davidsen

Introduction Erik Busser

- Transport and Logistics Netherlands (TLN) - Dutch association transport companies
- Specialist in driving and rest times and tachograph
- Member of various European working groups
 - IRU (the world road transport organization)
 - Corte (Confederation of organisations in road transport enforcement)
 - European tachograph forum & Expert group smart tacho 2



SUMMER 2025



Introduction Frank Davidsen

- Danish Transport and Logistic Association (since 2011)
 - In charge of the service and support to members and DTL associations,
 - Commercial partner agreements
 - Social Regulation (drivers hours, tachograph, working time regulation etc.)
 - Traffic Safety, Security, Military Mobility etc.
- Co-chair of IRU Social Committee (CAS)
- Boardmember at CORTE
- Member of European Tachograph Forum



Program: Driving and resttimes

Regulation & directive

Exceptions

Driving and rest times

Working time directive

Regulation and directive

■ REGULATION (EC) No 561/2006

- driving and resttimes

Main goals:

- Combating unfair competition
- Improve working conditions
- Improve road safety

■ DIRECTIVE 2002/15/EC

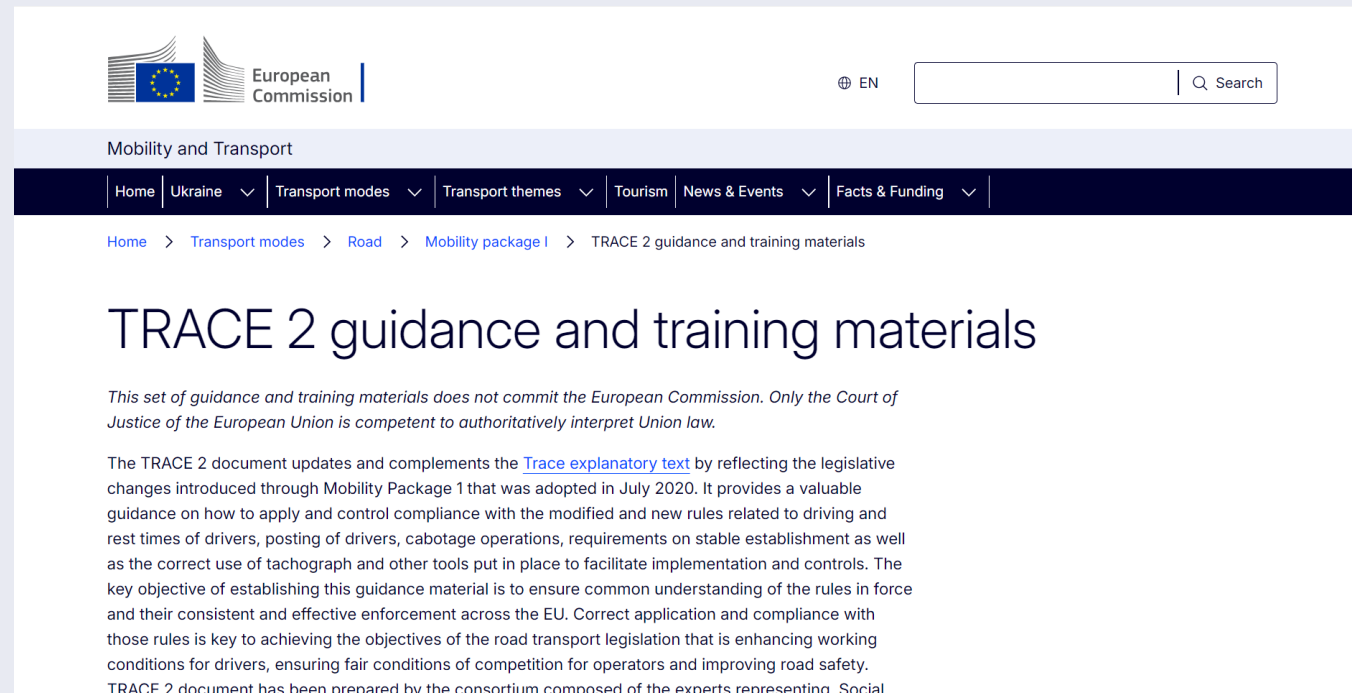
- working time
 - Definitions of the activities
 - Working hours may vary by Member State

TRACE2

- TRACE 2 (Transport Regulators Align Transport Enforcement)

- *Set of guidance and training materials*

- Link to TRACE2





Exceptions

LCV's In Scope - Article 2(1aa)

- This Regulation shall apply to carriage by road by:
 - 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



Exceptions - Article 3(aa)

- This Regulation shall not apply to carriage by road by:
 - Vehicles or combinations of vehicles with a maximum permissible mass not exceeding 7,5 tonnes used for:
 - (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
 - 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;



Exceptions - Article 3(ha)

- This Regulation shall not apply to carriage by road by:
 - 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;
 - *“Generally, driving is deemed not to be the driver's principal activity where it occupies less than 30 % of the rolling monthly working time.”*



Exceptions - Article 13(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:
- https://transport.ec.europa.eu/document/download/bb92ed48-ffde-40e5-af09-20799a86a76b_en?filename=national_exceptions_regulation_2006_561.pdf

	Austria	Belgium	Bulgaria	Croatia	Cyprus	Czech Republic	Denmark	Estonia	Finland	France	Germany	Greece	Hungary	Ireland	Italy	Latvia	Lithuania	Luxembourg	Malta	Netherlands	Poland	Portugal	Romania	Slovakia	Slovenia	Spain	Sweden
13.1 a: non-competing public authorities ¹	X	X		X	X	X	X			X	X		X	X		X	X			X	X		X	X	X	X	X ¹
13.1 b: agricultural etc. own activity < 100 km ²	X	X	X	X	X	X	X	X ²	X	X ²	X	X ²	X	X		X	X			X	X	X	X	X	X ²	X	X
13.1 c: agricultural/forestry tractors <100 km ³	X	X	X	X	X	X	X	X		X	X		X	X		X	X	X		X	X	X	X	X	X ³	X ³	X
13.1 d: <7,5 tons universal services <100 km ⁴		X ⁴	X	X ⁴	X	X	X		X ⁴	X ⁴	X		X	X	X ⁴	X	X ⁴	X		X	X	X ⁴	X	X	X	X ⁴	
13.1 e: operating on islands or regions isolated from the rest of the national territory <2300 square km ⁵				X ⁵	X	X	X ⁵		X ⁵	X ⁵	X ⁵			X					X ⁵		X	X ⁵				X ⁵	X ⁵
13.1 f: <7,5 t <100 km gas/electricity ⁶	X ⁶			X ⁶	X	X	X	X ⁶		X ⁶	X		X	X		X	X ⁶			X ⁶	X	X ⁶	X	X	X	X ⁶	X
13.1 g: instruction/examination driving licence/CPC ⁷	X ⁷	X		X	X ⁷	X	X	X	X		X	X		X	X ⁷	X	X	X ⁷		X	X	X		X	X	X	X
13.1 h: sewerage/flood protection/water etc ⁸	X ⁸	X	X	X	X	X	X	X	X	X ⁸	X	X	X	X ⁸	X	X	X	X		X	X	X	X	X	X	X ⁸	X
13.1 i: non-comm. passenger transp. between 10-17 seats ⁹	X	X		X	X	X	X	X ⁹	X	X ⁹	X	X	X	X		X	X				X	X		X			X
13.1 j: circus/funfair ¹⁰	X	X	X	X	X	X	X	X	X	X	X		X	X	X	X	X	X		X	X	X	X	X	X	X ¹⁰	X
13.1 k: mobile projects for education	X	X		X	X	X	X		X	X	X		X	X		X	X			X	X	X	X	X	X	X	
13.1 l: milk/animal feed from/to farms ¹¹	X ¹¹	X		X	X	X	X	X ¹¹	X	X ¹¹	X ¹¹		X	X	X	X ¹¹	X ¹¹	X		X	X	X	X	X	X	X ¹¹	X
13.1 m: transporting money/ valuables ¹²	X ¹²	X	X	X	X	X	X		X	X	X	X	X	X ¹²		X	X			X	X	X	X	X	X	X	
13.1 n: animal waste or carcasses ¹³		X		X	X	X	X	X	X	X	X ¹³	X	X	X		X	X			X	X	X	X	X	X		X
13.1 o: hub facilities ¹⁴	X	X	X	X	X	X	X		X	X	X	X	X	X		X	X			X ¹⁴	X	X	X	X	X	X	
13.1 p: live animals farms - > markets and vice versa ¹⁵	X	X ¹⁵		X ¹⁵	X	X	X	X ¹⁵	X ¹⁵	X ¹⁵	X		X	X		X	X ¹⁵			X	X	X ¹⁵	X	X ¹⁵	X	X	X
13.1 q: construction				X	X	X	X							X		X	X				X			X	X	X	

Exceptions - Article 13(1d)

- 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 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 km radius from the base of the undertaking, and on condition that driving the vehicles does not constitute the driver's main activity;

“Generally, driving is deemed not to be the driver's principal activity where it occupies less than 30 % of the rolling monthly working time.”



Exceptions - Article 13(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





Driving and resttimes

Definitions – article 4



■ Driving



■ Rest

■ *means any uninterrupted period during which a driver may freely dispose of his time*

Definitions – article 4



- **Article 4(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;*
 - Directive 2002/15/EC article 3(a): *'working time' shall mean*
 - *in the case of mobile workers: the time from the beginning to the end of work, during which the mobile worker is at his workstation, at the disposal of the employer and exercising his functions or activities, that is to say*
 - *loading and unloading;*
 - *assisting passengers boarding and disembarking from the vehicle;*
 - *cleaning and technical maintenance;*
 - *all other work intended to ensure the safety of the vehicle, its cargo and passengers or to fulfil the legal or regulatory obligations directly linked to the specific transport operation under way, including monitoring of loading and unloading, administrative formalities with police, customs, immigration officers etc.,*

Definitions – article 4



- **Article 4(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;*
 - Directive 2002/15/EC article 3(a): ‘working time’ shall mean
 - the times during which he cannot dispose freely of his time and is required to be at his workstation, ready to take up normal work, with certain tasks associated with being on duty, in particular during periods awaiting loading or unloading where their foreseeable duration is not known in advance, that is to say either before departure or just before the actual start of the period in question, or under the general conditions negotiated between the social partners and/or under the terms of the legislation of the Member States;



Definitions



- Article 3(b) of Directive 2002/15/EC ‘**periods of availability**’ shall mean:
 - periods **other than those relating to break times and rest times** during which the mobile worker is not required to remain at his workstation, but must be available to answer any calls to start or resume driving or to carry out other work. In particular such periods of availability shall *include periods during which the mobile worker is accompanying a vehicle being transported by ferryboat or by train* as well as periods of waiting at frontiers and those due to traffic prohibitions.
 - These periods and their foreseeable duration shall be known in advance by the mobile worker, that is to say either before departure or just before the actual start of the period in question, or under the general conditions negotiated between the social partners and/or under the terms of the legislation of the Member States,
 - for mobile workers driving in a team, the time spent sitting next to the driver or on the couchette while the vehicle is in motion;

Traveling to a location - article 9(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.
- Manual input 'Availability'



Traveling to a location - Article 9(3)

- *Any time spent by a driver driving an out of scope vehicle to or from a location which is not the drivers usual employers operational centre or home and where the driver is supposed to take over or quit an in scope vehicle, shall be recorded as '**other work**'.*
- Manual input '**other work**'



Daily rest – article 4

Daily rest period definitions:

- ‘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**;

Daily rest – article 8

■ Article 8(1)

- A driver shall take daily and weekly rest periods

■ Article 8(2)

- *'Within each period of 24 hours after the end of the previous daily rest period or weekly restperiod a driver shall have taken a new daily rest period.'*
- *If the part of the daily rest within those 24 hours is at least 9 hours but less than 11 hours, then this is regarded as a reduced daily rest period.*

■ Article 8(3)

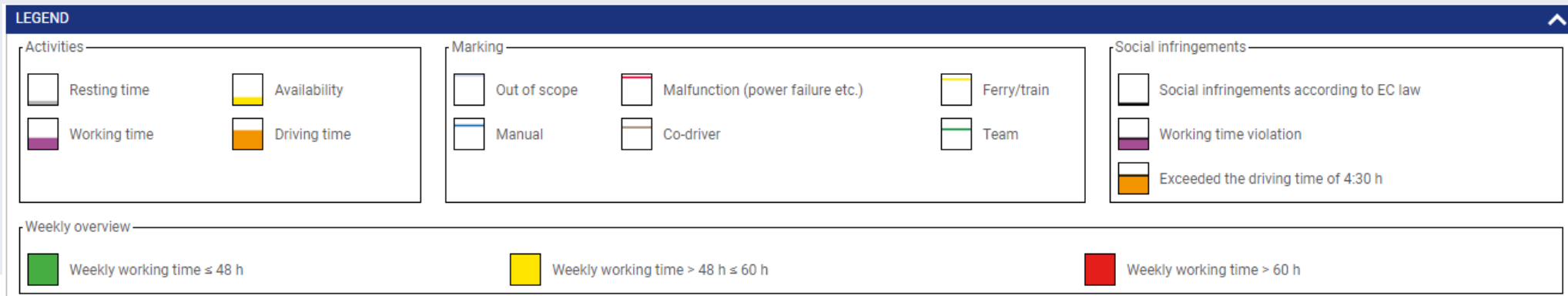
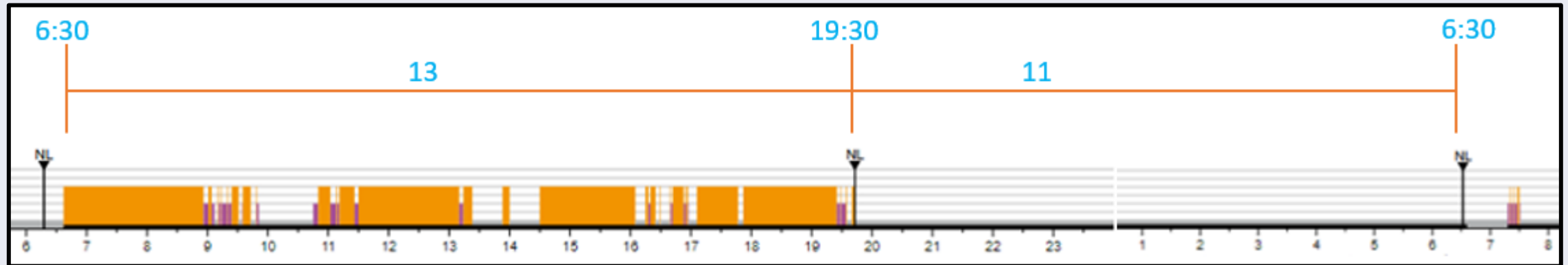
- *'A daily rest period may be extended to make a regular weekly rest period or a reduced weekly rest period.'*

■ Article 8(4)

- *'A driver may have at most three reduced daily rest periods between any two weekly rest periods.'*

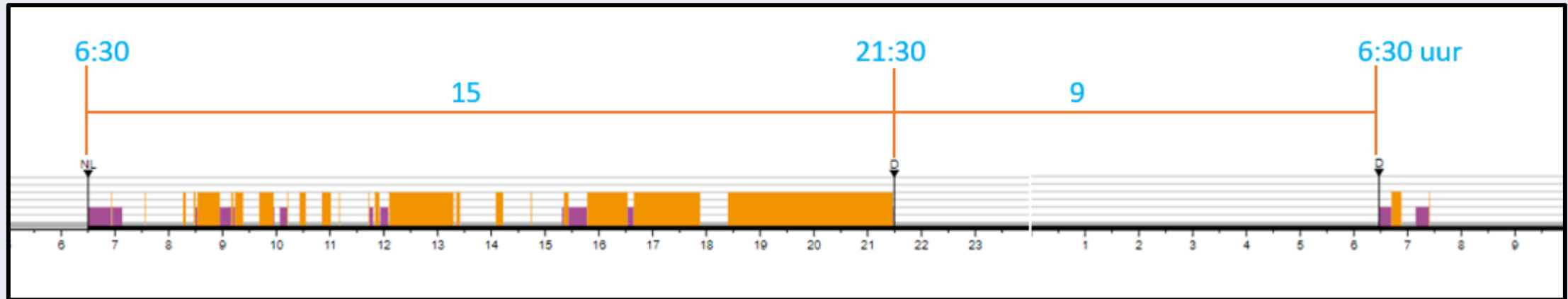
Daily rest – article 8

- **regular** daily rest period



Daily rest – article 8

- reduced daily rest period



Multimanning / Daily Rest – Article 8(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
- Definitions:
 - **‘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
 - **‘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 multimanning the presence of another driver or drivers is optional but for the remainder of the period it is compulsory
 - *No rest can be taken in a moving vehicle!*

Multimanning / breaks - Article 7(3)

- 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



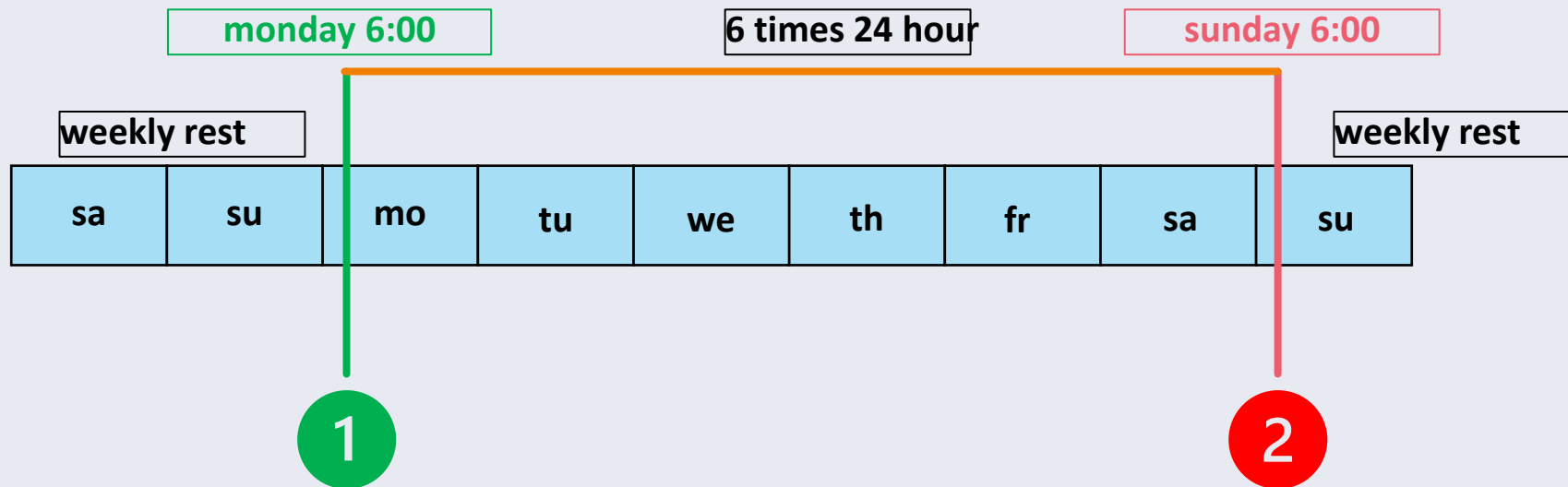
Weekly rest – article 4 definitions

- **'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;

Weekly rest – article 8

- Article 8(6)

- '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.'*



Weekly rest – article 8

■ Article 8(6)

■ Weekly rest **2-week rule**

- within a period of 2 consecutive weeks:
- two normal weekly rest periods, or;
- one normal weekly rest period and one reduced weekly rest period

Week	Mo	Tu	We	Th	Fr	Sa	Su	weekly rest	total
1						24	21	regular	45
2						24		reduced	24
3						24	21	regular	45
4						24		reduced	24
5					24	21	C21	regular	45+21

--	--

driving, other work

24	24
----	----

rest

C21	C21
-----	-----

compensation

Weekly rest – article 8

■ Article 8(6)

■ Weekly rest **4-week rule**

- 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.
- after two consecutive shortened weekly rests return home driver

Week	Mo	Tu	We	Th	Fr	Sa	Su	weekly rest	Total
1						24	21	regular	45
2						36		reduced	36
3						30		reduced	30
4					C24	24	21	regular	24+45

outside the Member State of the employer's establishment and the country of the drivers' place of residence

Return home driver – article 8

- Article 8(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

Rest in the vehicle – Article 8(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
 - 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
 - Therefore, daily and reduced weekly rest are therefore allowed in the vehicle (with a sleeping facility)



Suitable sleeping facility

- What is a suitable gender-friendly “sleeping” facility?
 - There is no definition nor a list of criteria to define the notion of suitable accommodation
 - Important to leave flexibility on the type of accommodation that drivers may use
 - The sleeping and sanitary facilities should leave enough privacy for each individual
 - *What you find in a hotel, motel, rental-apartment or a private home*

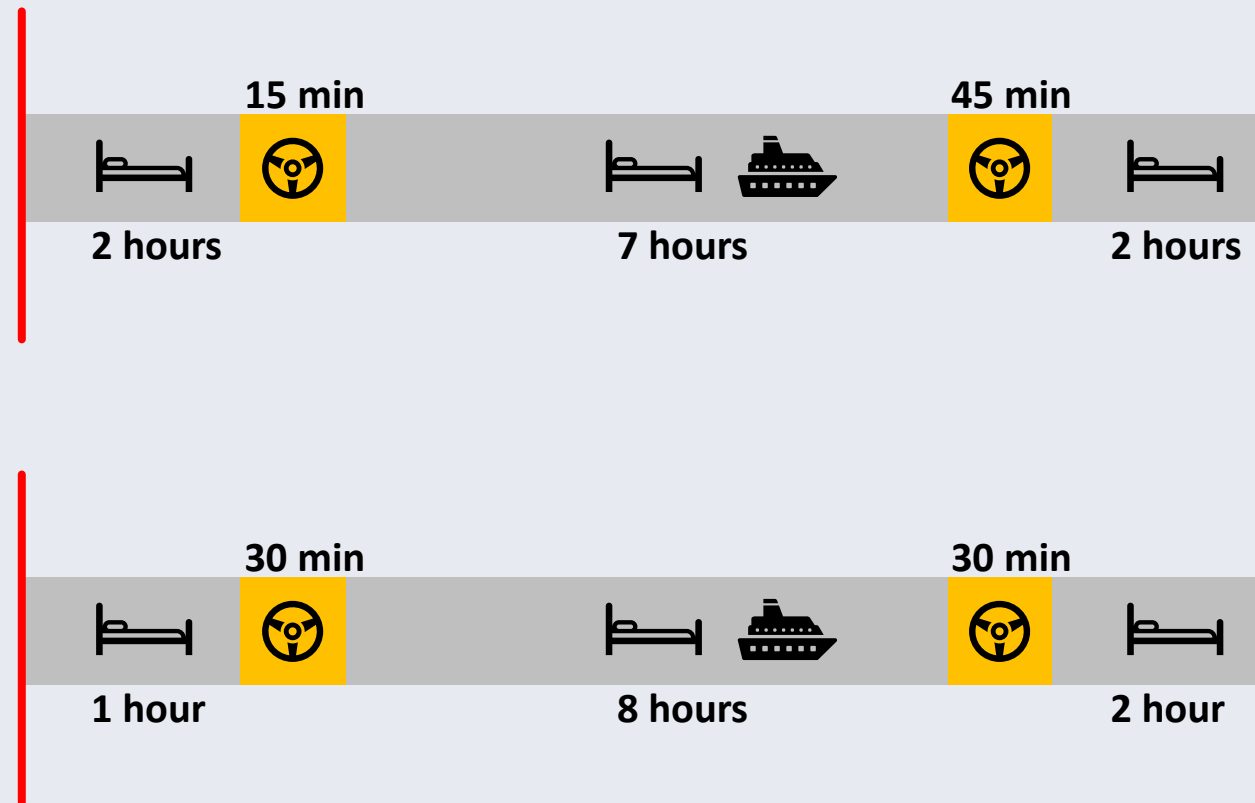


Ferry-train – article 9(1)

- **Article 9(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.’*
- *GUIDANCE NOTE 6 - Recording of time spent on board of a ferry or train where the driver has access to a bunk or couchette.*

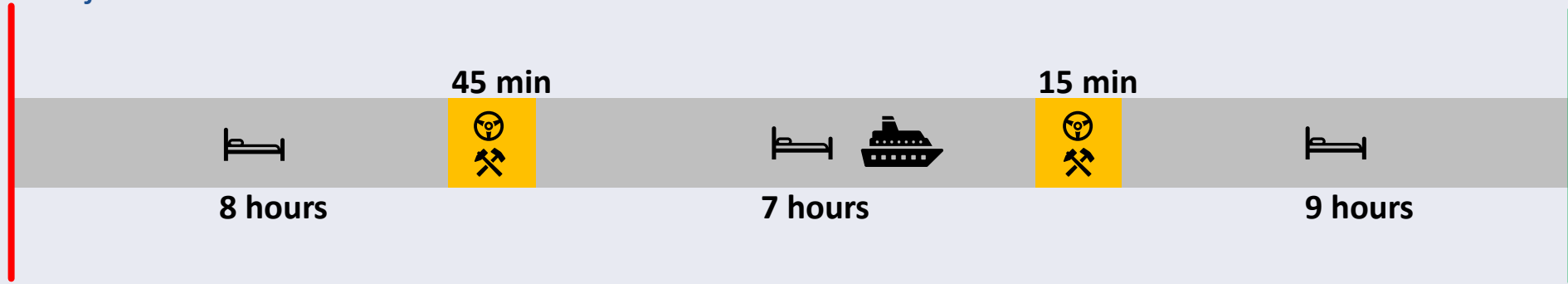
Ferry-train – article 9(1)

- Regular daily rest

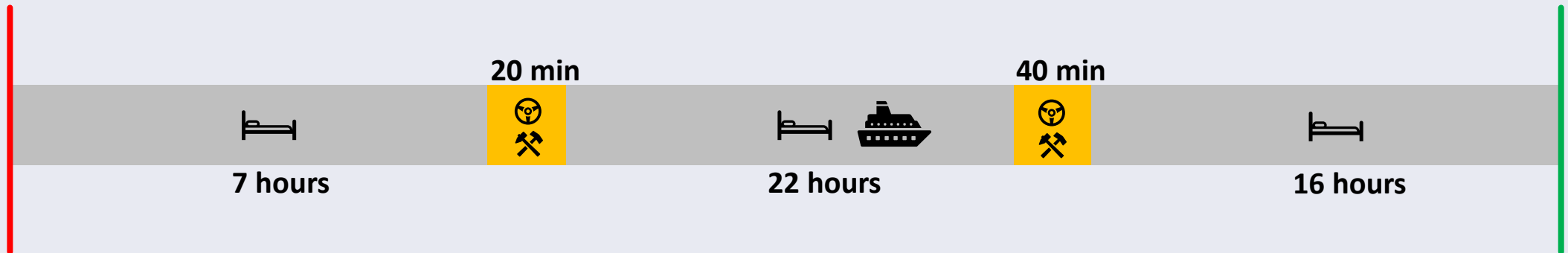


Ferry-train – article 9(1)

- Verkorte wekelijkse rust



- Normale wekelijkse rust



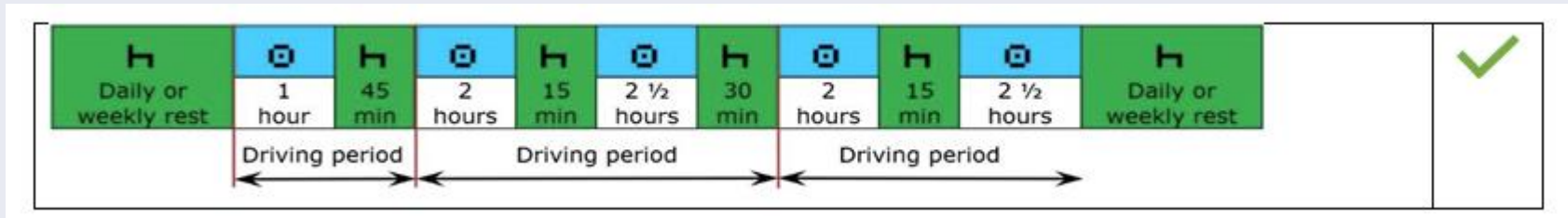
Driving time / definition - Article 4(j)

- Driving time: the duration of driving activities as recorded:
 - Automatically / semi-automatically by the (analogue, digital or smart) tachograph, or
 - manually if the tachograph does not work or is not working properly
- Daily and weekly driving time



Daily driving time – Article 4(k) and 6(1)

- 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
- The daily driving time shall not exceed 9 hours
- However, the daily driving time may be extended to at most 10 hours not more than twice during the week
 - Definition week: the period between 00:00 on Monday and 24:00 on Sunday



Weekly Driving time – Article 4 (l) and 6(2)

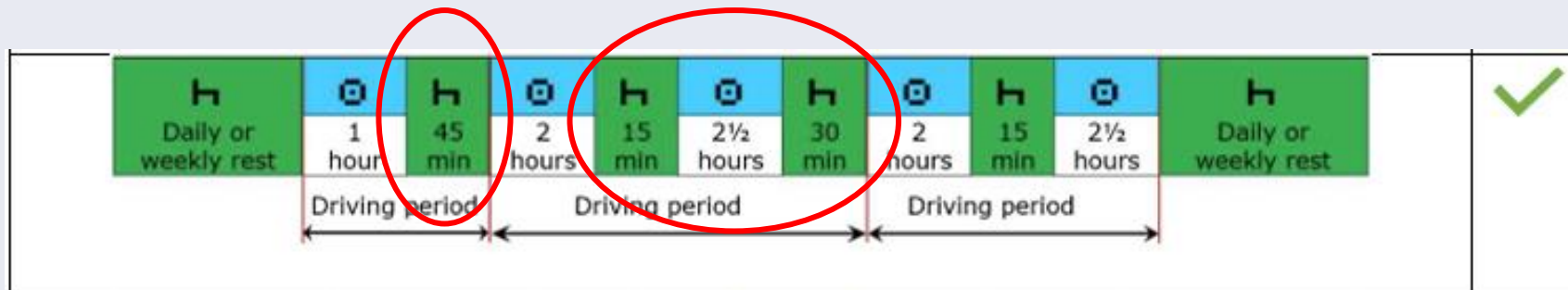
- The weekly driving time **shall not exceed 56 hours**
 - shall not result in the maximum weekly working time of 60 hours laid down in Directive 2002/15/EC being exceeded
- 2-weekly driving time **shall not exceed 90 hours**
 - The total accumulated driving time during any two consecutive weeks

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					6							4						
	24-hours periods					24-hours periods							24-hours periods						
Weekly driving time: 56 hours									Weekly driving time: 34 hours							Weekly driving time: 38 hours			



Continuous driving time and break – Article 4(d) and 7

- '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
- After 4.5 hours driving time a break:
 - of at least 45 minutes in one, or
 - of at least 15 minutes followed by a break of at least 30 minutes → mandatory sequence



Exceptional Circumstances - Article 12

- Article: 12 of Regulation (EC) No 561/2006: Exceptional deviation from minimum rest and maximum driving limits in order to find a suitable stopping place:
- 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.
- Exceptional circumstances
 - Unexpected
 - Incidental
 - Printout with reason at the latest on arrival at the suitable stopping place
- Guidance note 1
- Clarification 7

Exceptional Circumstances - Article 12

- Extension of Article 12 from August 20, 2020 (MP)
- Exceptional circumstances
- *'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'*
 - **Article 6(1) and 6(2)** daily and weekly driving time
 - **Article 8(2)**, Daily rest in 24 hours
 - 1 hour for a weekly rest
 - 2 hour (provided that an uninterrupted break of 30 minutes was taken immediately prior to the additional driving)

Working time directive mobile workers

- Directive 2002/15/EC lays down minimum requirements with regard to the organisation of the working time for all persons performing mobile road transport activities, including self-employed drivers, in order to improve road safety, health and safety of drivers, and prevent distortion of competition.
- It also supplements the provisions of Regulation (EC) 561/2006 which lays down common rules on drivers hours Regulation
- Working time rules are applicable to all drivers, including self-employed ones, as of 23 March 2009
- National implementation > consult national authorities



Working time directive mobile workers

- Definitions of working time, periods of availability, place of work, mobile worker, self-employed driver, week, night time and night work
- Maximum working week: 48 hours
 - can be extended to 60 hours provided an average of 48 hours per week is not exceeded in any 4 month period
- Breaks: not more than 6 hours should be worked consecutively without a break
 - at least 30 min when 6 to 9 hours work
 - at least 45 min when more than 9 hours work
- Night work: not more than 10 hours worked in any 24-hour period when a night shift is performed.





Thanks for your attention