

## INFORMAÇÃO NO ÂMBITO DOS PROCEDIMENTOS DE PREVENÇÃO, CONTROLO E VIGILÂNCIA DE INFEÇÃO PELO SARS-CoV-2 (COVID-19)

### - Transportes rodoviários de mercadorias -

**Derrogação das normas previstas nos artigos 6º e 8º do Regulamento (CE) n.º 561/2006, de 15 de março que estabelece regras em matéria de tempos de condução, pausas e períodos de repouso para os condutores envolvidos no transporte rodoviário de mercadorias**

Nos termos do n.º 2 do artigo 14º do Regulamento n.º 561/2006, de 15 de março, os Estados-membros podem tomar medidas excecionais.

Conforme Comunicação da Comissão de 24 de março de 2020 foram incluídas as derrogações propostas por PT ao transporte de mercadorias, no mapa geral dos EM, ficando temporariamente derrogados **até 6 de abril 2020** os artigos 6º, nº 1 e 8º, nº 6, do Regulamento 561/2006, reflectindo as circunstâncias excepcionais decorrentes do surto de COVID-19.

Considerando a renovação do Estado de Emergência, pelo Sr. Presidente da República Portuguesa em 2 de abril de 2020 (DPR nº 17-A/2020), com termo indicado às 23H59 horas de **17 de abril de 2020**,

Foi analisada e proposta à CE a **intenção do Estado Português proceder à prorrogação** das derrogações já transmitidas.

Assim, tendo em conta a harmonização de procedimentos, a igualdade das regras de concorrência entre empresas, as orientações transmitidas pela CE e após auscultação formal da Autoridade para as Condições do Trabalho (ACT), Autoridade com competências de fiscalização no âmbito do mesmo diploma e em concreto nas disposições visadas, ficam temporariamente derrogadas por PORTUGAL:

- **Derrogação ao artigo 6º, nº 1**, do Regulamento 561/2006 – substituição do limite diário de condução de 9 horas, para 11 horas;
- **Derrogação ao artigo 8º, n.º 6**, do Regulamento 561/2006 – redução do período de repouso semanal regular de 45 horas, para 24 horas, sem compensação;
- **Derrogação ao artigo 8º, n.º 8**, do Regulamento 561/2006 – possibilidade do condutor gozar o período de repouso semanal regular na cabine, desde que o veículo se encontre estacionado em segurança e possua condições adequadas ao referido repouso,

Por um período inferior a trinta dias,

**De 7 de Abril a 21 de abril de 2020.**

PORTUGAL reiterou que a segurança rodoviária e do motorista não devem ser comprometidas. Não é admissível que os motoristas conduzam sob cansaço e fadiga - os empregadores permanecem responsáveis pela saúde e segurança dos seus trabalhadores e demais utilizadores da estrada.

Em anexo ao presente Comunicado apresenta-se Template facultado pela DGMOVE aos EM a este propósito.

IMT, I. P. 7/04/2020

## Derogations to driving and rest times in road transport

Due to the COVID-19 outbreak many Member States have adopted derogations to the driving and rest time rules under Article 14(2) of Regulation 561/2006. These derogations are published on the [Commission's website](#) and regularly updated to reflect the fast evolving situation.

This flexibility for driving time, rest periods and breaks is necessary to ensure national supply of essential goods in many Member States. It is provided by Article 14(2) of Regulation 561/2006, which allows Member States to grant a temporary exception to these provisions for a period not exceeding 30 days.

The Communication from the Commission of 23 March, on the implementation of the Green Lanes under the Guidelines for border management measures to protect health and ensure the availability of goods and essential services, indicates that Member States should consider temporarily suspending the ban for drivers to take the regular weekly rest in the cabin, as set out in Article 8(8) of Regulation 561/2006. This is due to the fact that accommodation facilities along route are likely to be unavailable and in order to avoid contagion. The Communication also clarifies that, should there be a need to extend these exceptions beyond 30 days, the Commission will consider favourably such requests from Member States.

We would therefore ask you to inform the Commission services ([eddy.liegeois@ec.europa.eu](mailto:eddy.liegeois@ec.europa.eu) ; [Ines.maillart@ec.europa.eu](mailto:Ines.maillart@ec.europa.eu)) by 30 March if you intend to make use of the possibility to extend your national temporary exception(s) on driving time, rest periods and breaks. We would welcome if you could clarify whether you wish to simply prolong the current exceptions you have put in place or whether you wish to derogate from different provisions of Regulation 561/2006.

You will find attached the revised template which should be used to submit these derogations pursuant to Article 14(1) of Regulation 561/2006 for the period exceeding 30 days. The same document may be used for the notification of derogations under Article 14 (2) of the Regulation, in the case no such derogation has yet been granted.

As indicated in the attached template, derogations must be clearly defined. They must specify the articles derogated from and the new limits put in place during the period when the exception applies. Open derogations or unclear derogations do not guarantee that the objectives of the Regulation are met. Therefore they will be sent back to Member States to make the necessary modifications.

Please note that in view of the exceptionally long period where such exceptions may apply, the Commission services will pay particular attention to the measures notified by Member States to make sure that they do not jeopardize the objectives of the Regulation, in particular when it comes to **protecting drivers' and road safety**.

## Template for Member States to notify their derogation from driving and rest times pursuant to Art. 14 (1) and Art. 14 (2) of Regulation 561/2006

*When granting temporary exception under Article 14 Member States must ensure that the objectives of Regulation 561/2006 are not jeopardised, in particular working conditions of drivers and road safety*

In response to the extraordinary crisis situation due to the pandemic of COVID-19 (Coronavirus), PORTUGAL plans to adopt a temporary and limited relaxation of the enforcement of driving and rest times for the drivers of vehicles transporting **ALL TYPES OF GOODS**.

This relaxation is granted pursuant to

<input type="checkbox"/>	Article 14(1) of Regulation (EC) No 561/2006
<input checked="" type="checkbox"/>	Article 14 (2) of Regulation (EC) No 561/2006

and the purpose of this document is to notify the Commission accordingly.

This temporary relaxation applies from 07.04.2020 and will run until 21.04.2020. It will apply to all drivers, irrespective of their nationality, when operating on the territory of the Member State.

PORTUGAL has made it clear that working conditions of drivers and road safety must not be compromised. Drivers should not be expected to drive whilst tired - employers remain responsible for the health and safety of their employees and other road users.

For the above-mentioned category of drivers, the following provisions will be temporarily relaxed as follows:

- **Derogation to Article 6(1) of Regulation 561/2006:** replacement of the maximum daily driving limit of 9 hours with one of 11 hours;
- **Derogation to Article 8(6) of Regulation 561/2006:** reduction of the regular weekly rest period from 45 hours to 24 hours, without compensation;
- **Derogation to Article 8(8) of Regulation 561/2006:** possibility for the driver to take the regular weekly rest in the vehicle, as long as it has suitable sleeping facilities for each driver and the vehicle is stationary.

The temporary relaxation of the rules described above reflects the exceptional circumstances stemming from the COVID-19 outbreak. PORTUGAL wishes to emphasise that, as a general rule, we expect business to plan for and manage the risks of disruption to supply chains.