



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MOBILITY AND TRANSPORT

Directorate C - Land
C.1 - Road Transport

Mr Oleg Kamberski
IRU Permanent Delegation to the EU
71 Avenue de Cortenbergh
1000 Brussels, Belgium

Subject: Clarification on controls of the ban to take the regular weekly rest in the cabin

Dear Mr Kamberski,

Thank for your email of 15 April 2019 in which you ask for clarification regarding controls performed by national enforcement authorities to enforce the ban for drivers to take their regular weekly rest in the cabin of a vehicle.

The Commission would like to confirm that national enforcement authorities cannot require drivers to provide documents proving that their regular weekly rest preceding the roadside inspection was not spent in the vehicle. This is in accordance with Article 36 of Regulation (EU) No 165/2014¹ which provides an exhaustive list of the records to be carried by the driver and that must be produced upon the request of an authorised control officer.

Hence, drivers can only be fined for non-compliance with this prohibition when they are caught having a regular weekly rest inside the vehicle at the time of the control.

Therefore, should operators have been affected by inappropriate control practices, they should appeal to the competent national authorities for reimbursement of imposed fines.

Yours sincerely,

(e-signed)
Eddy LIEGEOIS
Head of Unit

¹ Regulation (EU) No 165/2014 of the European Parliament and of the Council of 4 February 2014 on tachographs in road transport, repealing Council Regulation (EEC) No 3821/85 on recording equipment in road transport and amending Regulation (EC) No 561/2006 of the European Parliament and of the Council on the harmonisation of certain social legislation relating to road transport