



**IRU AND ETF MEMORANDUM OF UNDERSTANDING AND RECOMMENDATIONS
TO THE EUROPEAN INSTITUTIONS CONCERNING THE INTRODUCTION OF 'A 12-
DAY DRIVING DEROGATION' FOR DRIVERS ENGAGED IN OCCASIONAL
INTERNATIONAL PASSENGER TRANSPORT**

BACKGROUND

The International Road Transport Union (IRU) and the European Transport Workers Federation (ETF) who are the officially recognised Social Partners for the EU road transport sector, jointly call upon the European Union institutions to implement an urgent solution to introduce a '12-day' driving derogation to EU Driving and Rest Time Rules (before 1 January 2009 at the latest)

This IRU / ETF Memorandum of Understanding on the introduction of a 12-day driving derogation is a contribution to that ongoing political process and the MOU contains a *complete package of proposals* to this effect.

Furthermore, the IRU and the ETF would like to emphasise the special status and unique value of these concrete proposals covering exclusively the introduction of the 12-day derogation for international occasional passenger transport, jointly prepared, drafted and supported by the representative bodies of employers and workers alike.

Formulated to reflect the supreme importance of road safety, the needs of drivers and the operational needs of companies, the IRU and ETF urge the EU Institutions to base their agreement on these recommendations.

**AGREED PRINCIPLES FOR THE INTRODUCTION OF A '12-DAY DRIVING
DEROGATION' TO EU DRIVING AND REST TIME RULES**

**1. Introduction of a 12-day Driving Derogation for international occasional
passenger transport services**

To be introduced via an amendment to article 8 of Regulation 561/2006/EC

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- ⇒ Drivers engaged in international occasional passenger transport services may postpone their weekly rest period for up to 12 consecutive 24-hour periods following the end of their previous weekly rest period.
- ⇒ Drivers using this derogation (7 – 12 days) may take either reduced or regular weekly rest periods as defined by this Regulation, as long as at least every second weekly rest period is a minimum of 45 hours duration and as long as the additional requirements relating to weekly rest - outlined below - are complied with.

2. Definition of Occasional International Passenger Transport

For the purposes of this derogation, an amendment to article 4 of the Regulation to establish a definition of International Occasional Passenger Transport that precisely identifies transport activities and drivers for whom the derogation is to be made available

- ⇒ 'Occasional' passenger services are defined under Council Regulation No 684/92, as amended by Regulation 11/98.
- ⇒ In addition, an 'international' occasional passenger service must include at least 24 hours in a Member State or third country other than the one in which the service started.

3. Additional Weekly Rest Requirements when making use of the derogation

To be introduced via an amendment to article 8 of Regulation 561/2006/EC

- ⇒ The weekly rest period which falls after the use of the derogation must always be regular weekly rest of at least 45 hours.
- ⇒ Furthermore, the modalities and terms for taking a day of compensatory rest resulting from each use of the derogation, are to be established as appropriate at national level by the relevant stakeholders.

4. Separation of Activities covered by the Derogation and other Driving when making use of the derogation

To be introduced via an amendment to article 8 of Regulation 561/2006/EC

- ⇒ A driver making use of the derogation must separate activities covered by the derogation from the rest of other driving activities subject to Regulation 561/2006/EC, by taking a weekly rest period both before the commencement of the activities in question and following their completion.

5. Use of the Derogation in conjunction with Digital Tachograph Equipped Vehicles

To be introduced via an amendment to article 8 of Regulation 561/2006/EC



⇒ The regulation will state that no later than 5 years after the entry into force of legal provisions making this derogation possible, its use will only be possible when using vehicles equipped with a digital tachograph.

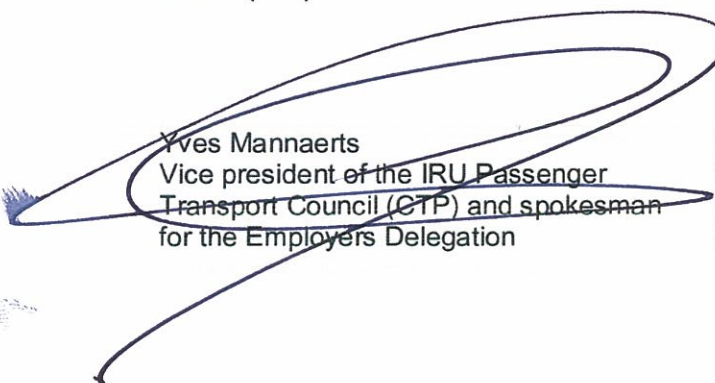
6. Provisions Concerning Night Driving when making use of the derogation

To be introduced via an amendment to article 7 of Regulation 561/2006/EC

- ⇒ When a driver uses this derogation in connection with an instance of night driving that completely spans the hours 22:00 – 06:00, during that period of time the vehicle shall be double manned or after a period of three hours driving the driver must take a 45 minute break.
- ⇒ In accordance with the regulatory provisions concerning breaks set out in article 7, this 45 minute 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 driving period in a manner that conforms with the provisions of the first paragraph.

Signed by

On behalf of the International Road Union (IRU)



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On behalf of the European Transport Workers' Federation (ETF)



Roberto Parrillo
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