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DIRECTORATE-GENERAL FOR MOBILITY AND TRANSPORT

Directorate C - Land
The Deputy Director

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Mr Radu DINESCU
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Dear Mr Dinescu,

Thank you for your letter of 11 March 2021 asking for additional clarifications on the implementation of the new provisions on driving and rest times rules and on tachographs introduced by Mobility Package I. Commissioner Vălean asked me to reply on her behalf.

As you know, we are currently working on the second set of Questions and Answers that will address additional implementation issues on driving and rest time provisions raised by stakeholders. The draft document is currently under a legal review. As soon as the legal review is finalised, we will send the draft replies to stakeholders for their comments, as it was done previously.

Let me inform you that the fourth question (on breaks in multimanning) in the list attached to your letter is part of the second set of Q&As, currently under the legal review. Other questions on your list, in fact, do not concern entirely new provisions, but are related to the provisions that have already been applicable before the Mobility Package 1.

As regards your question 1 on how to record traveling time of a driver, we have issued Guidance Note 2, which is available in all EU languages under the following link:

https://ec.europa.eu/transport/sites/transport/files/modes/road/social_provisions/doc/guidance_2_en.pdf

As to question 2 on who should bear the costs of resealing, the Regulation on tachographs does not specify it, leaving it to Member States' national laws and practices. However, as this is a recurrent question, we may take this issue on board for a discussion between Member States and enforcers in the framework of the Committee on Road Transport and Enforcement Working Group, respectively.

As to your question 3 on card withdrawal, the Regulation (EU) 165/2014 does not indeed oblige a driver to withdraw a card at the end of the daily/weekly working period. If this provision is differently understood and enforced throughout Member States, we will

undertake to discuss this issue at the Enforcement Working Group before issuing any further guidance.

On question 4 concerning the meaning of ‘a week’, as you know, this is defined in Article 4 (i) of Regulation (EC) No 561/2006 as the period of time between 00.00 on Monday and 24.00 on Sunday. In the same time recital (13) provides that *the definition of ‘week’ provided in this Regulation should not prevent drivers from starting their working week on any day of the week*. However, compliance with requirements on weekly driving time limits and weekly rest periods is controlled based on a calendar week. Hence, it may happen that when a driver's working week is not aligned to the calendar week, a driver may accumulate 58 hours driving between weekly rest periods and still comply. The more extensive explanation you may find in the TRACE explanatory text (page 27) published in all EU languages on the Europa website

https://ec.europa.eu/transport/sites/transport/files/modes/road/social_provisions/doc/trace_explanatory_text_en.pdf

I hope the above clarifications and tips address satisfactorily the issues raised in your letter.

I am grateful for your constructive approach and count on your continuous collaboration.

Yours sincerely,

Electronically signed

Claire DEPRE