

New provisions

As of 20 August 2020

Regulation (EU) 2020/1054, which is part of the mobility package, has been in force since 20 August 2020 and contains the following new regulations:

- 1. Requirement of the driver to return every 4 weeks  
The driver is required to return to his place of residence every 4 weeks.
- 2. When transporting internationally, 2 consecutive reduced weekly rest periods are possible  
When transporting internationally, 2 consecutive reduced weekly rest periods are possible. If 2 consecutive reduced weekly rest periods have been taken, the time must be made up for the reduction before the next regular weekly rest period.

- 3. Reduced and regular weekly rest periods may be interrupted by other activities during ferry crossings/rail transportation  
During ferry crossings/rail transportation, the reduced and regular weekly rest period may now be interrupted a maximum of 2 times by other activities, if their total duration does not exceed one hour. For the regular weekly rest period, this regulation only applies if the planned duration of the journey is at least 8 hours and if the driver has access to a sleeping cabin on the ferry or in the train.

- 4. The daily driving time may be exceeded by 1-2 hours  
Under special circumstances, the daily driving time may be exceeded by 1-2 hours if the driver's residence or the employer's place of business can be reached before a weekly rest period.

- 5. Documentation of border crossings  
Since 2 February 2022, it has been mandatory to enter the country in the tachograph after crossing the border. For this purpose, you must park at the earliest opportunity, either at the border or immediately after crossing it.

- 6. Obligation to return vehicles  
Vehicles used in international transport must return to an operating site in the home country no later than 8 weeks after leaving the home country.

- 7. Permit requirements for vehicles > 2.5t  
Since 21 May 2022, vehicles over 2.5 tonnes used in cross-border freight transport also require a Community Licence (EU licence).

As of 2 March 2015

- 1. Increasing the distance for the „tradesmen's rule" and other exemptions to 100 km  
The distance regulations for tradesmen, universal service providers, vehicles for the transport of goods powered by compressed natural gas, liquid petroleum or electricity and vehicles for the transport of live animals have been increased from 50 km to 100 km.
- 2. EU-wide waiver of activity documentation  
Supervisory authorities can no longer compulsorily demand documentation of activity for times spent outside the vehicle if all the driver's times are fully documented on the driver card without gaps.  
The requirement for complete documentation of periods for which proof is required still exists. If necessary, activity documentation can/should still be issued, e.g. „carried out activities other than driving".

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Questions?  
Our expert in driving time, rest periods and solutions to regulatory issues is happy to advise you!

Michael Hennicke  
Customer Compliance Specialist

DAKO GmbH  
Brüsseler Straße 22 | 07747 Jena | Germany

P +49 3641 22778 500  
M michael.hennicke@dako.de  
W www.dako.de

All information is supplied without guarantee. Current as of 08/2022

# Social legislation

Information on the commercial transportation of goods and passengers



The work and social legislation in road transportation regulates the maximum driving time, the required breaks and the rest periods for drivers hauling freight and transporting passengers. The primary objectives of these regulations are to protect the health of the drivers and to increase road safety.

Which regulations apply?  
The provisions of Regulation (EC) 561/2006, Regulation (EU) 165/2014, Regulation (EU) 2016/799, as well as Regulation (EU) 2020/1054, Regulation (EU) 2016/404, Directive 2002/15/EC, the Swedish Road Working Hours Act, the Working Hours Act and the European Agreement concerning the Work of Crews of Vehicles engaged in International Road Transport (AETR) apply, with a few exceptions, to commercial road transport.

Which vehicles are affected?  
› Vehicles used for transporting passengers and are intended to hold more than 9 persons including the driver.  
› Vehicles used for transporting goods, with a maximum permissible weight of more than 3.5 tonnes, including trailers or semi-trailers.

How much daily driving time is allowed?  
The total amount of daily driving time (the driving time between two daily rest periods or between a daily or a weekly rest period) must not exceed 9 hours. Twice a week, the daily driving time may be extended to 10 hours.

Under special circumstances, the daily driving time may be exceeded by 1-2 hours if the driver's residence or the employer's place of business can be reached before a weekly rest period.

The total weekly driving time must not exceed 56 hours and shall also not result in exceeding the maximum weekly working time of 60 hours as stipulated in the Working Hours Act. The total driving time may not exceed 90 hours within 2 consecutive weeks.

Example:

1st Week	2nd Week		
45 hours	+ 45 hours	=	90 hours
50 hours	+ 40 hours	=	90 hours
max. 56 hours	+ 34 hours	=	90 hours



When must breaks in driving be taken?

After a driving time of 4.5 hours, the driver must take a break of at least 45 minutes. This can be divided into 2 breaks. The first break must be at least 15 minutes and the second break at least 30 minutes.

Calculation based on 9 or 10 hours of driving time:



Should the driver opt to extend the daily driving time to a maximum of 10 hours twice a week, another 45-minute break must be taken after 9 hours of driving time.

During a break in driving, no loading, unloading or other work may be done.

How long must the daily rest periods be?

For a solo driver:

24 hours	13 hours work shift (max. 10 hours working time, time on-call, breaks) 11 hours regular daily rest
or	
24 hours	15 hours work shift (max. 10 hours working time, time on-call, breaks) 9 hours reduced daily rest

The regular amount of daily rest can be divided into 2 periods within 24 hours, the first of which must be at least 3 hours and the second must be at least 9 hours.

The daily driving time must always be between 2 large periods of rest of at least 9 or 11 hours.

The driver may take a maximum of 3 reduced daily rest periods between 2 weekly rest periods. No time needs to be made up later for this!

For a two-driver crew:

30 hours	21 hours work shift (max. 10 hours working time, time on-call, breaks) minimum of 9 hours of daily rest
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How long must the weekly rest period be?

The driver must have at least one regular weekly rest period (WRP) of at least 45 consecutive hours and one reduced weekly rest period of at least 24 consecutive hours in 2 consecutive weeks.

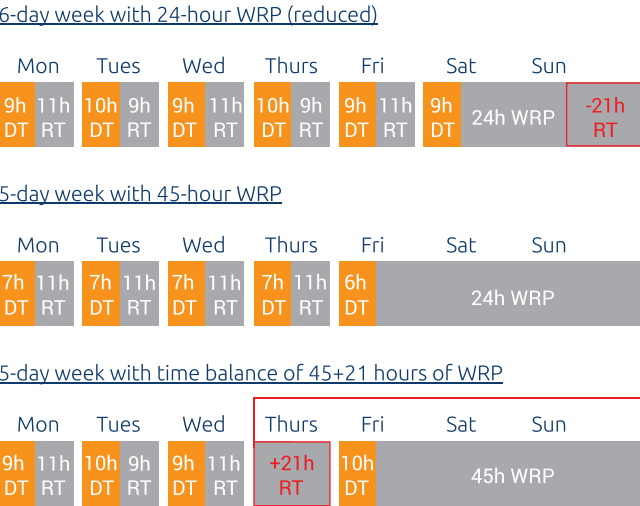
This reduction must be made up for by an equivalent rest period, which must be combined with a rest period of at least 9 hours.

The time must be balanced out by the end of the third week after the relevant week.



A weekly rest period shall begin no later than the end of six 24-hour periods following the end of the preceding weekly rest period.

Example: Weekly rest period with balanced-out time



DT=driving time | RT=rest time | DRT=daily rest time | WRP=weekly rest period

How must timesheets be kept?

All vehicles with an initial registration on or after 1 May 2006 and a permissible total weight of more than 3.5t must be equipped with a tachograph.

The following must be done:  
Before driving, the driver must insert a record sheet or his driver card into the analogue or digital tachograph.

Records will be made as follows:

	Tachograph	Driver card	Record sheet
Driver name	automatic	automatic	manual
City/Country Inserting Removing	manual automatic	- -	manual manual
Date Inserting Removing	automatic automatic	automatic automatic	manual manual
Number plate	automatic upon calibration	automatic	manual
Kilometers Begin/End	total km	daily km	manual
Speed	up to 168 activity hrs.**	-	automatic
Activities* Logging	automatic for driving time (other work, time on-call and breaks) **  manual for other work, time on-call and breaks		
manual supplement	-	possible	on the back

\* driving time (DT)  
\*\* dependant on tachograph

Defective tachographs must be repaired immediately. In case of malfunctions, all necessary records must be recorded by hand on the back of the record sheet (diagram field) or on the printer paper. It is important to ensure that certified record sheets or printer paper are used.

The following proof of working hours must be kept on board:

- › Driver card
- › Record sheets of the current day and the previous 28 calendar days (in effect since 1 January 2008)
- › All handwritten records and printouts
- › Certificate of exempted days according to EU ruling 2009/959

For the days on which a driver has not driven (e.g. holiday or illness), the company must issue documentation (not handwritten) stating the reasons. This can also be created with the DAKO software.

The record sheets and printouts that are no longer to be carried must be immediately handed over to the employer. Driving without a driver card is only permitted in case of malfunction, loss or theft of the driver card. Driving without a driver card is permitted for a maximum of 15 days (e.g. repatriation of a vehicle).

How long must the timesheets be kept?

Record sheet:	1 year
Tachograph:	1 year

Necessary records required by the Working Hours Act must be kept or archived for 2 years.

When must the data be downloaded?

Driver card:	every 28 days at the latest
Tachograph:	every 90 days at the latest