

New rules on driving and rest periods have now come into force

The Mobility Package was adopted in July and the first part- the new rules on driving and rest periods - will come into force on 20 August 2020. At the same time, the Danish Transport Authority has submitted a draft of a new executive order in public consultation. The new executive order will, among other things, provide a framework for transport companies' retention of documentation in the light of the new rules.



New calculation of the weekly rest

The first part of the Mobility Package, which comes into force, is the new rules on driving and rest periods. The new rules will change the way the regular and reduced weekly rest periods are calculated.

The weekly rest periods will be calculated based on a four-week reference period. As a starting point, a driver may take one reduced rest period for at least 24 hours within the four weeks. However, the reduced rest period must be compensated for by extending another rest period, and this extended rest period must be taken no later than the end of the third week of the reference period.

From now on, an international driver driving outside her/his state of residence or the state of establishment of the transport company will be able to take two consecutive reduced rest periods if the driver, within the four-week reference period, takes two regular weekly rest periods. The reduced weekly rest periods taken by the driver in week one and two must be compensated for during the first of the subsequent regular weekly rest periods.

Remember that drivers must return “home”

In accordance with the case-law of the Court of Justice of the European Union, the Mobility Package has established that regular weekly rest periods and other rest periods of more than 45 hours cannot be taken in the cab of the vehicle. A new requirement is that transport companies will also be required to return drivers at least every four weeks to their state of residence or to the employer's operational centre in the state of establishment to take a regular weekly rest.

As regards international drivers who have taken two reduced weekly rests, the drivers must return *at the latest before the third and prolonged weekly rest period during the reference period.*

Obligation to retain documentation

According to the Danish Transport Authority's draft amendment executive order, the transport companies will be required to retain registrations in the tachograph for one year from the time of the registration. Also, it is suggested that the transport companies' documentation of suitable accommodation of drivers should also be retained for one year and that this documentation must be provided to the Danish Transport Authority, upon request.

The Danish Transport Authority's amendment executive order was submitted for public consultation on 7 August 2020 and is expected to come into force on 1 October 2020.

Contact us for advice

If you have any questions about the new rules on driving and rest periods, please contact NJORD Law Firm's transport team. We have great expertise covering all forms of regulation of the road transport industry and can offer advice on how to ensure that you comply with the new rules.



ULLA FABRICIUS
ATTORNEY AT LAW,
PARTNER

(+45) 77 40 10 12

UF@NJORDLAW.COM