

Control Officer Training Regulation (EC) 561/2006

Prepared by the TRACE Project

Course Aim

The aim of the project is to establish and disseminate a common agreed and simplified explanation of Reg (EC) 561/2006

This training has been designed to ensure that every transport undertaking and driver is treated equitably across all Member States, not withstanding local National Regulations which might apply

Objectives

By the end of this 13 hour session, after successful completion of an end test and appropriate 'field work' experience, Control Officers will be able to apply a consistent approach to the Regulations at roadside, and, using the provided information; advise drivers and transport undertakings; detect and deal with infringements appropriately

Topics

- Introduction
- Roadside Checks/Engagement with Driver
- Purpose of the Regulation
- (EC) 561/2006 Regulation
- (EEC) 3821/85 Tachograph Recording Equipment (excerpts)

Introduction

Council Regulation (EEC) 543/69 25th of March 1969

- Minimum age limits for driver, drivers' mates and conductors
- Limits on continuous and daily driving time
- Minimum durations and other conditions in respect of breaks and daily and weekly rest periods
- The requirement to record activity
- Promote the use of automated recording

• To improve the social conditions of those involved in the road transport industry, to improve road safety and to address competition issues with transport by road, rail & inland waterways

Introduction

Further Legislation: -

- Regulation (EEC) 543/69

Repealed by: - • Regulation (EEC) 3820/85

Repealed by: - Regulation (EC) 561/2006

Sanctions

- Sanctions applied are a matter for each Member State
- As a minimum, a sanction should be applied that rectifies the breach

For example, if a driver is found to have breached the regulations on daily rest, he/she should be required to fulfil this obligation before being allowed to continue his/her journey independent of any financial penalty imposed.

Roadside Checks



Regulation requirements:-

- Completed efficiently and quickly
- Least delay for the driver
- Requirements to be monitored
- Driver's welfare is considered
- Check site has reasonable facilities
- Control Officers seen to be honest
- Drivers treated with due courtesy

Roadside Checks



Production of other documents,
e.g:-fuel receipts, ferry tickets

- Right to demand production of documents is limited to specific items
- Non production of 'voluntary' items is not necessarily an indication of guilt
(For example, non-production of a leave attestation letter)

This training broadly follows the Regulation article by article but not necessarily in order. Where appropriate, this is indicated thus: -

“This Regulation lays down rules on driving times, breaks and rest periods for drivers engaged in the carriage of goods and passengers by road in order to harmonise the conditions of competition between modes of inland transport, especially with regard to the road sector, and to improve working conditions and road safety.

This Regulation also aims to promote improved monitoring and enforcement practices by Member States and improved working practices in the road transport industry”

Definitions

All of the Definitions are listed in the workbook.
Reference is made to them as and when
appropriate throughout the training

Scope

Which vehicles are in scope?

- How big is the vehicle? *(Article 2)*
- Is it exempt *(Article 3)*
- Are there National Derogations? *(Article 13)*
- Where is the vehicle from?
- What is the purpose of the journey?



This truck clearly exceeds 3,5Tonne



No this is a Sprinter 310CDI
extra Long Diesel
High Roof auto 3,5T



Yes this is a Sprinter
519CDI extra Long Diesel
High Roof 5,0T



If the combined
Maximum
Permissible Mass
exceeds 3,5T it will
be in scope

Exercise 2

Vehicle Identification Plates & Combined Weights

How can we ascertain its weight?



Max Permissible Mass

Max Train (Combination) Mass

Max Weight Axle 1

Max Weight Axle 2

	2160kg
	4160kg
1	1140kg
2	1040kg

Max Permissible Mass

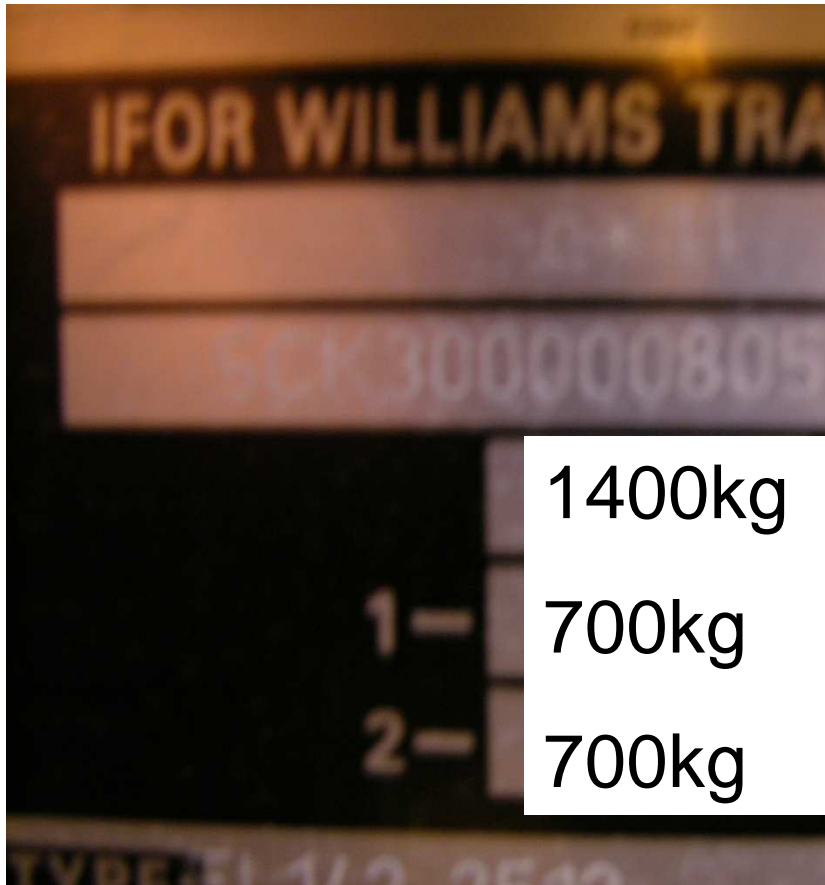
Max Train (Combination) Mass

Max Weight Axle 1

Max Weight Axle 2

*Note:-**The combined axle weights often exceed the MPM*

Trailer Plate



1400kg

Max Permissible Mass

700kg

MPM Axle 1

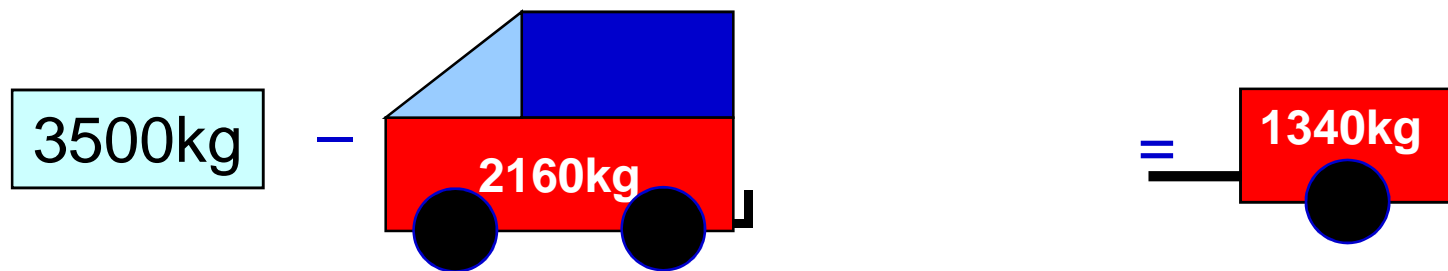
700kg

MPM Axle 2

If this vehicle has the capacity to exceed 3500kg when attached to a trailer it falls into scope for the regulation

Therefore: -

$$3500\text{kg} - 2160\text{kg (MPM of vehicle)} = 1340\text{kg}$$



If the trailer Maximum Permissible Mass = 1341kgs or more, it falls into scope of Drivers Hours 561/2006 and may need a tachograph (Both vehicles could be empty)

- Some Member States issue documentation that verifies the weight and may be produced by the driver on request



With passenger carrying vehicles determining whether they are in scope of (EC) 561/2006 is more straightforward

Count the number of passenger seats!
more than 8 – in scope

In all cases, the vehicle or one of the elements of the combination must be designed to carry goods or passengers to be in scope.



These vehicles do not fall into scope

- Having determined that the vehicle is in scope subject to any exemptions or derogations that may apply (Articles 3 & 13) then inspect to (EC) 561/2006
- If not in scope, local or domestic regulations may be in place and it may be appropriate to carry out an inspection to these requirements
- In-scope goods or passenger carrying vehicles will always be in scope unless the use is exempted or derogated

Geographical Scope

It is necessary to establish the home base of vehicles, driver's journey details and eventual destination from on-board documentation and from discussions with the driver

Exercise

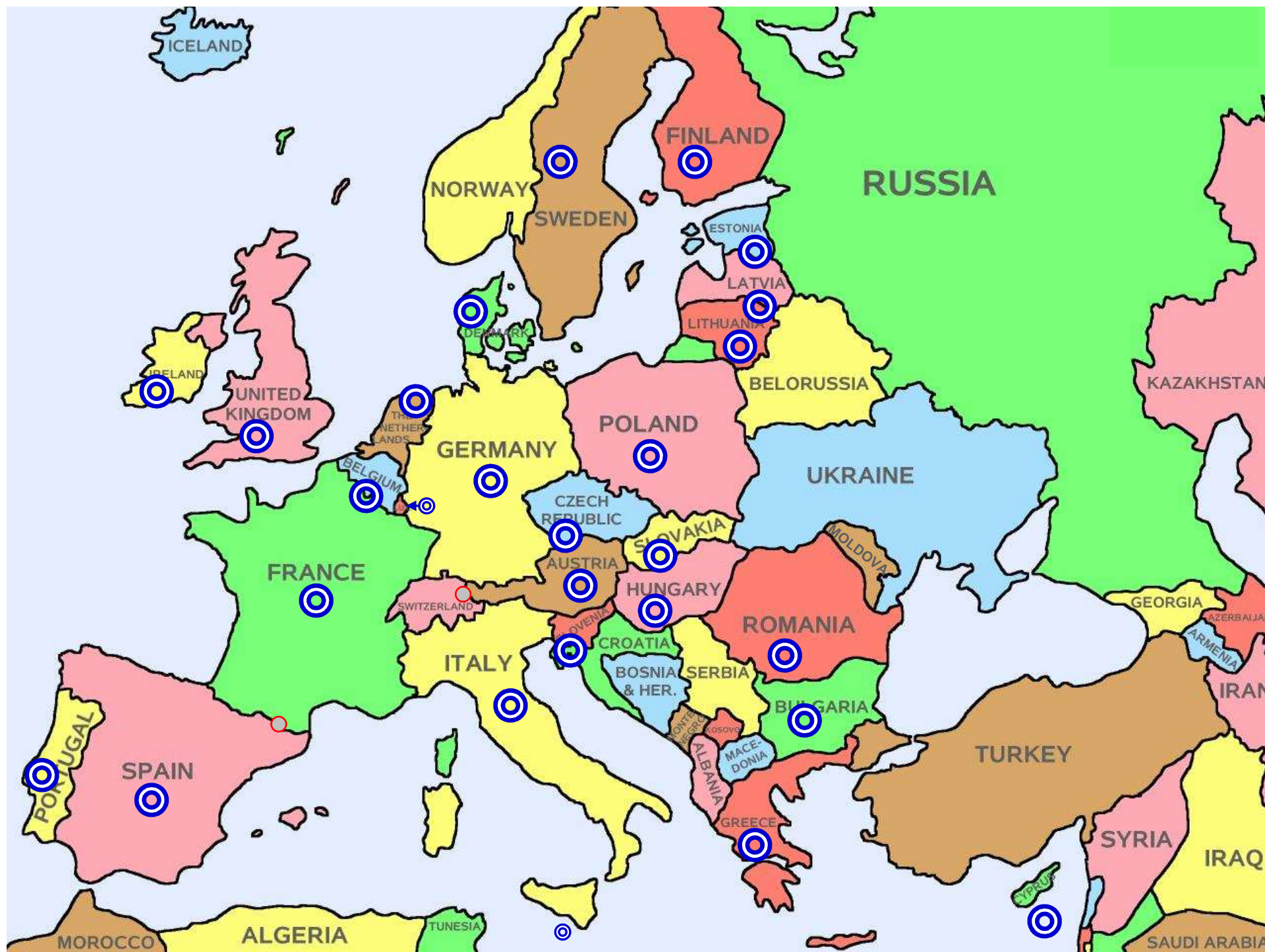
Delegates, working in groups to identify the states which make up the following: -

- EC
- EEA
- AETR
- ‘Others’
- 3rd Countries

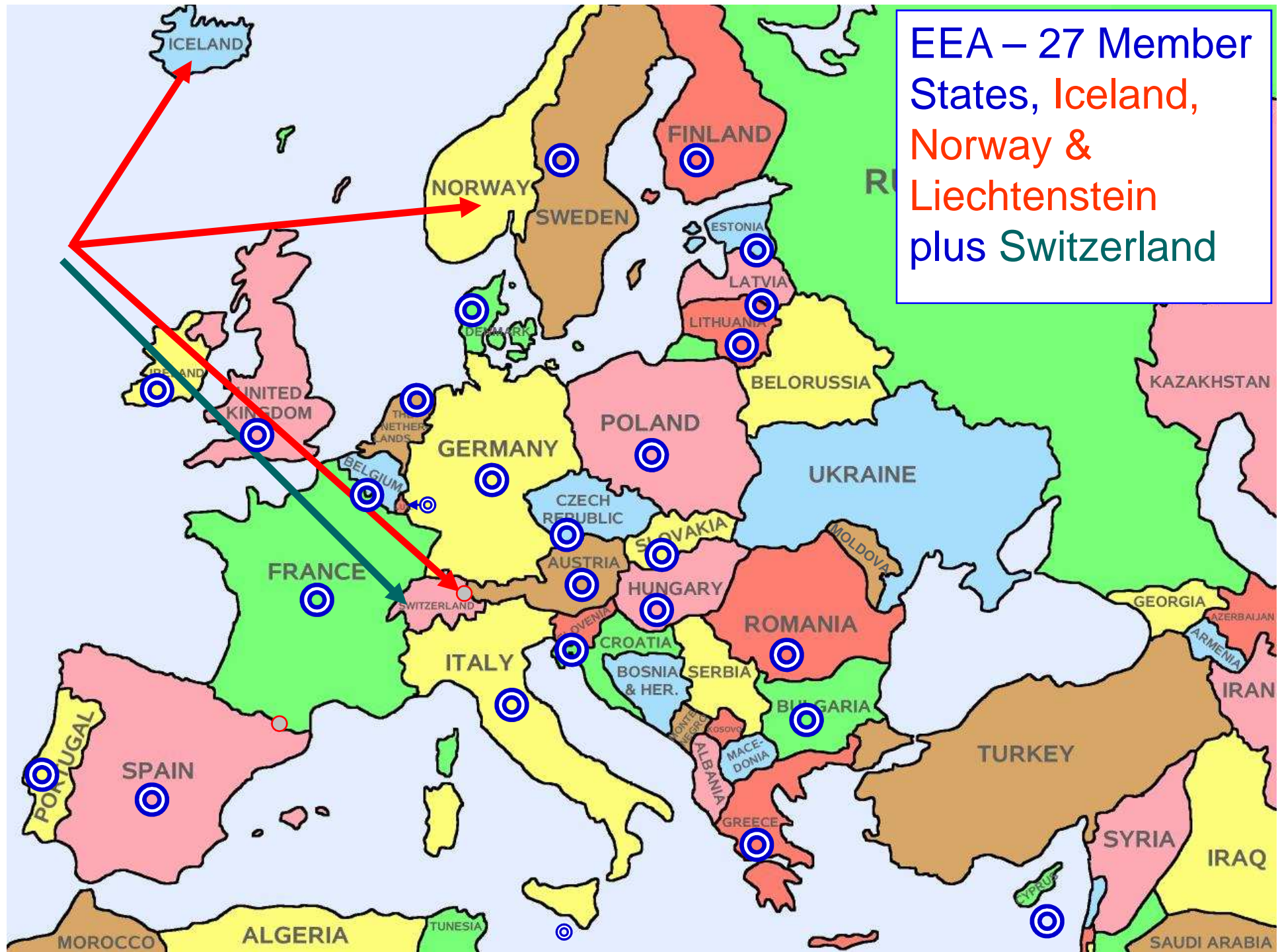
•Austria	(A)
•Belgium	(B)
•Bulgaria	(BLG)
•Cyprus	(CY)
•Czech Republic	(CZ)
•Denmark	(DK)
•Estonia	(EST)
•Finland	(SF)
•France	(F)
•Germany	(D)
•Greece	(GR)
•Hungary	(H)
•Ireland	(IRL)
•Italy	(I)
•Latvia	(LV)
•Lithuania	(LT)
•Luxembourg	(L)
•Malta	(M)
•Netherlands	(NL)
•Poland	(PL)
•Portugal	(P)
•Romania	(RO)
•Slovakia	(SK)
•Slovenia	(SL)
•Spain	(E)
•Sweden	(S)
•United Kingdom	(GB)

The 27 Member States of the European Community

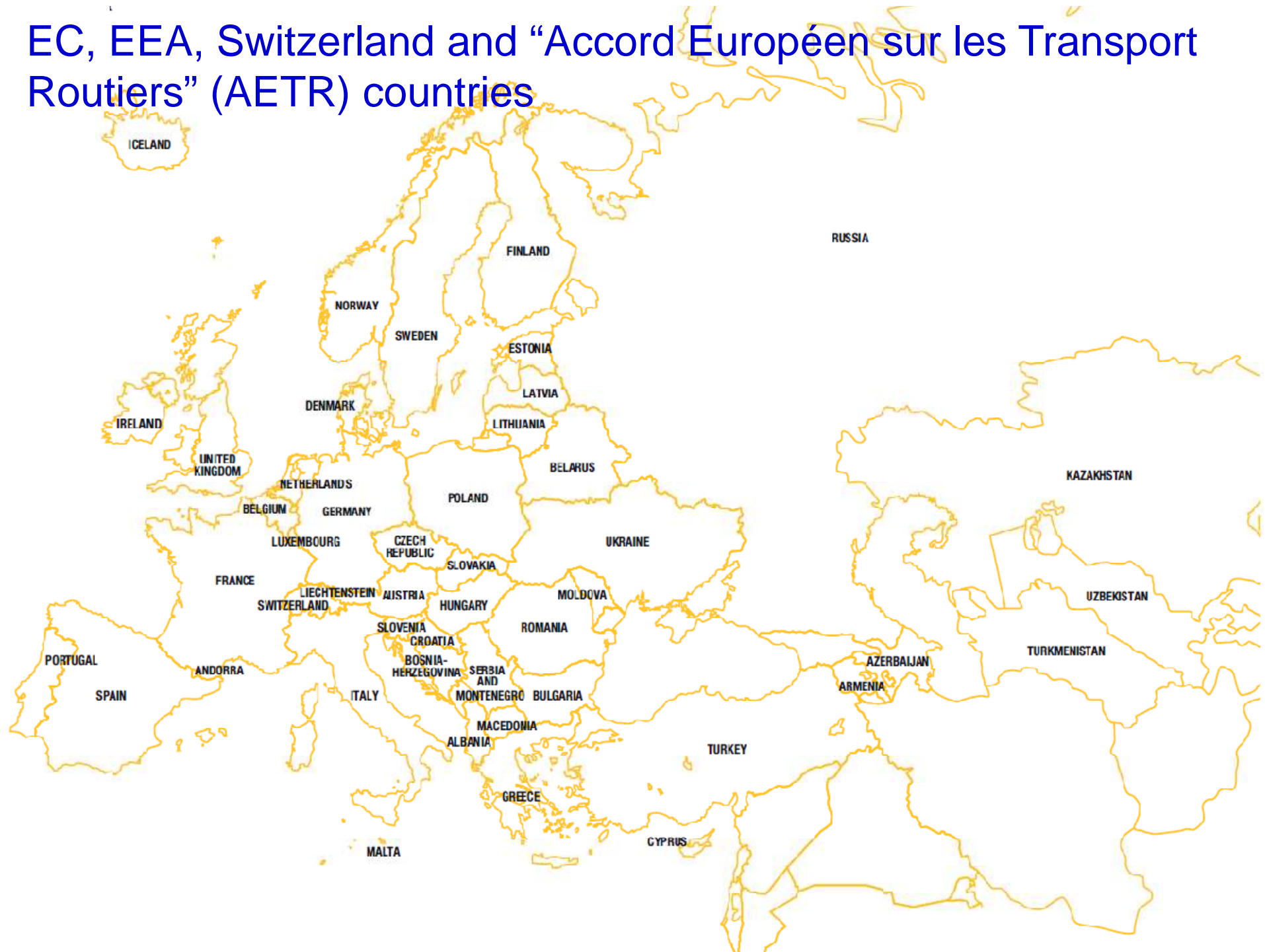




EEA – 27 Member
States, Iceland,
Norway &
Liechtenstein
plus Switzerland



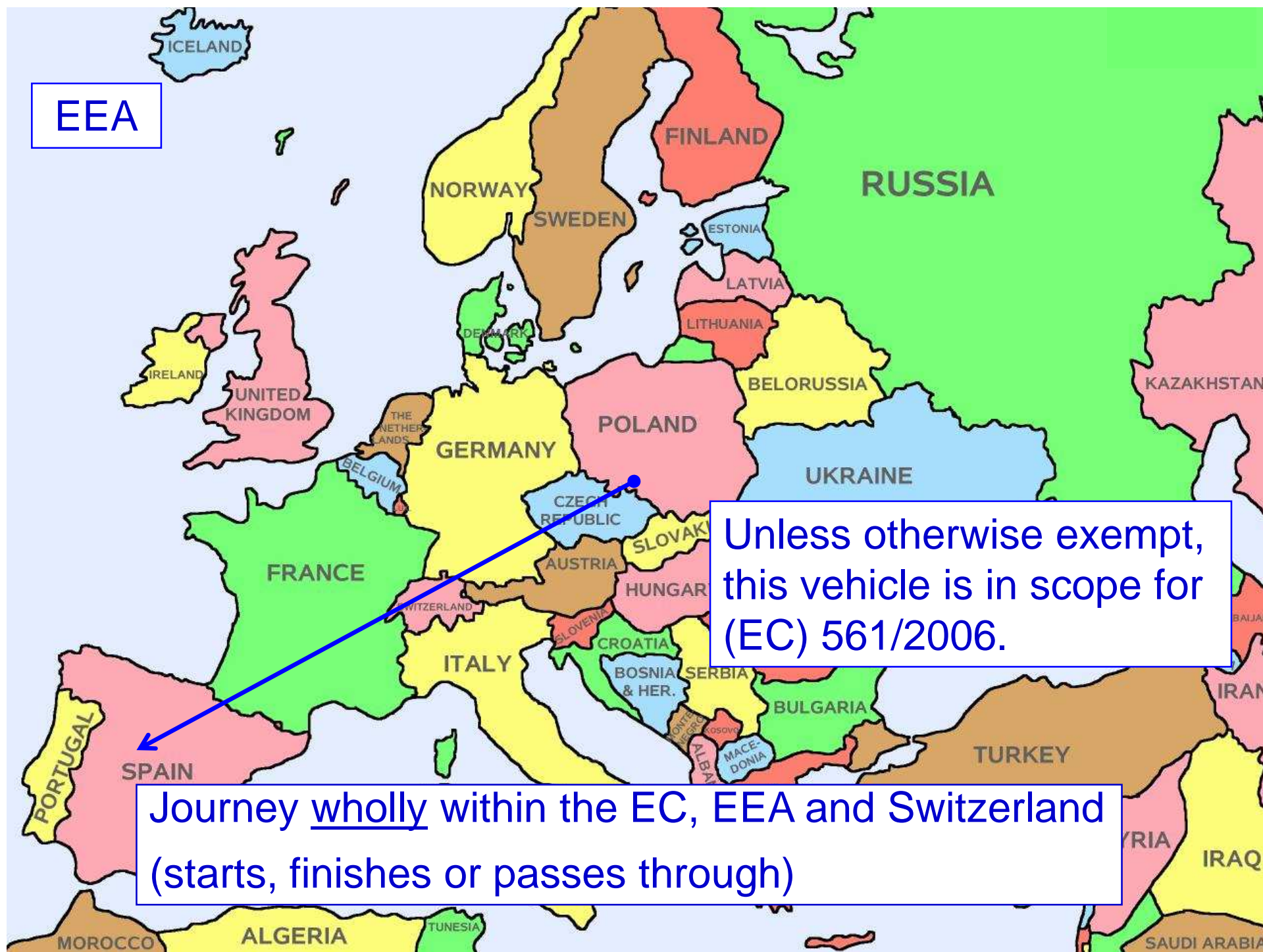
EC, EEA, Switzerland and “Accord Européen sur les Transport Routiers” (AETR) countries



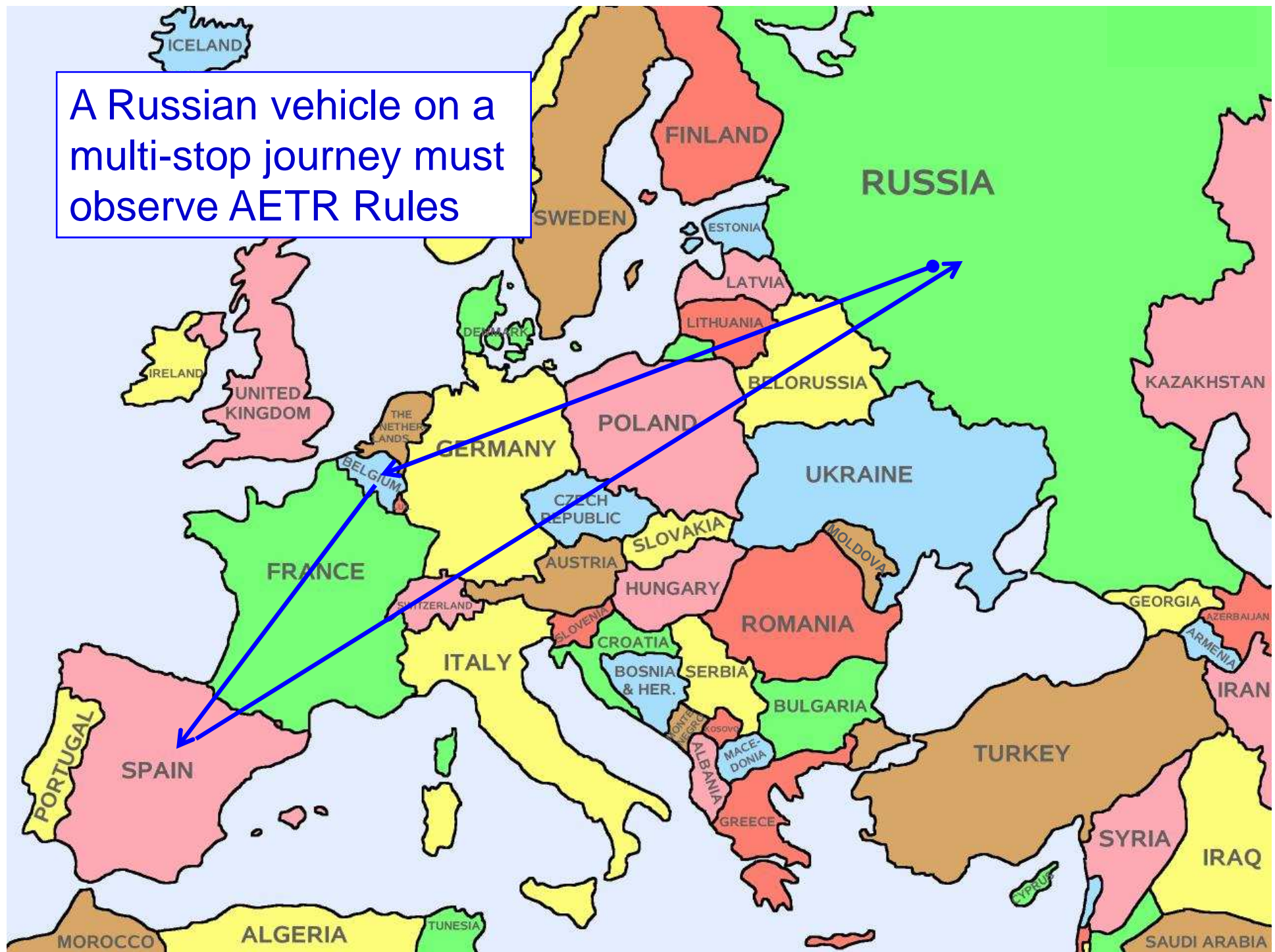
EEA

Unless otherwise exempt,
this vehicle is in scope for
(EC) 561/2006.

Journey wholly within the EC, EEA and Switzerland
(starts, finishes or passes through)

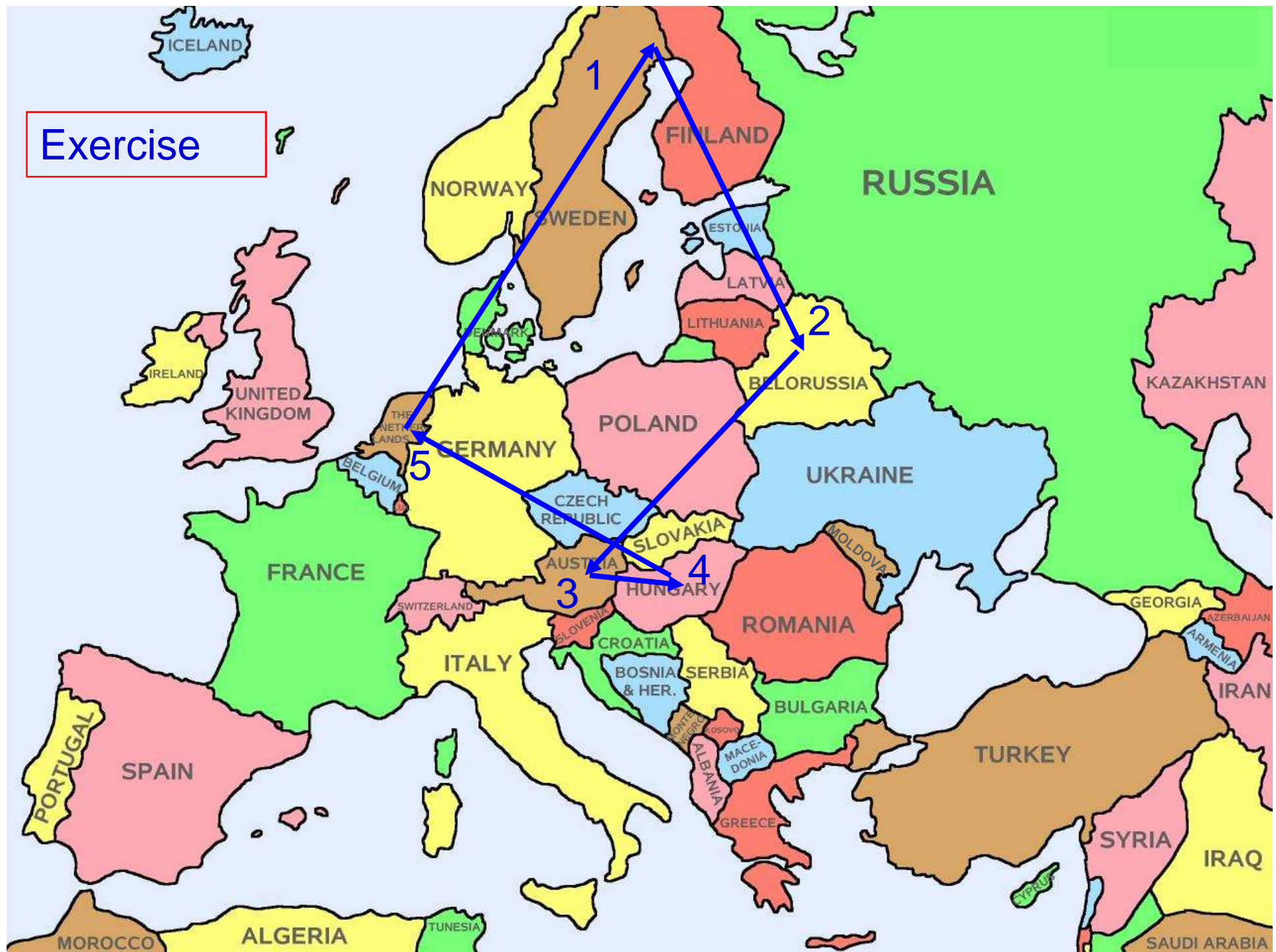


A Russian vehicle on a multi-stop journey must observe AETR Rules





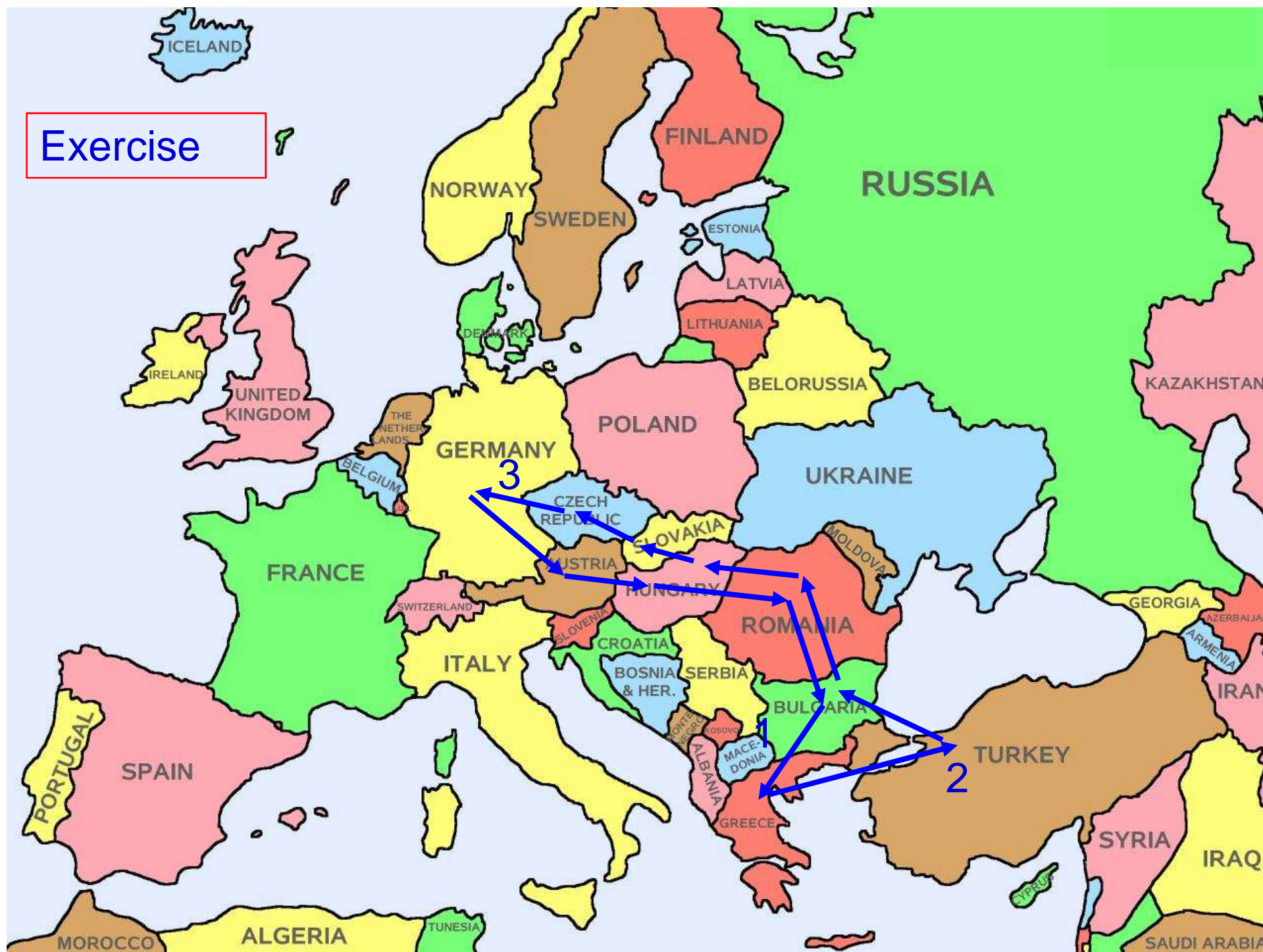
Exercise



Exercise

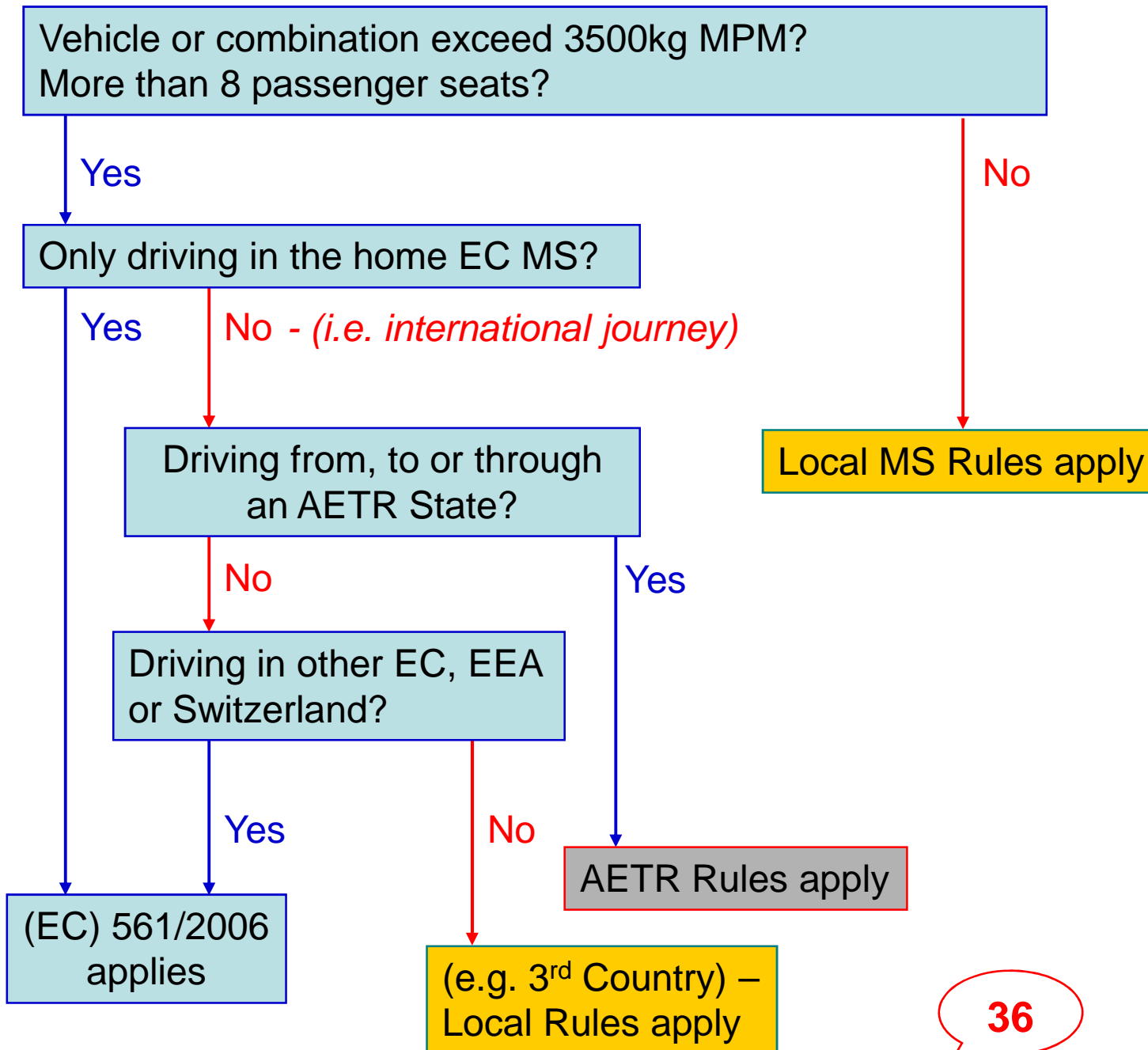


Exercise



Whilst the AETR requirements are closely aligned with (EC) 561/2006, they are not within the scope of this training.

However, it is important to know which regulations (EC 561/2006 or AETR) have been breached.



Exemptions (3) & National Derogations (13)

Certain vehicles are exempted from the Regulations

Exempt or not ?











Driver states: -

He was employed by the fire service

He was delivering medical equipment to a local hospital

He is a mobile fitter carrying tools & equipment



Examiner notices that the vehicle is loaded with oil drums, which are being delivered?

Member State Granted Exceptions (Derogations)

Directorate-General
for Mobility
and Transport

The Regulation provides for Member States to make certain exceptions to Articles 5-9 providing that the objectives of the Regulation (Article 1) are not prejudiced

(Some derogations are mutually agreed between Member States)





Fuelled by
landfill gas?



Driver advises he is loaded with equipment for a fun fair?








There is a list of National Derogations
available on the EC web site

http://ec.europa.eu/transport/road/social_provisions/driving_time/driving_time_en.htm

		National exceptions Regulation 561/2006																											
		Austria	Belgium	Bulgaria	Cyprus	Czech Republic	Denmark	Estonia	Finland	France	Germany	Greece	Hungary	Ireland	Italy	Latvia	Lithuania	Luxembourg	Malta	Netherlands	Poland	Portugal	Romania	Slovakia	Slovenia	Spain	Sweden	United Kingdom	
13.1 a: non-competing public authorities		x	x			x	x			x	x		x			x					x	x		x	x	x	x	xg	
13.1 b: agricultural etc own activity < 100 km		x	x	x		x	x	xj		xp	x		x			x					x	x		x	x	xm	xa	x	xh
13.1 c: agricultural/forestry tractors <100 km		x	x	x		x	x	x		x	x		x			x		x			x		x	x	xm	x	x	x	
13.1 d: <7,5 tons universal services <50 km			x	x		x	x			x	x		x		x	x					x	x		x	x	x	x	xi	
13.1 d: <7,5 tons for driver's use for work, <50 km		x	x			x	x	x		x	x		x			x					x	x			x	x	x	x	
13.1 e: operating on islands <2300 square km						x	x			xq	x										x					xb	x	x	
13.1 f: <7,5 t <50 km gas/electricity						x	x	x		x	x		x								x				x	x	x	x	
13.1 g: instruction/examination dr.licence/CPC		x	x			x	x	x			x				x	x					x	x			x	x	x	x	
13.1 h: sewerage/flood protection/water etc		xu	x			x	x	x		xr	x		x		x	x		xl			x	x		x	x	x	xc	x	x
13.1 i: non-comm.pass.transp. betw.10-17 seats		x	x			x	x			xs	x		x			x					x				x			x	x
13.1 j: circus/funfair		x	x	x		x	x	x		x	x		x		x	x		x			x	x			x	x	xd	x	x
13.1 k: mobile projects for education		x	x			x	x			x	x		x			x					x	x		x	x	x	x		x
13.1 l: milk/animal feed from/to farms		xn	x			x	x	xk		xt	x		x		x	xk	xk				x	x			x	x	xe	x	x
13.1 m: transporting money/valuables		xn	x	x		x	x			x	x		x			x					x	x		x	x	x	x		
13.1 n: animal waste or carcasses			x			x	x	x		x	xo		x			x					x	x		x	x	x		x	x
13.1 o: hub facilities		x	x	x		x	x			x	x		x			x					xf	x			x	x	x		x
13.1 p: live animals farms -> markets v.v. <50 km		x	x			x	x	x		x	x		x			x					x	x		x	x	x	x	x	x

a: additional restriction: agriculture etc own activity within a range < 50 km

b: additional restriction: operating on islands <1500 square km

c: additional restriction: urban refuse disposal within a range < 50 km

d: only when own activity.

e: additional restriction: milk/animal feed from /to farms within a range < 100 km

f: additional restriction: on or between hub facilities within a range of 5 km

g: a vehicle does not fall within the description specified unless the vehicle:

(a) is being used for the provision of ambulance services- (i) by a relevant National Health Service (NHS) body, or (ii) in pursuance of arrangements made by or at the request of a relevant NHS body, or made with the secretary of State or with the Welsh or Scottish Ministers;

(b) is being used for the transport of organs, blood, equipment, medical supplies or personnel - (i) by a relevant NHS body, or (ii) in pursuance of arrangements of the kind mentioned in paragraph (a)(ii)

- (c) is being used by a local authority to provide, in exercise of social services functions - (i) services for elderly people, or (ii) services for persons to whom section 29 of the National Assistance Act 1948 (welfare arrangement for physically and mentally handicapped persons) applies;
- (d) is being used by Her Majesty's Coastguard, a general lighthouse authority or a local lighthouse authority;
- (e) is being used for the purpose of maintaining railways by the British Railways Board, any holder of a network licence (within the meaning of Part 1 of the Railways Act 1993) which is a company wholly owned by the Crown (within the meaning of that Act), Transport for London, any wholly owned subsidiary of Transport for London, a Passenger Transport Executive or a local authority
- (f) is being used by the British Waterways Board for the purpose of maintaining navigable waterways
- h: A vehicle which is being used by a fishery undertaking does not fall within the description specified unless the vehicle is being used:
 - (a) to carry live fish, or
 - (b) to carry a catch of fish from the place of landing to a place where it is to be processed
- i: Vehicles between 3.5 - 7.5 tonnes used by universal service providers within a 50 km radius of the base of the undertaking require a tachograph
- j: within a radius of 50 km of the place where the vehicle is usually based, including towns within this area
- k: as of 1/01/2008 Estonia, Latvia and Lithuania will mutually apply the exception from Articles 5 to 9 to vehicles used for milk collection from farms,...etc., only in cases where the service radius does not exceed 100 km
- l: only vehicles used for the door-to-door household refuse collection and disposal and vehicles assigned to the maintenance of the roadway system within the framework of a winter service
- m: within a radius of up to 50 km
- n: derogation concerns only obligatory breaks (Article 7 of the Regulation); Articles 5,6,8 and 9 remain applicable for these two types of vehicles
- o: within a radius of up to 250 km of the base of the undertaking
- p: only vehicles or combinations of vehicles up to 7,5 tonnes and only within a radius of 50 km
- q: additional restriction: operating on islands <400 square km
- r: for door-to-door household refuse collection and disposal, only within a radius of 100 km
- s: not for the transport of children
- t: within a radius of up to 150 km of the base of the undertaking
- u: drivers of vehicles used for door-to-door household refuse collection & disposal are exempt only from Article 7 on breaks; drivers of other vehicles under this para are exempt provided that driving is not their main activity

updated in April 2010



Derogations are important for Control Officers because they may encounter a mix of in-scope (EC 561/2006) and derogated activities carried out within the last 28 days

Derogated activities should be recorded as 'other work'

Member State Granted Exceptions to articles 6-9 after authorisation by the Commission (Application)

- For example, a Member State requests exceptional permission to allow the movement of a number of extraordinary vehicles and loads without having to comply with (EC) 561/2006

Member State Granted Exceptions to articles 6-9 in exceptional circumstances (Notification)

- Up to 30 days
- Should not be an issue with 'home' vehicles
- Vehicles travelling to other MS will need a copy of authorisation



Liability of Transport Undertakings



This article is all about fair play and operating responsibly & improving road safety

- Transport Undertakings must not give any inducement to drivers to break the law in order to be more effective
- Transport Undertakings must ensure, through proper planning that drivers are able to comply with tachograph requirements

- Transport Undertakings are liable for any infringements of their drivers, whether they be in the 'Home' State or another Member State
- However, Member States may make this conditional if the infringement is considered such that the Transport Undertaking could not be reasonably held responsible
- It is explicit that the freight and passenger industry schedulers respect the requirements



- Vehicle Unit and Driver Card must be downloaded in accordance with MS requirements
- Data must be kept for 12 months and be available to the Control Officer on request

Infringements to this article are unlikely to be detected at the roadside but gathered intelligence can be used when inspecting Transport Undertakings' premises or for targeting.

Requirements for National Rules

- National Rules must be in place for drivers of vehicles exempted from these Regulations (EC) 561/2006

Operating wholly within own territory; longer minimum breaks & rest periods or shorter max driving times

Individual Member States may provide for stricter limits than those imposed by this Regulation, Regulations (EC) 561/2006 and (EEC) 3821/85 still apply to international journeys

Mini Test on work areas covered so far

Regulation (EEC) 3821/85 – Tachograph Recording Equipment

Directorate-General
for Mobility
and Transport

This regulation (the requirement to have an installed, correctly functioning & maintained tachograph) is linked to (EC) 561/2006 and an understanding of it is necessary in order to put (EC) 561/2006 into context

(Applies to EC MS registered vehicles)

Requirement of employer and driver to ensure that the recording equipment functions correctly and is used properly

Analogue Annex 1



Requirement of employer and driver to ensure that the recording equipment functions correctly and is used properly

Digital Annex 1b



Roadside Action

- Examine records/diagnostic reports to confirm correct function
- Defects may limit ability to monitor (EC) 561/2006

Roadside Action

Analogue Tachographs

- Missing or misaligned traces
- Fault indicating traces
- Unusual trace activity

Roadside Action

Digital Tachographs

- Events/faults in the VU and the driver card
- Long standing faults

(where the fault appears to have just occurred, the Control Officer should allow repairs to be made)

Diapositive 74

ST12

What does the bit in brackets mean? Is this a reference to the 7 days which is permitted if the vehicle is away from base? Whatever it means I think it needs to be clearer.

VOSA; 22/03/2012

Roadside Action Offences

- Fail to ensure the correct functioning of the tachograph recording equipment
- Use a vehicle with a defective tachograph



- A recording device must be installed and in either case (Annex 1 or 1b) records must be kept in date order for at least a year
- In either case, copies must be available for drivers
- In either case, record sheets, printouts & data for previous 28 days must be produced for Control Officer on request
- Any cards issued must be available for inspection

- Drivers can only hold one card
- Driver can only use their own card
- Card must not be defective or out of date
- Replacement cards will have same issue number but index number will increase by 1



Card may be withdrawn by the authority where:-

- Card is falsified
- Driver using another person's card
- Card obtained on basis of false declaration/forged documents



Where another Member State Enforcement Agency seizes a card, it must be returned to the issuing State with the reasons for the seizure

Article 14 Offences



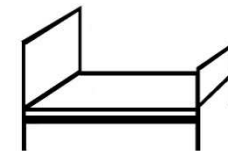
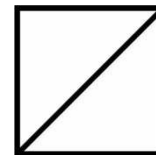
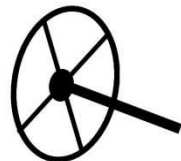
- Driver fails to ensure that printing can be carried out successfully due to:-
 - a) paper
 - b) other e.g.: - Internal tachograph defect
- Use a driver card when not the holder of that card
- Use a defective driver card
- Use expired driver card
- Fail to keep records (1yr) – Transport Undertaking offence

Use of Record Sheets/Driver Card

Driver Card damaged, mislaid, malfunctions or stolen

Print vehicle details and enter onto printout: -

- Driver ID details, (driver card/driving licence) & signature
- Enter 'driving', 'other work', 'availability', 'breaks'/'daily rest'



- At the end of the journey, record all activity on printout

Recording Equipment Failure

- Must be repaired by an approved repairer as soon as possible
- Driver must keep manual records on a print out or record sheet
- Damaged cards – driver may drive up to 15 days with justifying evidence but must print out all information relating to the failure and sign the record

Mini Test on work areas covered so far

EC 561/2006 Minimum ages

- The minimum driving age for conductors (drivers) is 18 years
- The minimum age for driver's mates is 18 years

The minimum age for driver's mates can be reduced to 16 if the vehicle is:-

- Being used within one Member State within 50km radius of the vehicle base
- The age reduction is for the purpose of vocational training and the national Member State rules for employment are complied with

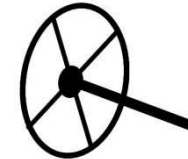
Age can normally be established through driving licence, identity card or other documentation.

In the case of driver's mate being between 16 & 18, it will be necessary to check the vehicle base and journey details to establish that 50km has not been exceeded.

Offences fall under 561/5 - Ages of crew

EC 561/2006

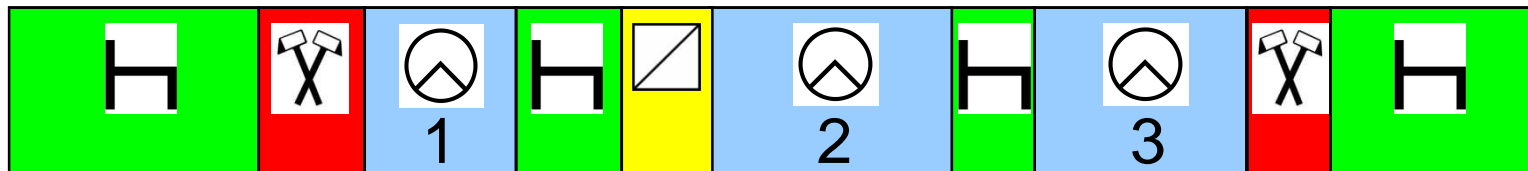
- | | |
|------------------------------|-----------|
| •Daily Driving Time | Article 6 |
| •The Weekly Driving Time | Article 6 |
| •Two week Driving Time | Article 6 |
| •Other Work | Article 6 |
| •Availability | Article 6 |
| •Breaks | Article 7 |
| •Daily & Weekly Rest Periods | Article 8 |






Daily Driving Time

- no more than 9 hours
- may be extended by up to 1 hour to 10 hours not more than twice during the week

What is daily driving?

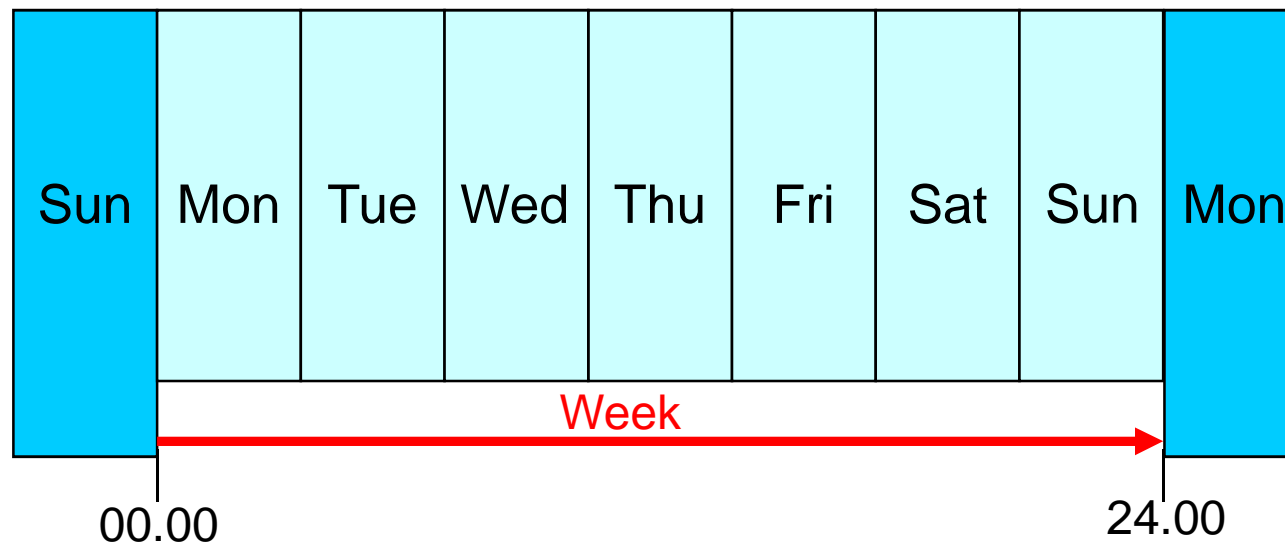


Directorate-General
for Mobility
and Transport

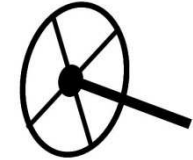
Daily Driving Time =  +  + 
1 2 3

Daily or Weekly Rest/Break = 

***‘A week’** is fixed and means the period of time between 00.00 on Monday and 24.00 on Sunday*



Note: A driver's working week may not necessarily be aligned to the fixed week



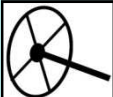
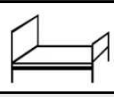
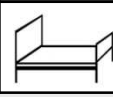
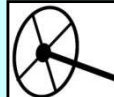
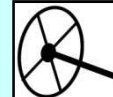
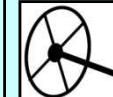
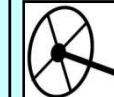
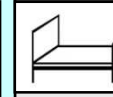
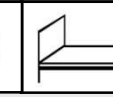
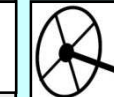
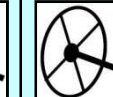
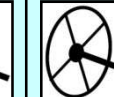
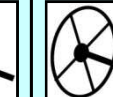
Weekly Driving Time

- No more than 56 hours

Two-Weekly Driving Time

- maximum permitted driving time accumulated in any two consecutive weeks - 90 hours

What is weekly driving time?

												
1	Weekly Rest		2	3	4	5	Weekly Rest		6	7	8	9
Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon

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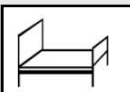
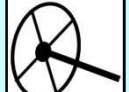





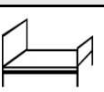
Week 1

Weekly driving time = Σ driving in a week,

In the example displayed above

Week1 driving time = driving periods 4+5+6+7+8

Example of maximum weekly driving 56 hours

























							
WR	9hr	10hr	10hr	9hr	9hr	9hr	WR
Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun

Week



Utilising the 2x1hr permitted extension to daily driving

Is there an infringement?

S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S											
Week 1		Week 2						Week 3						Week 4																			
																																	
Red. weekly rest (week 1)		Driving 10 hours		Driving 7 hours		Driving 4 hours		Driving 3 hours		 Weekly rest (week 2)		Driving 10 hours		Driving 10 hours		Driving 10 hours		Driving 9 hours		 Red. weekly rest (week 3)		Driving 9 hours		Driving 9 hours		Driving 9 hours		Driving 9 hours		Driving 7 hours		 Weekly rest (week 4) and compensation of reduced weekly rest Week 1	
4		4		4		4		4		6		6		6		6		6		6		6		6		6		6		6			
24-hour periods		24-hour periods		24-hour periods		24-hour periods		24-hour periods		24-hour periods		24-hour periods		24-hour periods		24-hour periods		24-hour periods		24-hour periods		24-hour periods		24-hour periods		24-hour periods		24-hour periods		24-hour periods			
Weekly driving time: 34 h		Weekly driving time: 34 h		Weekly driving time: 34 h		Weekly driving time: 34 h		Weekly driving time: 34 h		Weekly driving time: 56 h		Weekly driving time: 56 h		Weekly driving time: 56 h		Weekly driving time: 56 h		Weekly driving time: 56 h		Weekly driving time: 56 h		Weekly driving time: 34 h		Weekly driving time: 34 h		Weekly driving time: 34 h		Weekly driving time: 34 h		Weekly driving time: 34 h			



























The weekly driving time accumulated in any fixed week must not exceed 90 hrs when added to the weekly driving time accumulated in either the week previous or the week after the week considered.

	Week 1								Week 2								Week 3								Week 4								Week 5								Week 6																																								
S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S																																						
Weekly rest		Driving 7 h	Driving 8 h	Driving 8 h	Red, weekly rest	Driving 10 h	Driving 10 h	Driving 10 h	Driving 9 h	Driving 9 h	Driving 9 h	Driving 9 h	Driving 8 h	Driving 8 h	Driving 9 h	Weekly rest	Driving 9 h	Driving 9 h	Driving 9 h	Driving 10 h	Driving 10 h	Red, weekly rest	Driving 10 h	Driving 9 h	Driving 8 h	Driving 7 h	Driving 5 h	Driving 5 h	Weekly rest	Driving 10 h	Driving 10 h	Driving 9 h	Driving 9 h	Driving 9 h	Driving 9 h	Red, weekly rest	Driving 9 h	Driving 9 h	Driving 9 h	Driving 9 h	Red, weekly rest																																								
																																										3 24-hours periods			6 24-hours periods					5 24-hours periods				6 24-hours periods				5 24-hours periods				6 24-hours periods																			
																																										Weekly driving time								Weekly driving time								Weekly driving time								Weekly driving time								Weekly driving time							
																																										Two weeks driving time (week 1 and 2)																Two weeks driving time (week 3 and 4)																Two weeks driving time (week 5 and 6)							
						Two weeks driving time (week 2 and 3)														Two weeks driving time (week 4 and 5)																																																													

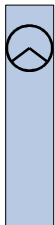
These totals must not exceed 90 hrs

Is there a breach?

Offence occurs after
4hr driving on this day

S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S					
																																		
9	7	10			9	8	7	6		10	9	9	9	5	6		10	9	9	10	9		8	7	10		8	10	6	8	9	9		10
Weekly Driving = 40									Weekly Driving = 48							Weekly Driving = 47						Weekly Driving = 43					Weekly Driving = 42							
2 Weekly Driving = 88																Weekly Driving = 90																		
									2 Weekly Driving = 95												Weekly Driving = 85													

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= 24hr period

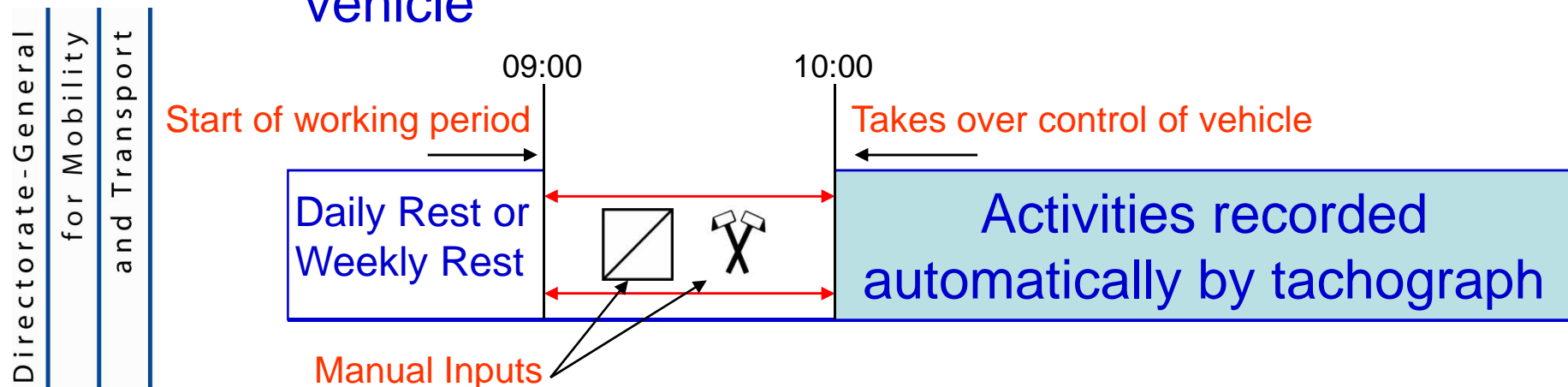


Daily & Weekly Driving Time

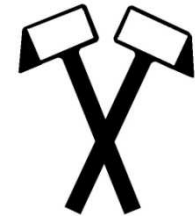
- Daily and weekly driving times shall include all driving time in the territory of the European Community or of a third country

‘Other Work’ & ‘Availability’

A driver must record ‘other work’ and ‘periods of availability’ if this has taken place since the last rest period and before taking over an in-scope vehicle



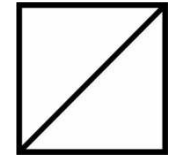
Recording 'Other Work' - carried out before taking over a vehicle



- Any work activity carried out since the previous daily or weekly rest period before taking over a vehicle
- Driving an out of scope vehicle = other work
- Activity need not be associated with the transport industry
- 'Other Work' means any activity described in Directive 2002/15/EC Art 3(a) except driving of an in scope vehicle

***Must be recorded manually when a vehicle is taken over**

Recording availability – before taking over a vehicle



- periods of '*availability*' that take place before a vehicle is taken over since the last rest period (daily or weekly)
- availability is defined in Article 15(3)(c) of Regulation (EEC) No 3821/85

***Must be recorded manually when a vehicle is taken over**

‘Availability’ includes: -

- Available to take calls, drive or carry out any other work
- Accompanying a vehicle being transported by ferry/train
- Waiting at frontiers or enforcement activities
- Time spent sitting next to the driver or on the couchette/sleeper cab while the vehicle is in motion
- Periods and their foreseeable duration shall be known either before departure or just before the actual start of the period in question

Enforcement of Article 6

- Analyse each tachograph record produced (or digital data) to establish the daily driving time. *Note a non-compliant rest period of 7 hours is deemed sufficient for the purposes of this calculation*
- Where a daily driving period has exceed 10 hrs, this is an infringement
- By assigning the daily driving periods to a **fixed week**, if there are more than 2 daily driving periods that exceed 9 hours then these will each be infringements

Enforcement of Article 6

- Accumulate these daily driving periods for each fixed week applicable to the produced records to establish weekly driving. *Note that when driver's work pattern is not aligned to the 'fixed week' it is possible for a driver to accumulate 58 hours driving between weekly rest periods and still comply*

Where, in any fixed week, the weekly driving exceeds **56** hours, this is an infringement

Enforcement of Article 6

- Review the weekly driving times to establish two - weekly driving times

Note: each week must be considered with the week previous and with the following week.

Where two week driving exceeds 90hrs, this is an infringement

Enforcement of Article 6

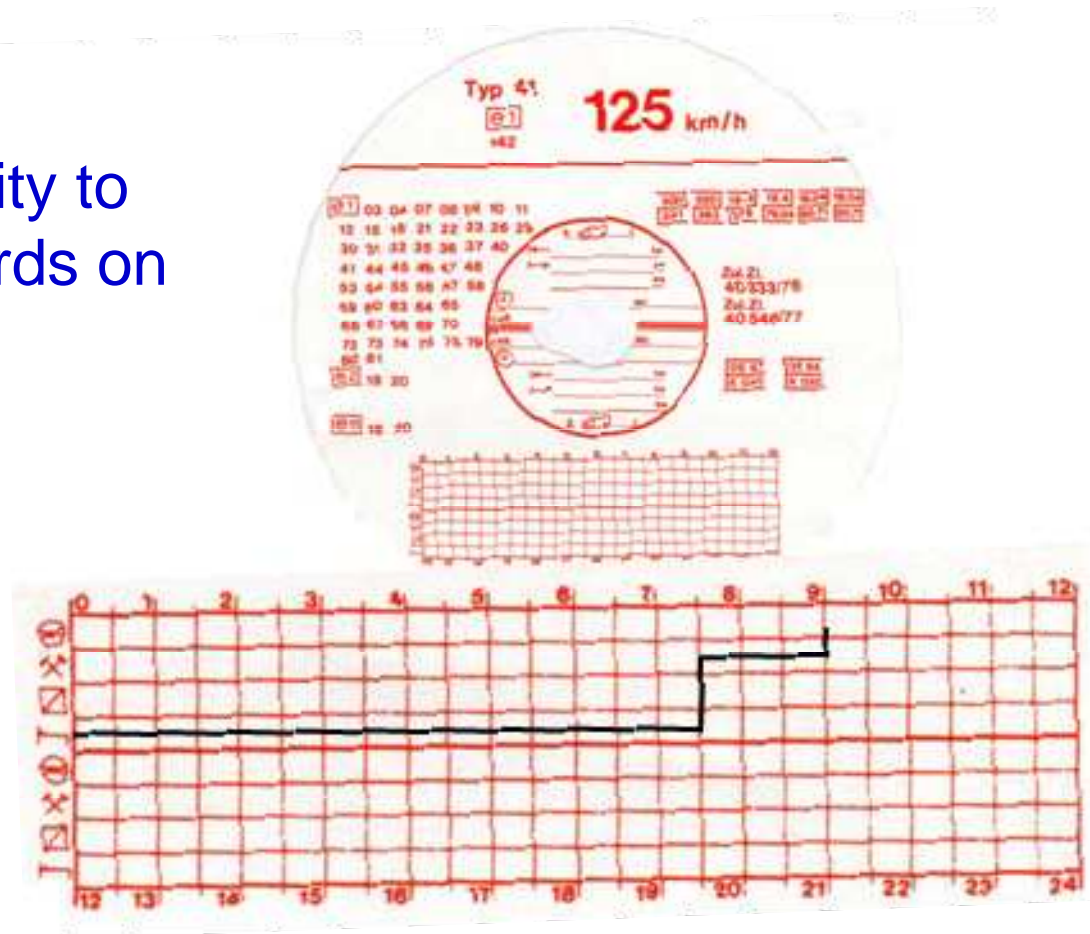
- Examine each record in context with previous and following records to establish continuity of record-keeping
- Look for any manual entries
- Where there is a lack of continuity the driver should be asked for an explanation. (There may be other documentary evidence available to explain any non-continuity)

Enforcement of Article 6

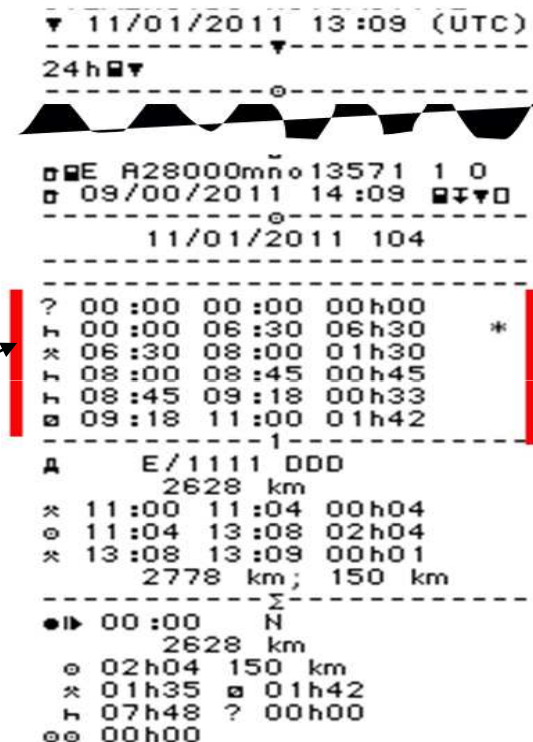
- Where in-scope activities that have taken place since the previous daily (or weekly) rest period have not been recorded, this is an infringement

Note: When no in-scope driving has taken place on any day, there is no requirement to keep any record for that day

Tachograph record sheets have a facility to make manual records on the reverse side



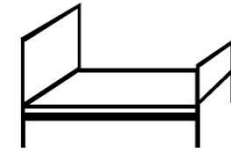
Digital tachographs have a manual input facility. Such inputs are readily identifiable from a print-out for example



▼ 11/01/2011 13:09 (UTC)
24h▼
E A28000mñ 13571 1 0
09/00/2011 14:09 ▼▼
11/01/2011 104
? 00:00 00:00 00h00
h 00:00 06:30 06h30 *
* 06:30 08:00 01h30
h 08:00 08:45 00h45
h 08:45 09:18 00h33
0 09:18 11:00 01h42
1
A E/1111 000
2628 km
* 11:00 11:04 00h04
0 11:04 13:08 02h04
* 13:08 13:09 00h01
2778 km; 150 km
Σ
● 00:00 N
2628 km
0 02h04 150 km
* 01h35 0 01h42
h 07h48 ? 00h00
00 00h00

These manual inputs show the activities of the driver from midnight until the time a vehicle is taken over at 1100hrs

Breaks



- the maximum driving period is

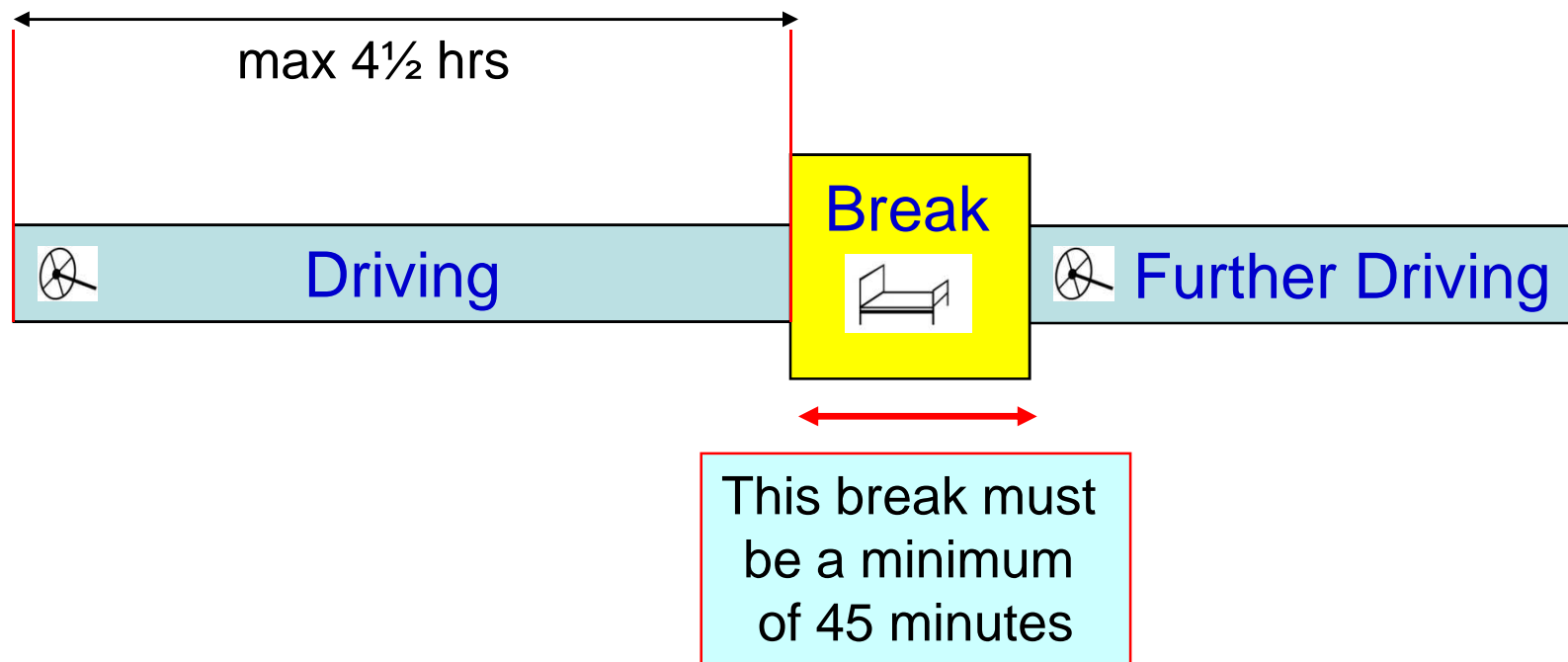
4½ hrs

before a break must be taken

What is a Break?

- classed as not 'driving' and not 'other work'
- breaks of less than 15 minutes do not count as breaks and are not to be counted as 'driving' or 'other work'
- a period during which a driver may not carry out any driving or any other work and which is used exclusively for recuperation
- a break may be taken in a moving vehicle (multi-manning) provided the driver is inactive and the period is used exclusively for recuperation

Breaks

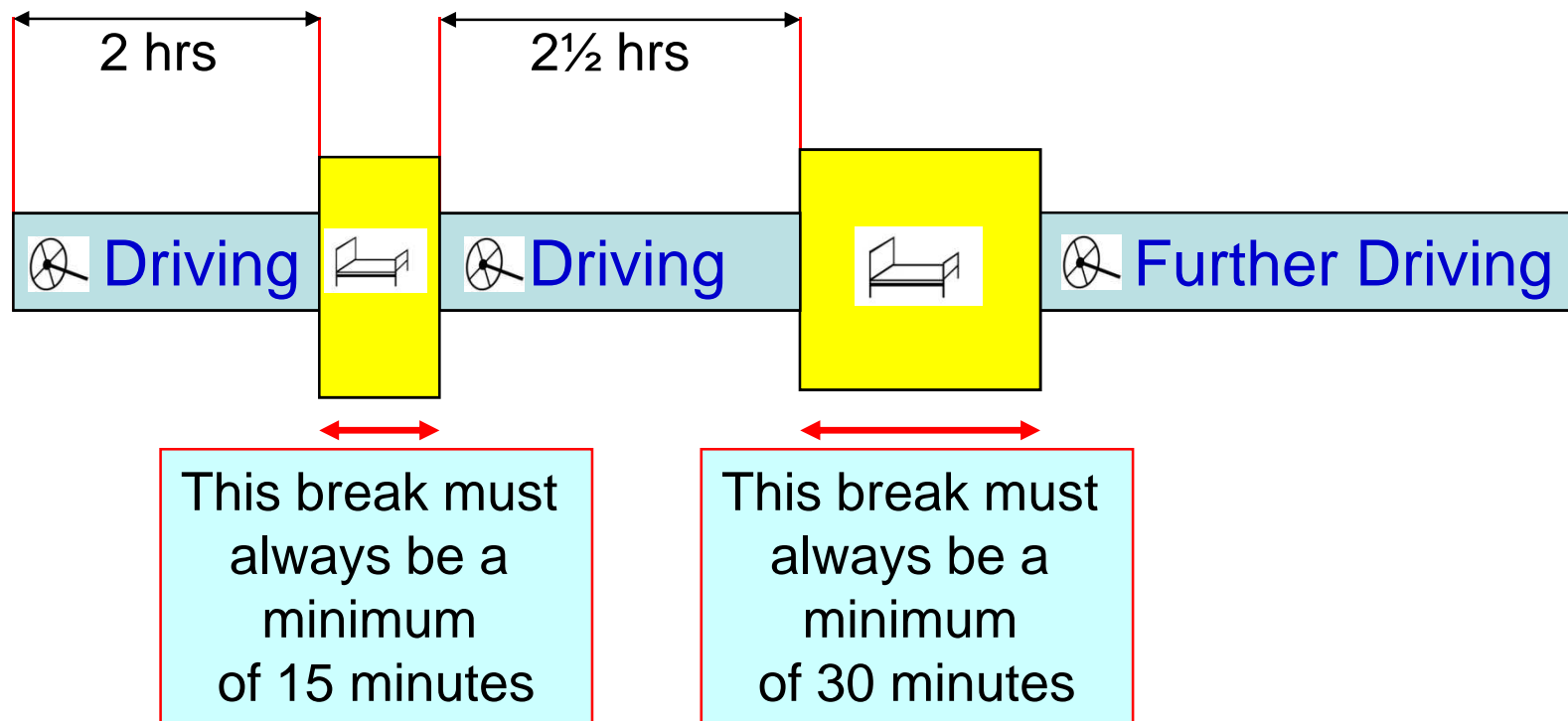


NB. The 'break' could be replaced by a 'rest' period

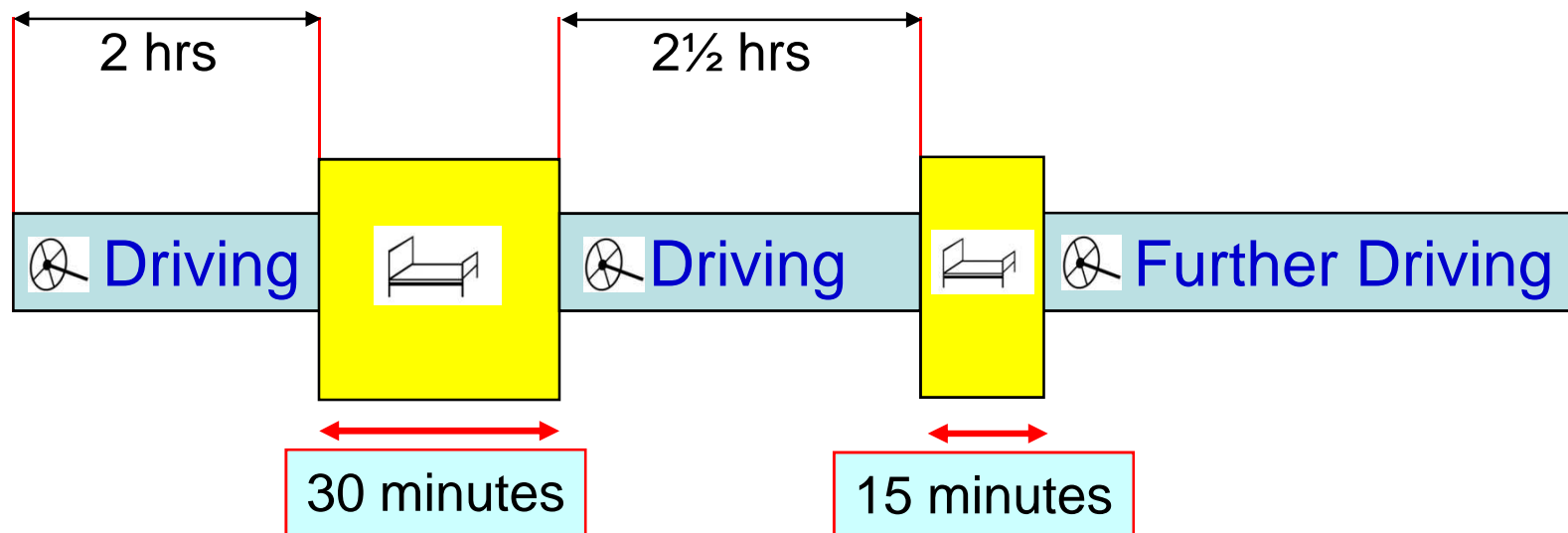
Split Breaks

Alternatively - the 45 minute break may be split into a 15 minute break (at least) followed later by a 30 minute break (at least) such that the 4½ hr maximum driving period is not exceeded

Split Breaks



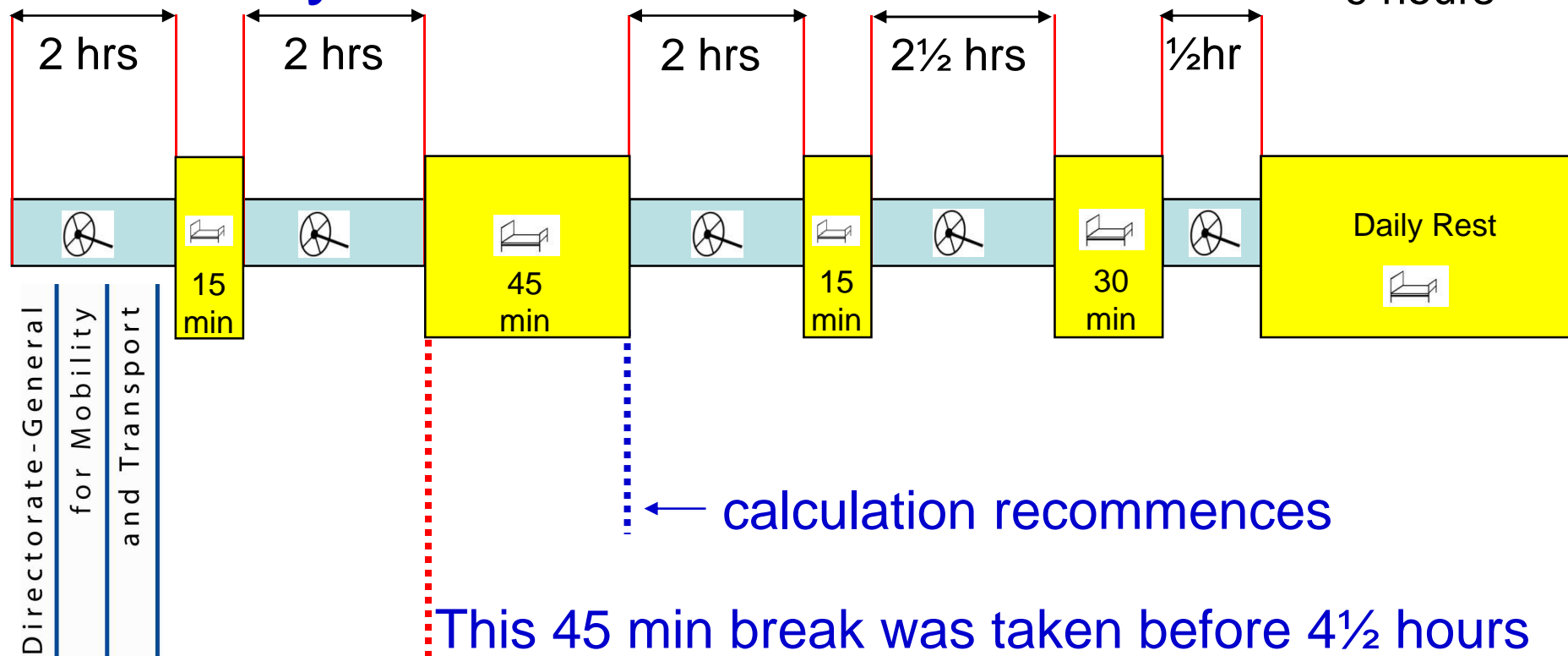
Split Breaks



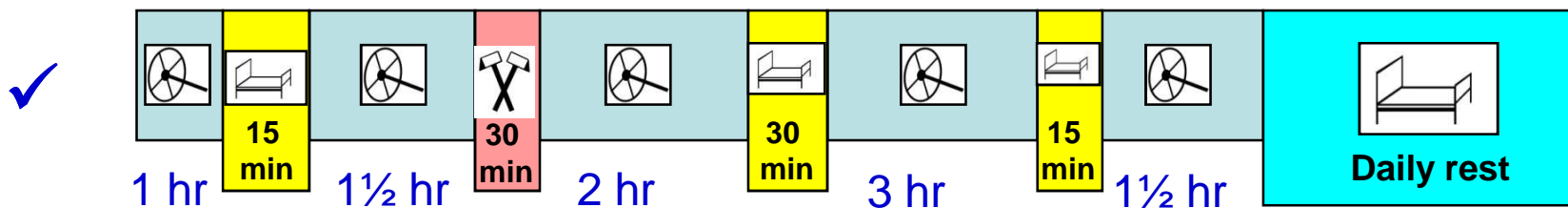
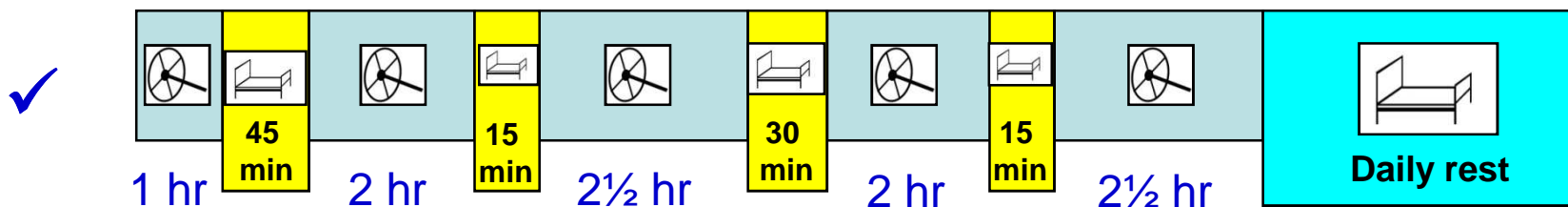
This arrangement of split breaks does not comply

Early Breaks

Total
Driving
9 hours



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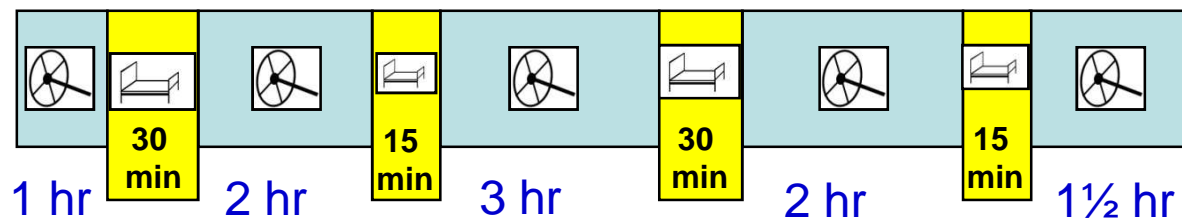
Diapositive 115

ST17

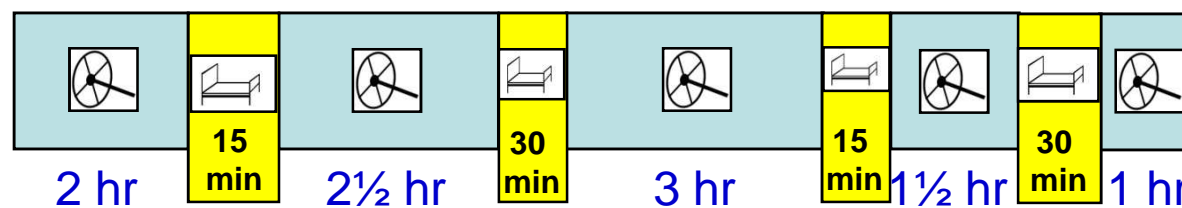
How can the second example be correct? After the first 30 minutes the slate is wiped clean and hence 5 hours driving is then completed before the second 45 minute break is completed. (Workbook and session plan also show/refer to this incorrect example)

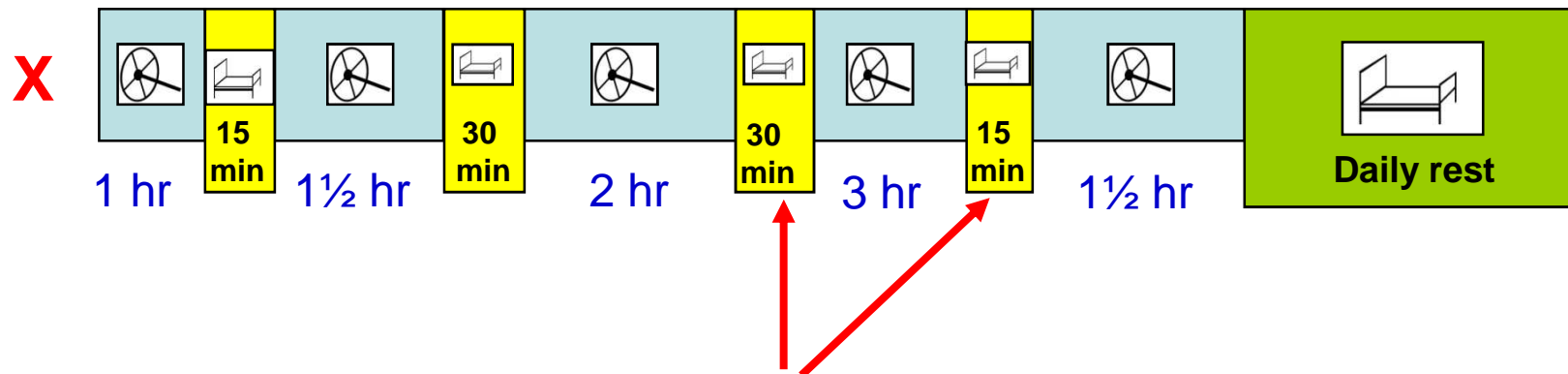
VOSA; 23/03/2012

X



✓

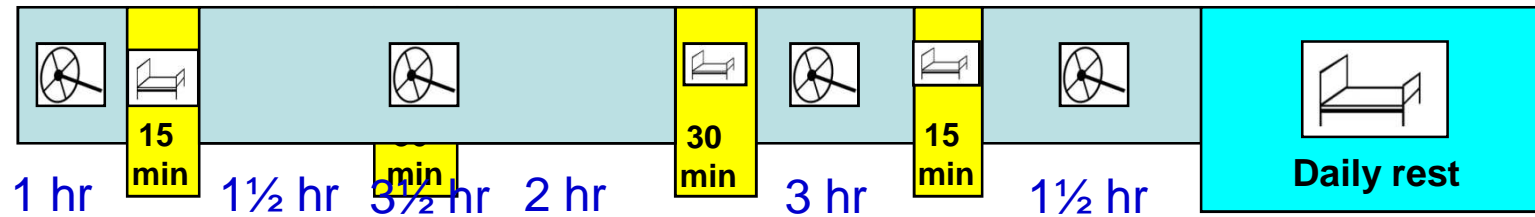




These breaks should have been the other way round or the second break must be at least 30 minutes. Even then, the driving period would still be 5hrs

Driving time is 9 hours & Rest time is 90 minutes but incorrectly distributed. An example of too many breaks creating an infringement via poor distribution.

NB: Control Officers might view such breaches as minor in nature and worthy of advice rather than penalty



Ironically, leaving out the second break highlights an anomaly that there is now no breach even though the driving time is the same but the rest time is reduced

Enforcement of Article 7

For each record produced:

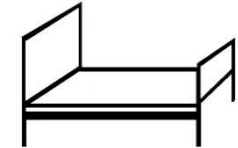
- Find a driving period of 4½ hours starting from the end of a recorded daily (or weekly) rest period. This driving period must either include a 45 minute break or a period of at least 15 minutes followed by a further period of at least 30 minutes or be followed by such a break or breaks before driving is recommenced

Enforcement of Article 7

For each record produced:

- If a driving period exceeds 4½hrs and no qualifying break has been taken, this is an infringement
- Continue reviewing the driving periods on the record in this way, starting from the completion of a qualifying break until a rest period is taken

Daily Rest Periods



- A driver must take daily rest periods

- There are two kinds of qualifying daily rest periods

Regular daily rest – at least **11** hrs

Reduced daily rest – at least **9** hrs but less than **11** hrs

Split Rest

As an alternative to a **regular daily rest period** of **11** hours, a **12** hour rest period may be taken, split into a period of at least **3** hours followed later by a period of at least **9** hours

What is ‘Rest’?

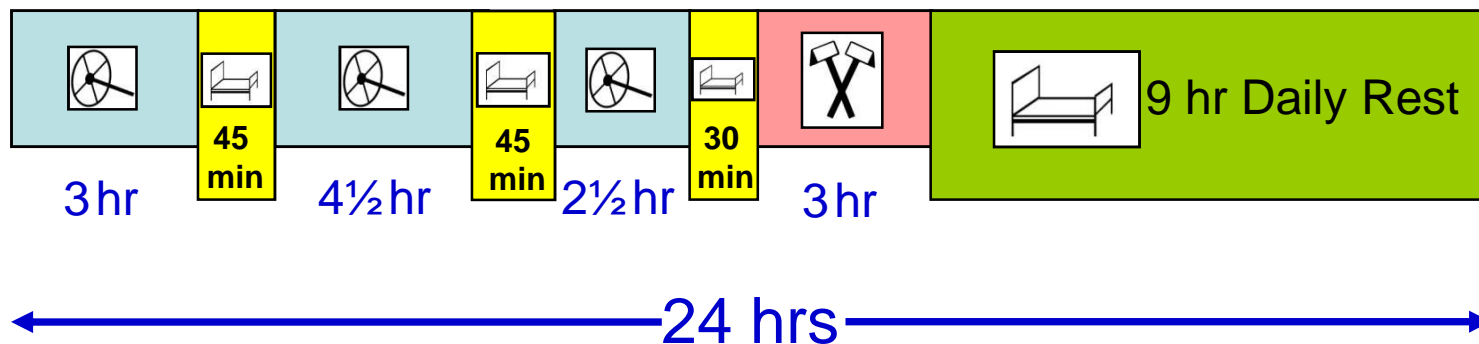
- means any uninterrupted period during which a driver may freely dispose of his time
- ‘Free to dispose’ etc means can’t volunteer to work; even as unpaid worker if under the control of an employer
- may be taken in a stationary vehicle – equipped with suitable sleeping facilities
- cannot be taken in a moving vehicle unless that vehicle is on a ferry or a train and the driver has access to a bunk or couchette

Daily Rest Rules

- a daily rest period must be taken (completed) within 24 hours of a previously taken daily or weekly rest period
- a reduced daily rest can be taken a maximum of 3 times between weekly rest periods.
- a daily rest period may be extended to create a weekly rest period

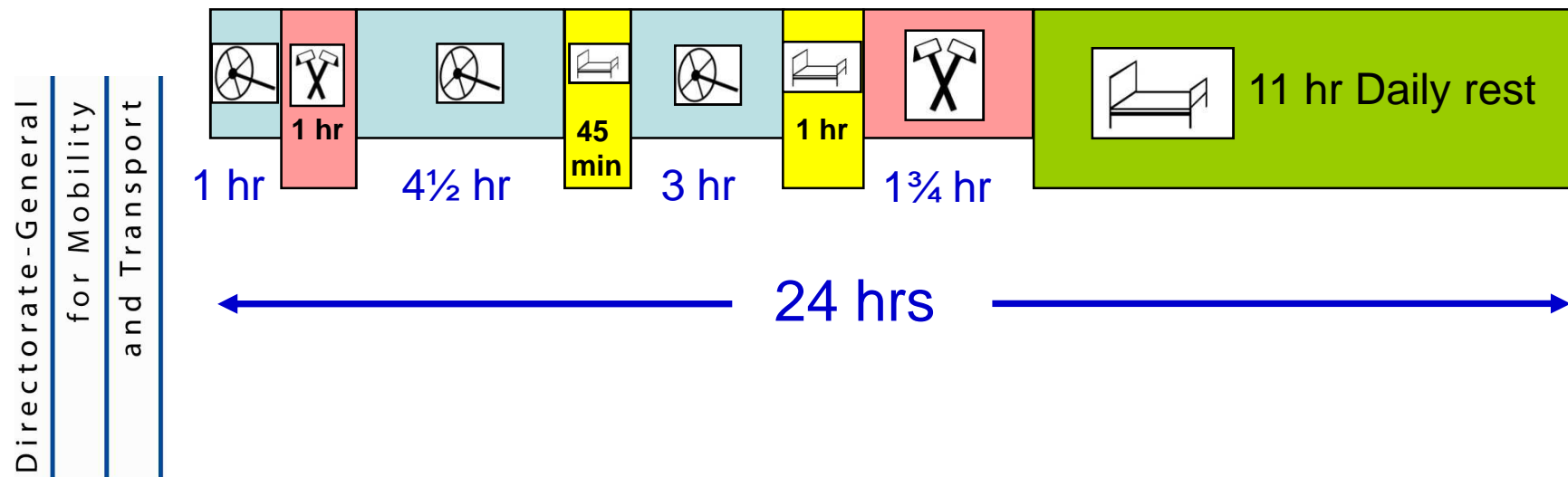
Daily Rest Periods

Reduced Daily Rest



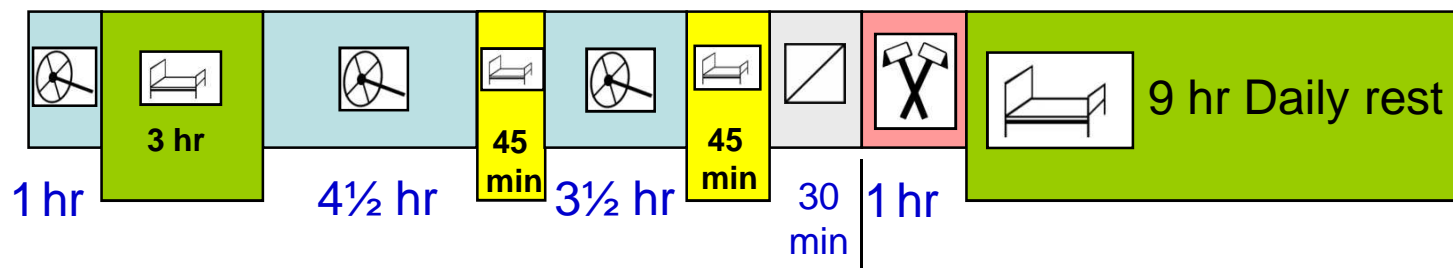
Daily Rest Periods

Regular Daily Rest



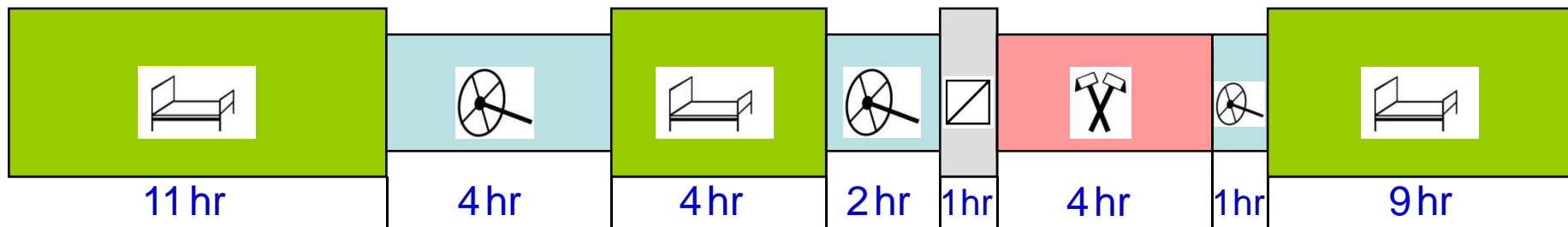
Daily Rest Periods

Split Daily Rest



NB: The rests must be a minimum of 3hs + 9hrs and in that order

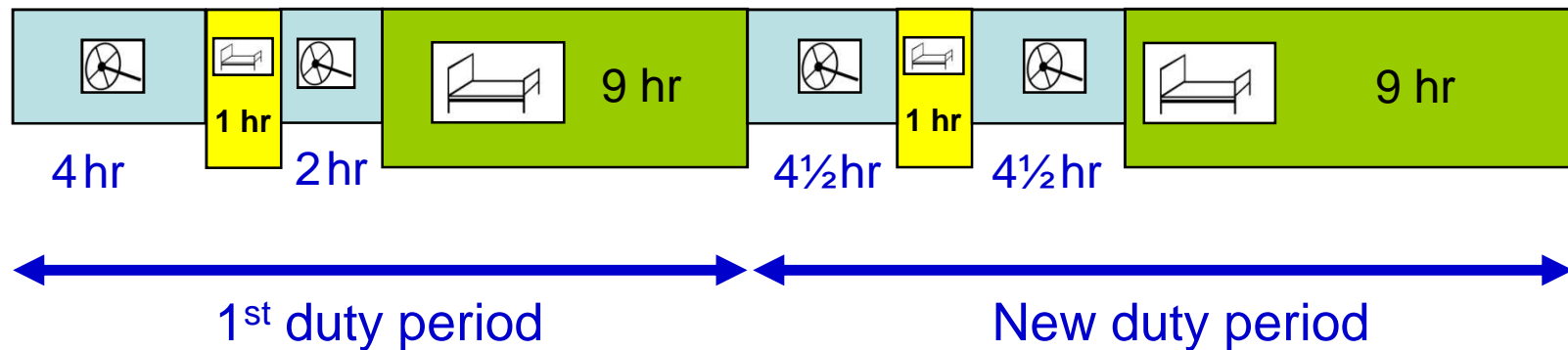
Split Rest Periods

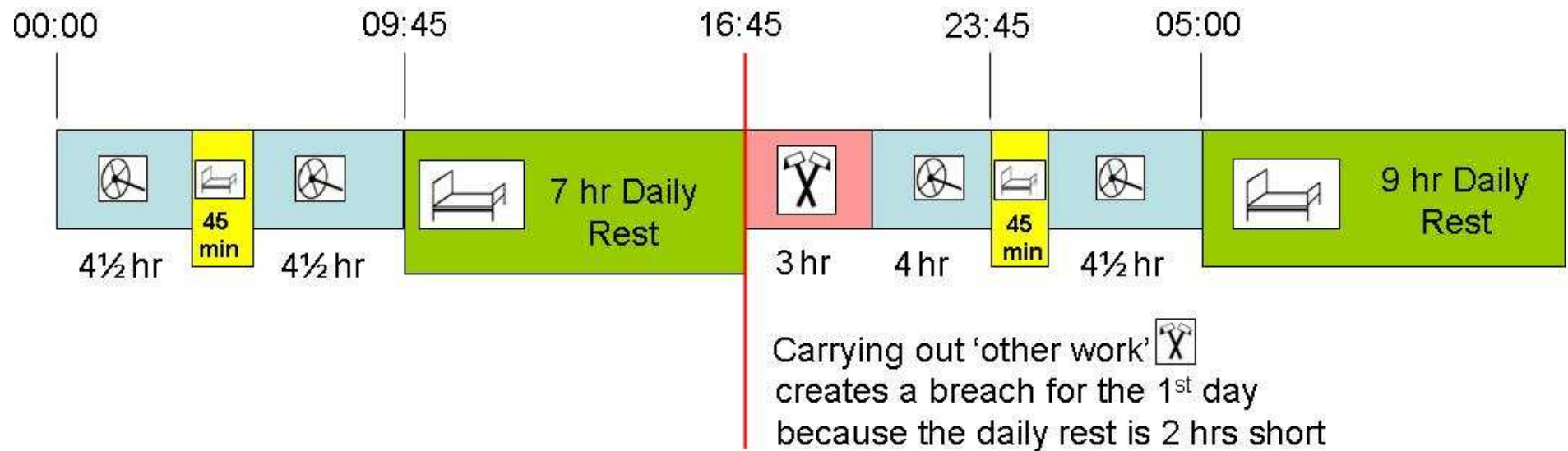


Does this work pattern comply?

Daily Rest Periods

Driver Day less than 24 hrs





Weekly Rest Periods

- A driver must take Weekly Rest Periods

Weekly Rest Periods

“A Daily Rest Period may be extended into a Regular Weekly Rest Period or a Reduced Weekly Rest Period”

In any 2 consecutive weeks a driver shall take at least: -

- 2 Regular Weekly Rest Periods, of 45hrs each or
- 1 Regular Rest Period & 1 Reduced Weekly Rest Period of between 24 & 45hrs (Must be compensated for later)

Weekly Rest Rules

- A driver must start a weekly rest period no later than 144 hours (6x24 hours) since the completion of the previous qualifying weekly rest period
- Drivers on international coach journeys where the service lasts for at least 24 consecutive hours in another MS or third country, may postpone their weekly rest for up to 12 consecutive 24 hour periods.

A regular weekly rest must be taken immediately prior to the journey commencing. They must then take either two regular weekly rests back to back or one regular and one reduced back to back but any reduction must be compensated for in the usual manner































Weekly Rest Rules

- In any two consecutive 'fixed weeks' (Mon-Sun), a driver is required to take (or start) either:
 - two regular weekly rests (min of 45 hrs); or
 - a regular weekly rest (min of 45 hrs) and a reduced weekly rest (min of 24 hrs)









































Note: This number of weekly rests is a minimum requirement and other qualifying weekly rests may be taken in addition to this minimum requirement

Weekly Rest Rules (Compensations)

- Reductions in weekly rests must be compensated for by taking the reduction en bloc as rest, attached to a rest period of at least 9 hours before the end of the 3rd week following the week when the reduction took place
- A weekly rest period that spans two weeks may be counted in either but not in both

Week 1		Week 2						Week 3						Week 4						
S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	
H																				
																				



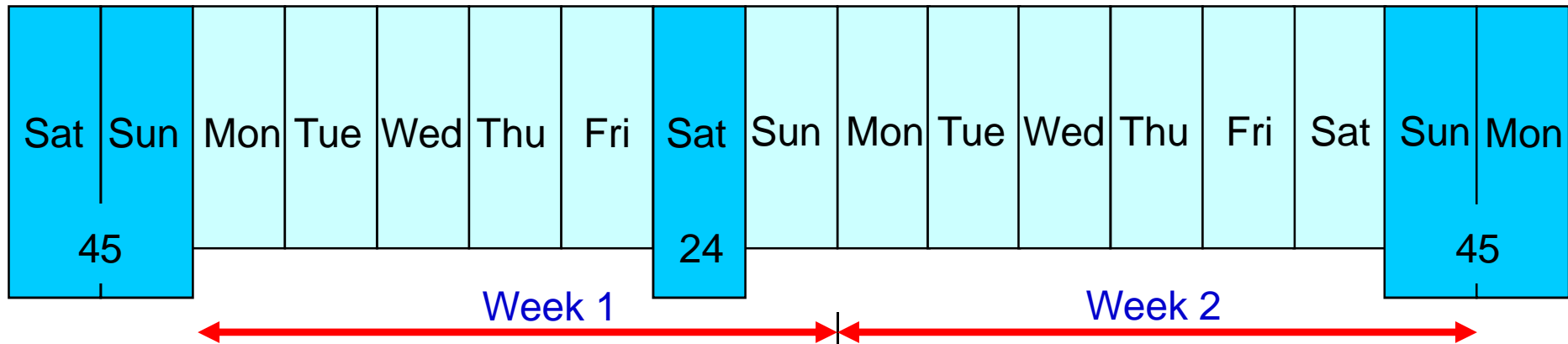
Week 1		Week 2						Week 3						Week 4					
S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T
																			
																			

X**Weekly rest
for week 3?**

	Week 2							Week 3						Week 4				
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T
H							H							H				



Is this permitted?

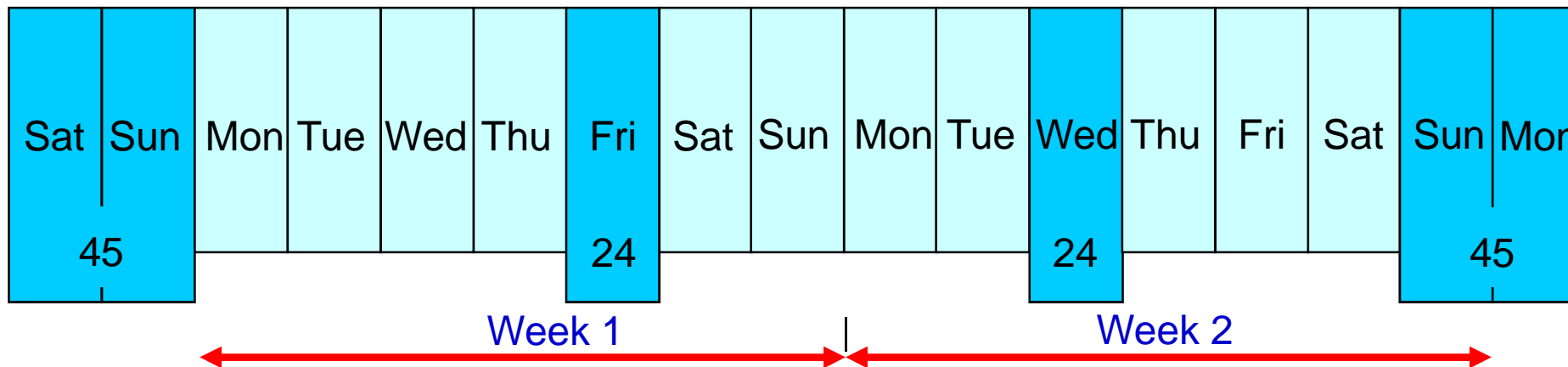


Directorate-General
for Mobility
and Transport



= 24 hr periods of mixed activities & daily rest

Is this permitted?



Directorate-General
for Mobility
and Transport



= 24 hr periods of mixed activities & daily rest

Multi-manning

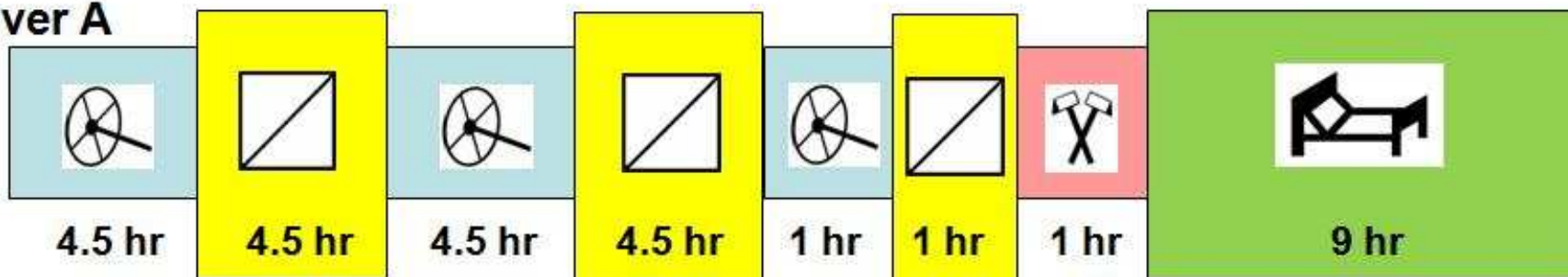
The rules governing daily rest requirements are modified for drivers operating as a crew:

- Daily Rest minimum is 9hrs in 30hrs

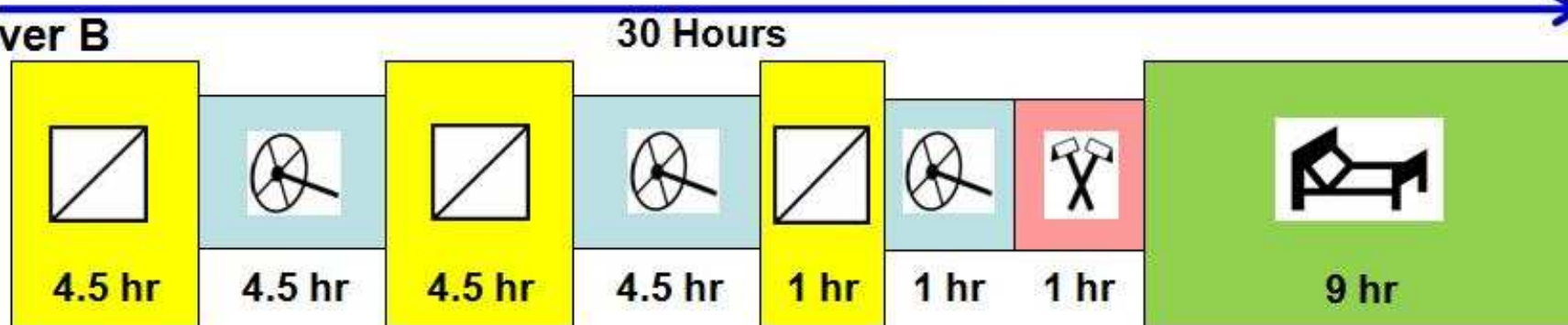
Multi-manning rules

- at least two drivers on board the vehicle available for driving
- except for the first hour when one driver may drive alone

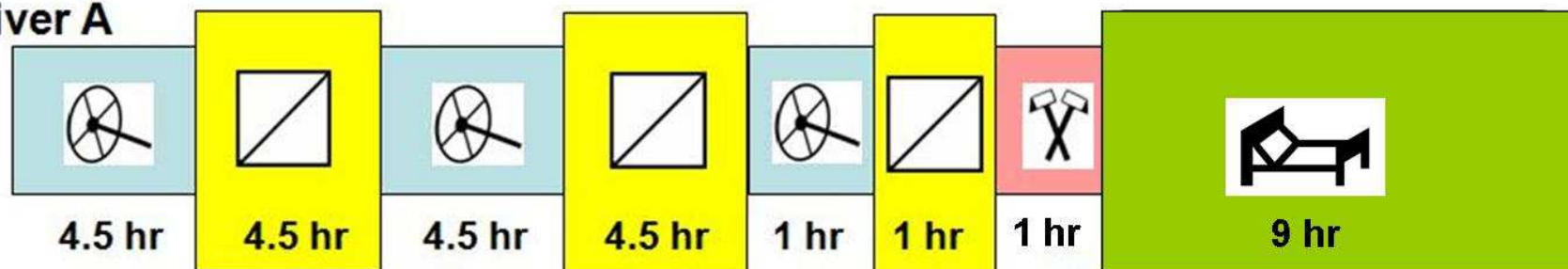
Driver A



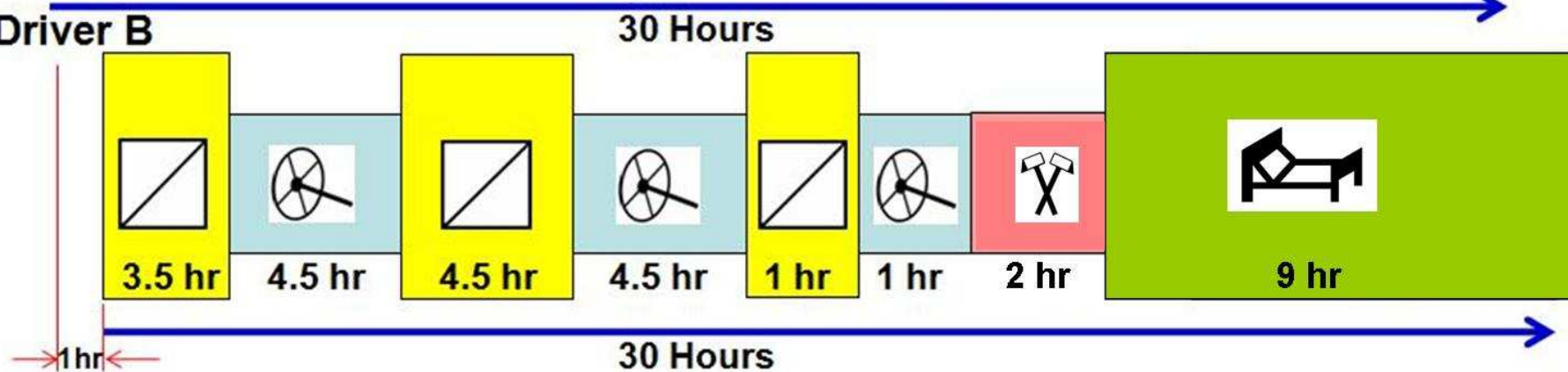
Driver B



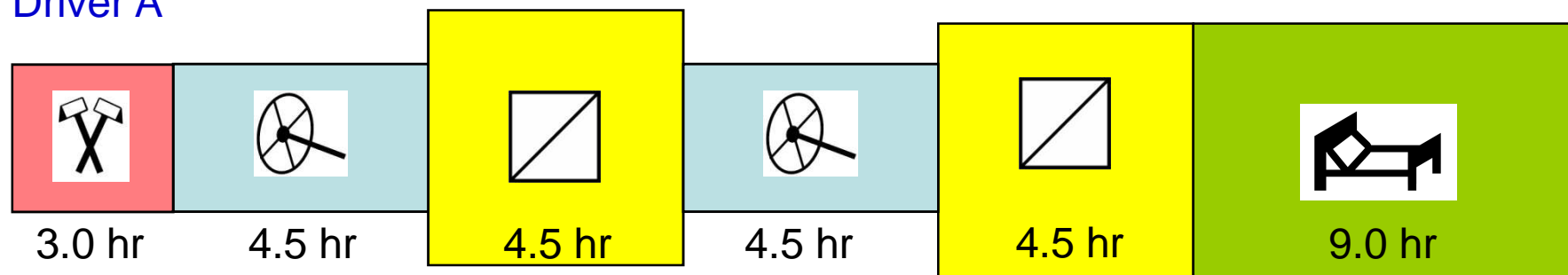
Driver A



Driver B

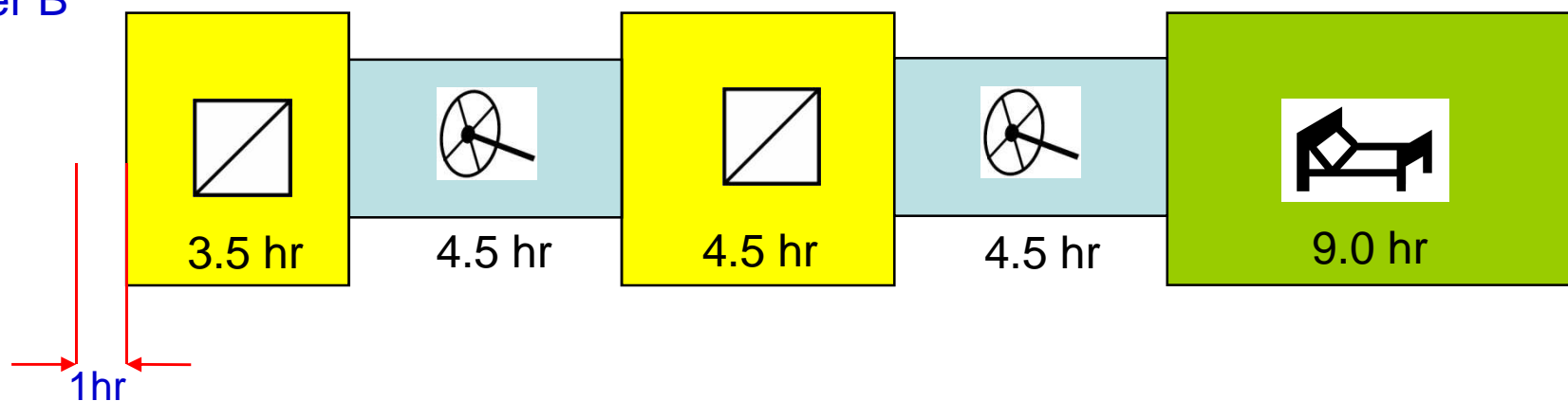


Driver A

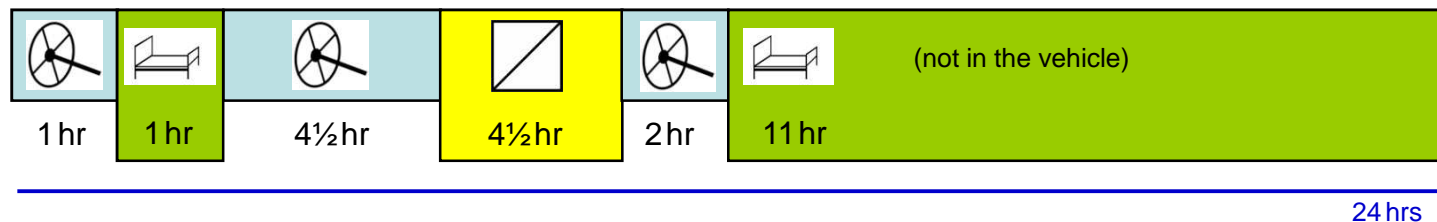


30 Hours

Driver B

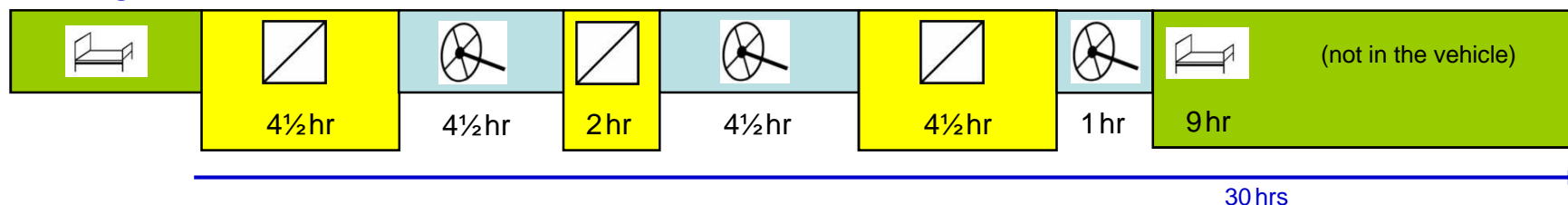


Driver A

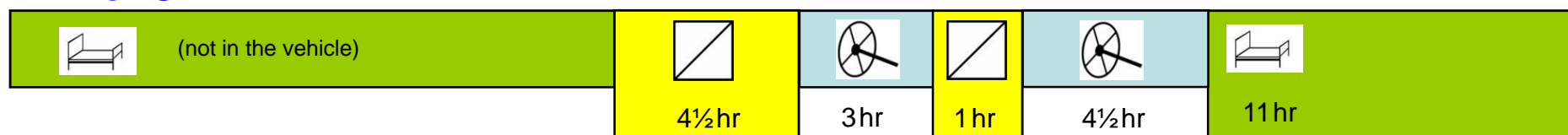


Only Driver B
can make use
of multi-
manning
concessions

Driver B



Driver C



Enforcement of Article 8

Daily Rest

- Identify daily rest periods of qualifying duration
- Identify weekly rest periods of qualifying duration
- Check compliance with 24hour requirement (or 30 hour in the case of multi-manning). Where this is not achieved, this is an offence

Enforcement of Article 8

Daily Rest

- Check that maximum of 3 reduced daily rests only between qualifying weekly rest periods. Further reduced periods between weekly rest periods would each constitute an infringement

Enforcement of Article 8

Weekly Rest

- Identify two weekly rest periods (45 + 45 or 24 + 45) in two successive fixed weeks. If there are insufficient weekly rest periods in these two weeks, this is an infringement
- If there are sufficient weekly rest periods in these two weeks, establish if there are no more than 6x24 hours in between. If not, that indicates an infringement. Then move one week forward and start calculating from step 1 again

Derogation from Article 8.1

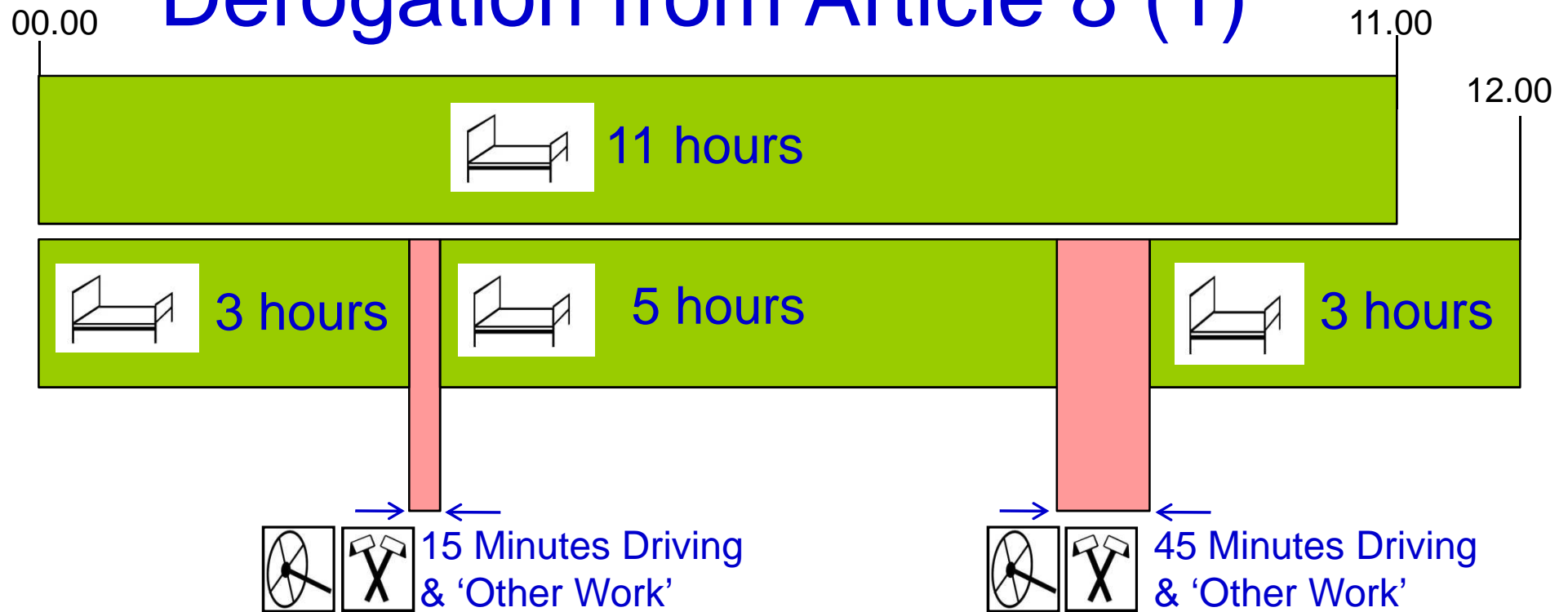
(Daily & Weekly Rest Periods)

9.1. Interruptions to rest whilst travelling with a vehicle on a ferry or train - derogation

9.2. Travelling to and from vehicle location *other than 'home' or 'base' is not to be recorded as 'rest' or break* – for exception, see train or ferry exemption

9.3 'Out of scope' Driving (*other than 'home' or 'base'*) to and from vehicle location must be recorded as 'other work'

Derogation from Article 8 (1)

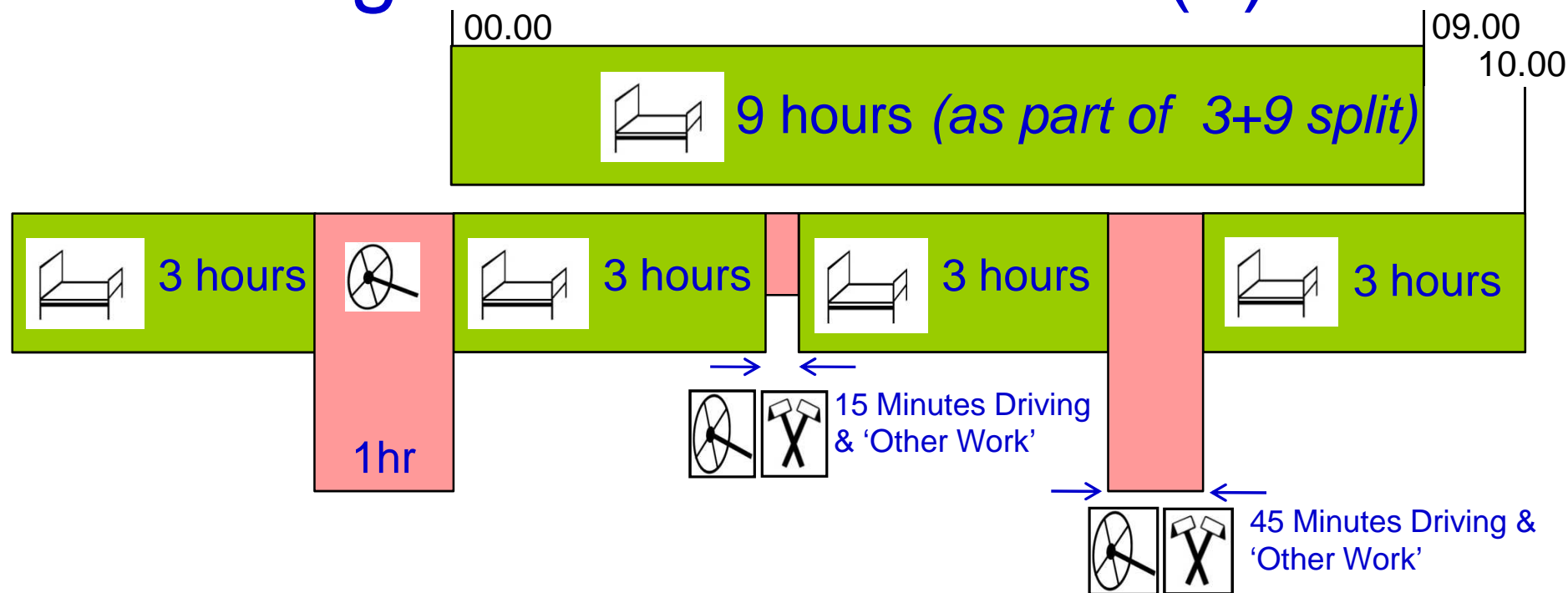


e.g; embarking and disembarking a ferry

Derogation from Article 8 (1)



Derogation from Article 8 (1)

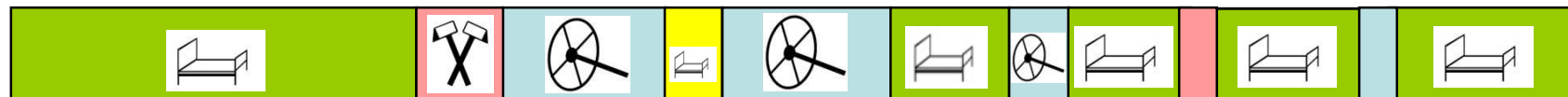


Derogation from Article 8 (1)

Note:

- Driving carried out during an approved interruption cannot, according to the Regulation, be assigned to the daily driving periods that applied before and after the interrupted daily rest
- Derogation cannot be applied to 'Reduced Daily Rest'
- Derogation could only be applied to multi-manning where an 11 hour rest period is taken

Derogation from Article 8 (1)



11 hr

| 2hr |

4hr

| 1hr |

4hr

| 2hr |

| 1hr |

3hr

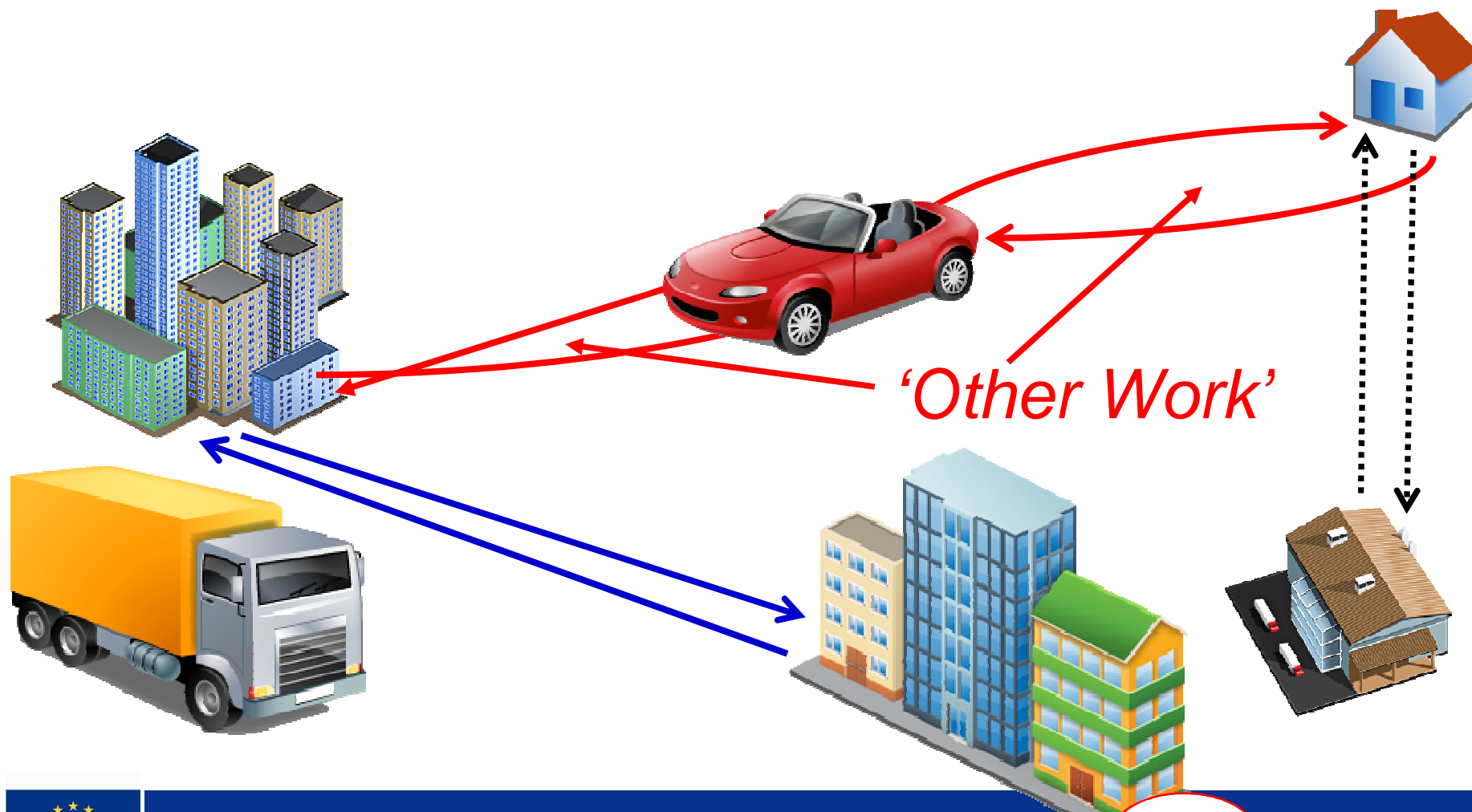
| 4hr |

| 4hr

Does this work pattern comply?

1 hour of Ferry Interruptions

26 Hours



Roadside Control

- Identify the daily rest period being interrupted and check for its accumulated duration
- Two permitted interruptions should then be established and checked against the allowed 1 hour
- Examiners should also require the production of a rail or ferry ticket to assist the validation of the derogation
- Where these conditions are not met, a daily rest offence has been committed and this breach continues until a qualifying daily rest period is taken

Rests in the Vehicle when Travelling



Providing a bunk or 'couchette' is available, a driver may take a rest when accompanying a vehicle on a train or ferry (but not in the vehicle)

Departure from Articles 6-9

- *Provided that road safety is not thereby jeopardised and to enable the vehicle to reach a suitable stopping place, the driver may depart from Articles 6 to 9 to the extent necessary to ensure the safety of persons, of the vehicle or its load*

NB: This is a limited departure from the requirements

Departure from Articles 6-9

- *The driver shall indicate the reason for such departure manually on the record sheet of the recording equipment or on a printout from the recording equipment or in the duty roster, at the latest on arrival at the suitable stopping place*

NB: This is a limited departure from the requirements

Mini Test on work areas covered so far

Keeping Penalty Records

1. The driver shall keep any evidence provided by a Member State concerning penalties imposed or the initiation of proceedings until such time as the same infringement of this Regulation can no longer lead to a second proceeding or penalty pursuant to this Regulation

Keeping Penalty Records

2. The driver shall produce the evidence referred to in paragraph 1 upon request

3. A driver who is employed or at the disposal of more than one transport undertaking shall provide sufficient information to each undertaking to enable it to comply with Chapter II

Immobilisation



Member States may compel the driver to take a daily rest period

Course Conclusion

- Introduction
- Roadside Checks
- Purpose of the Regulation
- (EC) 561/2006 Regulation
- (EEC) 3821/85 Tachograph Recording Equipment (excerpts)

Course Exam