

EXPLANATORY NOTE: TEMPORARY DEROGATION FROM DRIVERS HOURS RULES 23 DECEMBER 2020.

Ferry Rule: The one-hour maximum duration of the two interruptions to a regular daily rest period or a reduced weekly rest period which is currently permitted under Article 9.1 of Regulation (EC) No 561/2006 is being extended as follows:

Drivers who are subjected to Customs or Sanitary & Phytosanitary (SPS) checks.

The number of interruptions is being increased from two to three and the total accumulated duration of the interruptions is being increased from one hour to three hours.

The obligation to take a daily rest period within the 24hr period will be increased to 26 hours.

Drivers who are not subjected to Customs or Sanitary & Phytosanitary (SPS) checks.

The number of interruptions remains unchanged, but the duration of those interruptions will be increased from one hour to two hours.

The obligation to take a daily rest period within the 24hr period will be increased to 25 hours.

Reminder points to note: In all instances the daily rest period must be commenced no later than twelve hours after the start of the daily working period.

If a driver is taking a reduced weekly rest period that it must be started no later than 6x24 hour periods from the end of the previous weekly rest period.

Relaxation of Daily Rest Rules: The rules in relation to daily rest periods are being relaxed whereby the maximum of three reduced daily rest periods (between any two weekly rest periods) is being increased to five. This element of the derogation can be used by HGV drivers engaging on national journeys or drivers who have entered Dublin or Rosslare ports on international journeys and they encounter traffic congestion in the port area or on the adjacent routes or alternatively have their daily working period impacted elsewhere by these delays. These delays will have the potential to cause drivers to exceed their daily spread (of 13 hours when required) and thereby breaching the rules on daily rest.

The scope of this national derogation will not result in any extra driving time being afforded to drivers. It is designed to deal with knock-on effects of delays to a driver which have the potential to result in drivers failing to meet their daily rest requirements. It should also allay the fear of drivers and operators of being exposed to a risk of sanctions thereafter. It is important to note that whilst the drivers can avail of five reduced daily rest periods from the end of the previous weekly rest period the

obligation to adhere to the daily spread must continue to be observed where the daily rest period is being extended to make a weekly rest period.

There is no change to the rules relating to working time.

The RSA and the Department of Transport will keep this derogation under close review and will consider making any further changes or modifications as necessary in consultation with stakeholders, and this may include withdrawing the derogation, if appropriate.

Operator obligations

The RSA wishes to emphasise that HGV operators are required to mitigate the risks of disruption to transport operations and to plan accordingly and ensure compliance with the EU rules.

The derogation must be used only where necessary, otherwise, the normal drivers' hours should be followed.

HGV operators must put in place contingency measures to cater for emergency and urgent situations and this must be properly documented and retained for inspection. Documentary evidence in support of the reason for deviating from the normal rules should be retained for at least 12 months. Any deviation from the driving and resting time rules must be a last resort. During inspections, the history of the driver and operator overall compliance with the rules will be carefully assessed.

Where deviation from the rules is necessary, appropriate arrangements must be put in place to record it as follows;

- **Recording requirements when availing of relaxation of 'ferry rule':** All drivers availing of this element of the derogation must record on the back of their analogue charts or tachograph printouts (as soon as they finish their regular daily rest period or reduced weekly rest period) the reasons and justification why they exceeded the prescribed number of interruptions and/or the duration limit of one hour for interrupting their regular daily rest period or reduced weekly rest period, part of which was taken on a ferry.
- **Recording requirements when availing of relaxation of daily rest rules:** All drivers availing of this element of the derogation must record on the back of their analogue tachograph charts or tachograph printouts (as soon as they finish their reduced daily rest period) the reasons and justification why they have taken a fourth or fifth reduced daily rest period since the end of the previous weekly rest period.

Where there is a failure to do record deviations from the rules in the manner described above, this will cause delays and issues at inspections. The practical implementation of this temporary relaxation of the rules should be agreed by employers with their drivers.

