



Dear Members,

We have just received a confirmation from our German Member Association BGL that the anticipated ban on spending the regular weekly rest in the cabin enters into force in Germany tomorrow, i. e. on 25 May.

Summary of the details:

- the law prescribes that the regular weekly rest may not be spent in the cabin;
- suitable sleeping facilities must be available to drivers at the place where they do spend the rest;

Apparently, any situations “forcing the driver to stay in the vehicle’s immediate proximity or lacking a bed that can be used by the driver outside the vehicle” cannot be considered as suitable sleeping facilities, as they do not allow for thorough regeneration of the driver.

- in case a driver is found spending his regular rest in the cabin or in another place which is not equipped with the suitable sleeping facilities, this will be considered as not taking the regular weekly rest at all (proportionally);
- fines are therefore identical with those that apply if a driver has completely omitted to take a regular weekly rest:
 - 60 EUR per hour of falling short of the rest for the driver;
 - the transport operator - 180 EUR per hour of falling short of the rest, due to the fact that the company failed to follow the law

The law (published yesterday) can be consulted here (only in German) - www.bgbl.de/xaver/bgbl/start.xav?startbk=Bundesanzeiger_BGBI&jumpTo=bgbl117s1214.pdf

The IRU Secretariat in cooperation with our German Member Associations is monitoring the situation continuously and will inform the Members as soon as new (and officially confirmed) information are available especially on the way these new provisions will be controlled and what evidence has the driver/haulier present.

Best regards

Jan Nemeč

IRU Permanent Delegation to the EU
