

Information on hold of weekly rest

A number of EU member states, such as France and Belgium and latest Germany have introduced a ban against drivers holding the regular weekly rest of 45 hours in the driver's cabin or in the vicinity thereof. The German ban became into force as of 25 May 2017.

The ban imply considerable costs for the majority of all transport companies with international transports in Europe, and in consequence, they will experience a considerable fall in both flexibility and mobility. The situation is worsening because of shortage of overnight accommodation for the drivers and insufficient capacity on secure rest areas.

In consequence, the transport companies are imposed costs and administrative burdens to an unprecedented extent as accommodation at a hotel, motel or the like must be provided for. Further, it is to be expected that the insurance companies will demand that the HGV and the goods is placed in a secure rest area or the like.

The German ban comes at a time where the Court of Justice of the European Union is hearing a court case of principle (C-102/16) on whether the EU rules in the regulation 561/2006 should be interpreted in such a way that it is illegal for the driver to spend the regular weekly rest in the driver's cabin.

On 31 May 2017, the EU Commission published a proposal for amendment of the regulation 561/2006, which is expected to be part of a total road package. The proposal is expected to provide more flexibility so that the weekly rest on an average period of 28 days must be 45 hours making it possible to hold several, reduced weekly rests in the driver's cabin without reducing the total period of rest for the driver. In contrast, with the proposal the EU Commission will specify that the regular weekly rest of minimum 45 hours must not take place in the driver's cabin. When the proposal is submitted, it is to be negotiated politically in the EU decision process, which by experience will take a couple of years.

Thus, the German ban anticipate both a pending case at the Court of Justice of the European Union and a coming amendment of the EU regulations. Therefore, the European road haulage will loss a considerable flexibility in the normal run of transport, and in consequence considerable inconvenience for the cross-border transport in the EU is to be expected.

Information on the ban etc can be obtained from Danish Transport Federation, Director Michael Svane on misv@di.dk or phone 3377 4652 or Senior Adviser Rune Noack on run@di.dk or phone 3377 4834.

Kind regards

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