



16.9.2019

## NOTICE TO MEMBERS

**Subject: Petition No 0069/2019 by Gyunay Mehmed (Bulgarian) on the reduced daily rest period for truck drivers provided by the Mobility Package**

### 1. Summary of petition

The petitioner calls for the abolishment of the 9-hour daily rest for truck drivers introduced by the Mobility Package and requests that international drivers be paid in accordance with the legislation of the country where they have been posted.

### 2. Admissibility

Declared admissible on 24 April 2019. Information requested from Commission under Rule 227(6).

### 3. Commission reply, received on 16 September 2019

The Commission would like to clarify that the possibility for drivers to take a reduced daily rest of 9 hours instead of the regular daily rest of 11 hours already exists in the current legislation and is not part of the legislative proposals of Mobility Package I<sup>1</sup> proposed by the Commission in May 2017.

The Commission would like to emphasise that regular daily rest periods of at least 11 hours constitute the rule and that the possibility to take reduced daily rest periods of at least 9 hours is restricted by law. Drivers are limited to a maximum of three reduced daily rest periods between any two weekly rest periods, as provided by Article 8(3) of Regulation (EU) No

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<sup>1</sup> [https://ec.europa.eu/transport/modes/road/news/2017-05-31-europe-on-the-move\\_en](https://ec.europa.eu/transport/modes/road/news/2017-05-31-europe-on-the-move_en)

561/2006<sup>2</sup>. This limit is set by the law to ensure the health and safety of drivers and to ensure general road safety.

Regarding the second request of the petitioner, for international drivers to be paid in accordance with the legislation of the country where they have been posted, the Commission adopted, as part of its Mobility Package I, a proposal<sup>3</sup> which clarifies the application of the EU rules on the posting of workers to the road transport sector, in particular the conditions under which drivers will receive the remuneration of the host Member State where they have been posted. The Council and Parliament should soon enter into negotiations and the Commission is confident that an agreement can be reached in the near future in view of the adoption of the proposal.

### Conclusions

Given the above reasoning, the Commission does not see the necessity to legislate regarding the first request of the petitioner on reduced daily rest periods. Regarding the petitioner's second request for international drivers to be paid in accordance with the minimum remuneration of the Member States where they have been posted, this principle is already contained in the current revision of the relevant legislation.

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<sup>2</sup> Regulation (EC) No 561/2006 of the European Parliament and of the Council of 15 March 2006 on the harmonisation of certain social legislation relating to road transport and amending Council Regulations (EEC) No 3821/85 and (EC) No 2135/98 and repealing Council Regulation (EEC) No 3820/85 (Text with EEA relevance) – Declaration, *OJ L 102, 11.4.2006, p. 1–14*.

<sup>3</sup> COM(2017) 278 final.