

GUIDANCE NOTE 6

Issue: Recording of time spent on board of a ferry or train where the driver has access to a bunk or couchette.

Article: 9 (1) of Regulation (EC) No 561/2006

Approach to be followed: Generally during a rest, a driver shall be able, according to Article 4(f), to dispose freely of his/her time. However, a driver is entitled to take his/her break or rest, daily or weekly, when he/she is travelling by ferry or train, provided that he/she has access to a bunk or couchette. This stems from the wording of Article 9(2) which stipulates that any time spent travelling "shall not be counted as a rest or break **unless the driver is on ferry or a train and has access to a bunk or couchette**".

Furthermore, in line with Article 9(1) a **regular daily rest period** of at least 11 hours taken on a ferry or a train (if a driver has access to a bunk or a couchette) may be interrupted twice as a maximum, by other activities (such as embarking or disembarking from the ferry boat or train). The total time of these two interruptions may not exceed 1 hour. This time must not, in any case, result in any reduction of a regular daily rest period.

In case of a regular daily rest taken in two periods, the first of which must be of at least 3 hours and the second of at least 9 hours (as stipulated in Article 4(g)), the number of interruptions (maximum two) concerns the whole period of daily rest and not each part of a regular daily rest taken in two periods.

The derogation under Article 9(1) does not apply to a weekly rest period, whether reduced or regular.