

COMMISSION CLARIFICATION 2

- Vehicles being driven for repair, washing or maintenance purposes -

Articles: 1, 2, 4(a), 4(c)

Issue raised: Vehicles being driven for repair, washing or maintenance purposes

Clarification:

According to Article 4(a) of the Regulation, *carriage by road* is defined as any journey made entirely or in part on roads open to the public by a vehicle, whether laden or not, used for the carriage of passengers or goods. Hence, when a driver drives a vehicle for the purpose of going to a garage, to a washing facility, to a fuel station, to various locations to drop off or take over vehicles from clients etc. by using entirely or in part roads open to the public, this type of journey falls under the definition of *carriage by road* under Regulation (EC) 561/2006. This is valid for any driver regardless whether his employment is of temporary or permanent nature.

Article 1 of the Regulation, however, stipulates that the rules on driving times, breaks and rest periods are applicable for drivers *engaged* in the carriage of goods and passengers by road. Depending on the particular circumstances, the duties of the employees of certain companies may, by the nature of their functions, not include the activity of transporting goods or passengers by road. In such cases these employees would in fact not be *engaged* in the carriage of goods as defined by the Regulation and would thus fall outside the scope of its provisions.

In any case, nothing prevents Member States from applying the rules set out in the Regulation also to other transport operations or vehicles or drivers that are not explicitly covered by the Regulation

DISCLAIMER: The present note sets out the Commission services views on implementation and application of certain rules of Regulation (EC) No 561/2006 on the harmonisation of certain social legislation relating to road transport. It should be noted that, in any event, interpretation of Union law is ultimately the role of the European Court of Justice.