

Regulation (EC) No 561/2006 of the European Parliament and of the Council of 15 March 2006 on the harmonisation of certain social legislation relating to road transport and amending Council Regulations (EEC) No 3821/85 and (EC) No 2135/98 and repealing Council Regulation (EEC) No 3820/85 (Text with EEA relevance)

CHAPTER II

CREWS, DRIVING TIMES, BREAKS AND REST PERIODS

Article 5

- 1 The minimum age for conductors shall be 18 years.
- 2 The minimum age for drivers' mates shall be 18 years. ^{F1}...

Textual Amendments

- F1** Words in Art. 5(2) omitted (31.12.2020) by virtue of [The Drivers' Hours and Tachographs \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/453\)](#), regs. 1(3), **60** (with reg. 114); 2020 c. 1, Sch. 5 para. 1(1)

Article 6

- 1 The daily driving time shall not exceed nine hours.
However, the daily driving time may be extended to at most 10 hours not more than twice during the week.
- 2 The weekly driving time shall not exceed 56 hours and shall not—
 - ^{F2}a in relation to England and Wales and Scotland, result in the maximum weekly working time laid down in the Road Transport (Working Time) Regulations 2005 being exceeded;
 - b in relation to Northern Ireland, result in the maximum weekly working time laid down in the Road Transport (Working Time) Regulations (Northern Ireland) 2005 being exceeded].
- 3 The total accumulated driving time during any two consecutive weeks shall not exceed 90 hours.
- 4 Daily and weekly driving times shall include all driving time [^{F3}, whether within or outside the United Kingdom].
^{F4}^{F5} 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 ⁽¹⁾. This record shall be entered either manually on a record sheet or printout or by use of manual input facilities on recording equipment.]
^{F6} In paragraph 5, “periods of availability” is to be read in accordance with—

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Changes to legislation: There are currently no known outstanding effects for the Regulation (EC) No 561/2006 of the European Parliament and of the Council, CHAPTER II. (See end of Document for details)

- a in relation to England and Wales and Scotland, the definition of “period of availability” in regulation 2 of the Road Transport (Working Time) Regulations 2005;
- b in relation to Northern Ireland, the definition of “period of availability” in regulation 2(2) of the Road Transport (Working Time) Regulations (Northern Ireland) 2005.]

Textual Amendments

- F2** Words in Art. 6(2) substituted (31.12.2020) by The Drivers' Hours and Tachographs (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/453), regs. 1(3), **61(2)**; 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in Art. 6(4) substituted (31.12.2020) by The Drivers' Hours and Tachographs (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/453), regs. 1(3), **61(3)**; 2020 c. 1, Sch. 5 para. 1(1)
- F4** Art. 6(5): by virtue of The Drivers' Hours and Tachographs (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/453), regs. 1(3), **61(4)** (with reg. 114), it is provided that the words “, as defined in Article 15(3)(c) of Regulation (EEC) No 3821/85,” are omitted (31.12.2020); 2020 c. 1, Sch. 5 para. 1(1)
- F5** Substituted by Regulation (EU) 2020/1054 of the European Parliament and of the Council of 15 July 2020 amending Regulation (EC) No 561/2006 as regards minimum requirements on maximum daily and weekly driving times, minimum breaks and daily and weekly rest periods and Regulation (EU) No 165/2014 as regards positioning by means of tachographs.
- F6** Art. 6(6) inserted (31.12.2020) by The Drivers' Hours and Tachographs (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/453), regs. 1(3), **61(5)**; 2020 c. 1, Sch. 5 para. 1(1)

Article 7

After a driving period of four and a half hours a driver shall take an uninterrupted break of not less than 45 minutes, unless he takes a rest period.

This break may be replaced by a break of at least 15 minutes followed by a break of at least 30 minutes each distributed over the period in such a way as to comply with the provisions of the first paragraph.

[^{F7}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.]

Textual Amendments

- F7** Inserted by Regulation (EU) 2020/1054 of the European Parliament and of the Council of 15 July 2020 amending Regulation (EC) No 561/2006 as regards minimum requirements on maximum daily and weekly driving times, minimum breaks and daily and weekly rest periods and Regulation (EU) No 165/2014 as regards positioning by means of tachographs.

Article 8

1 A driver shall take daily and weekly rest periods.

2 Within each period of 24 hours after the end of the previous daily rest period or weekly rest period a driver shall have taken a new daily rest period.

If the portion of the daily rest period which falls within that 24 hour period is at least nine hours but less than 11 hours, then the daily rest period in question shall be regarded as a reduced daily rest period.

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3 A daily rest period may be extended to make a regular weekly rest period or a reduced weekly rest period.

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

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.

[^{F56} In any two consecutive weeks a driver shall take at least:

- a two regular weekly rest periods; or
- 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.]

^{F8} 6a

[^{F7} 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.]

7 Any rest taken as compensation for a reduced weekly rest period shall be attached to another rest period of at least nine hours.

[^{F58} 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.]

[^{F7} 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

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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.]

9 A weekly rest period that falls in two weeks may be counted in either week, but not in both.

[^{F7}10 No later than 21 August 2022, the Commission shall evaluate and report to Parliament and to the Council on whether more appropriate rules for drivers engaged in occasional services of carriage of passengers, as defined in point 4 of Article 2 of Regulation (EC) No 1073/2009 can be adopted.]

Textual Amendments

- F5** Substituted by Regulation (EU) 2020/1054 of the European Parliament and of the Council of 15 July 2020 amending Regulation (EC) No 561/2006 as regards minimum requirements on maximum daily and weekly driving times, minimum breaks and daily and weekly rest periods and Regulation (EU) No 165/2014 as regards positioning by means of tachographs.
- F7** Inserted by Regulation (EU) 2020/1054 of the European Parliament and of the Council of 15 July 2020 amending Regulation (EC) No 561/2006 as regards minimum requirements on maximum daily and weekly driving times, minimum breaks and daily and weekly rest periods and Regulation (EU) No 165/2014 as regards positioning by means of tachographs.
- F8** Art. 8(6a) omitted (31.12.2020) by virtue of The Drivers' Hours and Tachographs (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/453), regs. 1(3), **62** (with reg. 114); 2020 c. 1, Sch. 5 para. 1(1)

[^{F7}Article 8a

1 The Commission shall ensure that information about safe and secure parking areas is easily accessible to drivers engaged in the carriage of goods and passengers by road. The Commission shall publish a list of all parking areas that have been certified, in order to provide drivers with adequate:

- intrusion detection and prevention,
- lighting and visibility,
- emergency contact points and procedures,
- gender-friendly sanitary facilities,
- food and beverage purchasing options,
- communications connections,
- power supply.

The list of such parking areas shall be made available on a single official website that is regularly updated.

2 The Commission shall adopt delegated acts in accordance with Article 23a to establish standards providing further detail concerning the level of service and security with regard to the areas listed in paragraph 1 and concerning the procedures for the certification of parking areas.

3 All parking areas that have been certified may indicate that they are certified in accordance with Union standards and procedures.

In accordance with point (c) of Article 39(2) of Regulation (EU) No 1315/2013 of the European Parliament and the Council ⁽²⁾, Member States are to encourage the creation of parking space for commercial road users.

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4 By 31 December 2024 , the Commission shall present a report to the European Parliament and to the Council on the availability of suitable rest facilities for drivers and of secured parking facilities, as well as on the development of safe and secure parking areas certified in accordance with the delegated acts referred to in paragraph 2. That report may list measures to increase the number and quality of safe and secure parking areas.]

Textual Amendments

- F7** Inserted by [Regulation \(EU\) 2020/1054 of the European Parliament and of the Council of 15 July 2020 amending Regulation \(EC\) No 561/2006 as regards minimum requirements on maximum daily and weekly driving times, minimum breaks and daily and weekly rest periods and Regulation \(EU\) No 165/2014 as regards positioning by means of tachographs.](#)

Article 9

[^{F51} 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.]

[^{F52} 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.]

3 Any time spent by a driver driving a vehicle which falls outside the scope of this Regulation to or from a vehicle which falls within the scope of this Regulation, which is not at the driver's home or at the employer's operational centre where the driver is normally based, shall count as other work.

Textual Amendments

- F5** Substituted by [Regulation \(EU\) 2020/1054 of the European Parliament and of the Council of 15 July 2020 amending Regulation \(EC\) No 561/2006 as regards minimum requirements on maximum daily and weekly driving times, minimum breaks and daily and weekly rest periods and Regulation \(EU\) No 165/2014 as regards positioning by means of tachographs.](#)

[^{F7} Article 9a

By 31 December 2025 , the Commission shall draw up and submit to the European Parliament and to the Council a report evaluating the use of autonomous driving systems in the Member States. That report shall focus in particular on the potential impact of those systems on rules on driving and rest times. That report shall be accompanied, if appropriate, by a legislative proposal to amend this Regulation.]

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Textual Amendments

- F7** Inserted by Regulation (EU) 2020/1054 of the European Parliament and of the Council of 15 July 2020 amending Regulation (EC) No 561/2006 as regards minimum requirements on maximum daily and weekly driving times, minimum breaks and daily and weekly rest periods and Regulation (EU) No 165/2014 as regards positioning by means of tachographs.

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- (1) [^{F5}Regulation (EU) No 165/2014 of the European Parliament and of the Council of 4 February 2014 on tachographs in road transport, repealing Council Regulation (EEC) No 3821/85 on recording equipment in road transport and amending Regulation (EC) No 561/2006 of the European Parliament and of the Council on the harmonisation of certain social legislation relating to road transport (OJ L 60, 28.2.2014, p. 1).]
- (2) [^{F7}Regulation (EU) No 1315/2013 of the European Parliament and of the Council of 11 December 2013 on Union guidelines for the development of the trans-European transport network and repealing Decision No 661/2010/EU (OJ L 348, 20.12.2013, p. 1).]

Textual Amendments

- F5** Substituted by Regulation (EU) 2020/1054 of the European Parliament and of the Council of 15 July 2020 amending Regulation (EC) No 561/2006 as regards minimum requirements on maximum daily and weekly driving times, minimum breaks and daily and weekly rest periods and Regulation (EU) No 165/2014 as regards positioning by means of tachographs.
- F7** Inserted by Regulation (EU) 2020/1054 of the European Parliament and of the Council of 15 July 2020 amending Regulation (EC) No 561/2006 as regards minimum requirements on maximum daily and weekly driving times, minimum breaks and daily and weekly rest periods and Regulation (EU) No 165/2014 as regards positioning by means of tachographs.

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