

# EU driving rules changing from 20<sup>th</sup> August 2020

The Department for Transport (DfT) has announced that EU drivers' hours and tachograph rules will change with effect from 20<sup>th</sup> August '20.

The new rules will include:

## **More flexibility on the scheduling of the rest periods for some drivers on international carriage of goods - Article 8 paragraphs 6 & 6b + 8b**

Article 8 is amended as follows:

(a) paragraph 6 is replaced by the following:

'6. In any two consecutive weeks a driver shall take at least:

(a) two regular weekly rest periods;

(b) one regular weekly rest period and one reduced weekly rest period of at least 24 hours.

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.

By way of derogation from the first subparagraph, 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. For the purpose of this paragraph, a driver shall be considered to be engaged in international transport where the driver starts the two consecutive reduced weekly rest periods outside the Member State of the employer's establishment and the country of the drivers' place of residence.');

(b) the following paragraph is inserted:

'6b. Any reduction in weekly rest period shall be compensated by an equivalent period of rest taken en-bloc before the end of the third week following the week in question. Where two reduced weekly rest periods have been taken consecutively in accordance with the third subparagraph of paragraph 6, the next weekly rest period shall be preceded by a rest period taken as compensation for those two reduced weekly rest periods.');

## **A requirement for drivers' to 'return home' every 4 weeks - Article 8 para 8a**

(d) the following paragraph is inserted:

'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. The undertaking shall document how it fulfils that obligation and shall keep the documentation at its premises in order to present it at the request of control authorities.');

## **A ban on taking regular weekly rest periods in the driver's vehicle – Article 8, para 8**

(c) paragraph 8 is replaced by the following:

'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. Any costs for accommodation outside the vehicle shall be covered by the employer.');

# EU driving rules changing from 20<sup>th</sup> August 2020 (cont'd)

## New provisions for rests and breaks for drivers when journeys involve transport by ferry or by rail - Article 9

(8) Article 9 is amended as follows:

(a) paragraph 1 is replaced by the following:

'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.');

(b) paragraph 2 is replaced by the following:

'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.');

## A new requirement to keep a full record of all other work. Article 6 paragraph 5

Article 6, paragraph 5 is replaced by the following: '5. A driver shall record as other work, any time spent as described in point (e) of Article 4 as well as any time spent driving a vehicle used for commercial operations that do not fall within the scope of this Regulation, and shall record any periods of availability, as defined in point (b) of Article 3 of Directive 2002/15/EC, in accordance with point (b)(iii) of Article 34(5) of Regulation (EU) No 165/2014 of the European Parliament and of the Council (\*). This record shall be entered either manually on a record sheet or printout or by use of manual input facilities on recording equipment.

## A new definition of 'non-commercial carriage' - Article 4

Article 4, the following point is added: '(r) "non-commercial carriage" means any carriage by road, other than carriage for hire or reward or on own account, for which no direct or indirect remuneration is received and which does not directly or indirectly generate any income for the driver of the vehicle or for others, and which is not linked to professional or commercial activity.');

## Breaks and rest

The main points of EU rules on breaks and rest are that you must take:

- at least 11 hours rest every day - you can reduce this to 9 hours rest 3 times **between any 2 weekly rest periods**;
- an unbroken rest period of 45 hours every week - you can reduce this to 24 hours every other week;
- a break or breaks totalling at least 45 minutes after no more than 4 hours 30 minutes driving;
- your weekly rest after 6 consecutive 24-hour periods of working, starting from the end of the last weekly rest period taken.

DfT advises operators and drivers to review the [changes to the EU driving rules](#) and prepare to follow them.

## More information

- [DfT announces changes to EU driving rules](#)
- [Goods vehicles: rules on drivers' hours and tachographs](#)