

THE IMPACT OF THE BAN ON SPENDING WEEKLY REST IN THE VEHICLE ON TRANSPORT PLANNING IN THE EU

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Abstract. The working conditions of truck drivers and social legislation are both topical and political issues in the field of road freight transport. The contribution outlines problems which are linked to the observance of the ban on weekly rest in the vehicle. Based on the judgment, the Court of Justice of the European Union explicitly forbids drivers to take their regular weekly rest in the vehicle. The contribution identifies the impact of the ban on spending weekly rest in the vehicle on transport planning in the EU. The aim of the contribution is also to highlight the existing problems in international road freight transport sector in connection with insufficient number of truck parks with accommodation.

Keywords: road freight transport, weekly rest, driver, vehicle, truck parking

INTRODUCTION

Market access is balanced by EU-wide rules in the fields of driving and rest times in road freight transport and social equality under conditions that ensure a fair and open competitive environment. As the driver's profession in road transport is very demanding, the rules governing work and rest time are strict. The working conditions of truck drivers, social legislation and market protection are both topical and political issues in the field of road freight transport (Lubanski, 2000). Of all the road freight transport legislation, the social legislation, which is one of the most important legal areas for road haulers, but also for drivers, plays a significant role and whose changes have a considerable impact on the transport planning. Proper compliance with social legislation in road transport, such as observance of the ban on weekly rest in the vehicle, ensures for individual transport companies and especially drivers not only the certainty that they will not be subject to sanctions by the control authorities but their main aim is to prevent accidents due to lack of concentration or driver fatigue (CEMT, 2002).

SOCIAL LAW IN ROAD TRANSPORT GOVERNING CONDITIONS OF WEEKLY REST IN THE EU

The driver working regime within the EU (including Switzerland, Norway, Liechtenstein and Iceland) is regulated by Regulation (EC) No. 561/2006 laying down rules on driving times, breaks and rest periods for drivers engaged in road and passenger transport.

According to Regulation (EC) No. 561/2006, the driver is obliged to draw regular daily and weekly rest. The weekly rest period is a time period of one week during which the driver may freely dispose of his time and includes a period of:

- regular weekly rest – any rest period of at least 45 hours,

- reduced weekly rest period – any rest period of less than 45 hours, which may be shortened to at least 24 consecutive hours.

The weekly rest period begins no later than at the end of the six-week period of 24 hours from the end of the previous weekly rest period. This means that the new weekly rest period must be started at the latest 144 hours after the end of the previous weekly rest period (Poliak and Gnap, 2015).



Fig. 1. Drawing on weekly rest under the Regulation No. 561/2006

Regulation No. 561/2006 also provides that the driver draws at least two consecutive weeks:

- two regular weekly rest periods or
- one regular weekly rest period and one reduced weekly rest period of at least 24 hours. However, this shortening will be replaced by a reasonable breakdown drawn in full before the end of the third week following that week.

Any rest taken to compensate for the reduced weekly rest period shall be added to a further rest period of at least nine hours. This means that it is not possible to take a reduced weekly rest period for two weeks.

S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S			
1		WEEK 2						WEEK 3						WEEK 4											
WEEKLY REST		☐	☐	☐	☐	☐	☐	REDUCED WEEKLY REST		☐	☐	☐	☐	☐	☐	WEEKLY REST		☐	☐	☐	☐	☐	☐	REDUCED WEEKLY REST	
		☒	☒	☒	☒	☒	☒			☒	☒	☒	☒	☒	☒			☒	☒	☒	☒	☒	☒		
		6 24-hour cycles								6 24-hour cycles								5 24-hour cycles							

Fig. 2. Proper use of the rule to attach weekly rest periods to one week or the other

The daily rest period on the last working day of a week may be extended to a regular weekly rest period or a reduced weekly rest period. That is, in each week one of the daily rest periods must be extended and used as a weekly rest period. Weekly rest periods, starting in one week and continuing to the next week, may be linked to one or the other of these weeks, but not to both (Poliak and Gnap, 2015).

The ban on spending weekly rest in the vehicle

According to Art. 8 Regulation No. 561/2006, the driver can take daily rest and reduced weekly rest in the vehicle if the vehicle is fitted with suitable sleeping facilities for each driver and the vehicle is stationary. In practice, however, this condition did not generally apply until 2014. In the summer of 2014, Belgium and France adjusted the scale of fines according to which a fine is imposed on the driver for taking a regular weekly rest, namely up to € 1,800 in Belgium and from 11 July 2014 up to € 30,000 or imprisonment for one year in France (Poliak and Poliaková, 2015).

The Court of Justice of the European Union, in its judgment of 20 December 2017, also took a stand on the issue of regular weekly rest. In the judgment, the court ruled that truck drivers cannot spend a regular weekly rest in vehicles. This means that no EU country can interpret legislation in a different way (Ayala et al., 2010). The dragging litigation began three years ago when the Belgian transport company Vaditrans BVBA started a litigation with the Kingdom of Belgium. The haulier believed that it was not possible to fine the regular weekly rest because

Regulation (EC) 561/2006 does not provide for such a ban. Regulation (EC) No. Article 8 (8) of Regulation (EC) No 561/2006 states: "Where a driver chooses to do this, daily rest periods and reduced weekly rest periods away from base may be taken in a vehicle, as long as it has suitable sleeping facilities for each driver and the vehicle is stationary". The Belgian authorities also referred to the wording of the cited Regulation (EC) No. (EC) No 561/2006 and requested clarification as to whether that provision of Regulation (EC) Of Regulation No 561/2006 is to be interpreted as containing an implicit prohibition of the use of regular weekly rest periods in a vehicle.

As EU law can only be enforced by the EU Court, the Belgian court then asked the EU court to determine whether the EU law contained an implicit ban on taking a standard weekly rest in a vehicle (Newman and Kenworthy, 1999), (Rotondo, 2013). The EU Court said that EU law refers only to the possibility of reducing the weekly rest period by 24 hours, which is permitted in some circumstances in the vehicle, so this means that it should not apply to a regular 45-hour rest. If allowed, then the driver could spend all the rest in the vehicle, which would not improve drivers' working conditions as intended by EU law.

Based on the judgment, the Court of Justice of the European Union explicitly forbids drivers to take their regular weekly rest in the vehicle. The judgment is effective from the date of publication, that is, from 20 December 2017. It is also necessary to state that the judgment is valid in all EU Member States, that is to say, if national law permits a fine to be imposed on such a offense, the control body may impose the fine (Domonkos et al., 2017). The judgment does not regulate the power to control the use of taking regular weekly rest only on the territory of a particular State. The judgment provides that regular weekly rest cannot be taken by drivers in the vehicle. This means that, for example, in Belgium, the control authorities find that a Slovak driver who runs a vehicle of a carrier based in Slovakia has a regular weekly rest in Germany, he can take a restraint fine in Germany at check in Belgium. It should be noted that the place of regular weekly rest can be found in the previous 28 days of the digital tachograph or the driver card. Therefore, the drivers, when entering the country of arrival and country of exit on a digital tachograph, should be consistent and set the country code consistently (Poliak, 2007).

On the other site, it should be noted that the amount of the fines is set by the national law of the individual EU Member States and will take some time if the fine for regular weekly rest in the vehicle is added to the national regulations of all countries. Regulation (EU) 2016/403, which has updated the classification of serious EU road traffic offenses since 1 January 2017, does not include a violation of the rules: regular driver's weekly rest on the vehicle. According to this classification, individual Member States have adopted a national law setting fines in the field of road transport.

TRANSPORT PLANNING IN THE EU IN RELATION TO TAKING WEEKLY REST OUTSIDE THE VEHICLE

The ban on weekly rest periods points to a number of other problems which are linked to the Court's judgment. Trucks must park at specified truck parks, usually out of town, which often do not have motels or hotels nearby (Drozdziel and Piasecki 1995). In connection with this problem, three routes of transport leading from the Slovak Republic to selected EU countries were processed and subsequently truck parks were found which provide the driver with the possibility of accommodation in case of taking regular weekly rest. Truck parks were searched by application Truck Parking Europe, which shows the appropriate parking options on a given route with a maximum detour of 12 km. Following the search for individual truck parks and their accommodation facilities, the accommodation capacity was also surveyed, but in some cases this information was not available. Based on individual capacities, accommodations can be divided into three categories according to the number of rooms as follows:

- small (1 to 20 rooms),
- medium (21 to 40 rooms),
- large (more than 40 rooms).

In Fig. 3 shows the first route leading from Slovakia (Žilina) to France (Lyon) with a total length of 1449 km, while there are 201 truck parks or rest areas available but the possibility of accommodation satisfies only 16 truck parks. Of the truck parks they provide on a given route for driver accommodation, 50% is located in Switzerland. The other example is the Slovak Republic, where no such truck parks was found on the chosen route after the evaluation via the application. Table 1 also indicates the capacity of the accommodation, with most of which can be classified in the middle category (21-40 rooms). Capacity of more than 40 rooms meet only 4 accommodation facilities out of 13 people found.



Fig. 3. Route SK (Žilina)-FR (Lyon) – 1449 km

Table 1

Possibilities of regular weekly rest on the route Žilina (SK)-Lyon (FR)

Number	Parking for trucks with accommodation	Country	Accommodation	Accommodation capacity
1.	Gasthaus Gramel, 3380 Oostenrijk (Anton Schlecker Str. 1, 3380 Pöchlarn	AT	Gasthaus Gramel	21 rooms (44 beds)
2.	Landzeit Sankt Valentin, Rasthausstraße 6, 4300 St. Valentin	AT	Motor-Hotel Sankt Valentin	30 rooms (60 beds)
3.	Gasthaus Heimbau Einsiedlstraße 28, 4481 Asten	AT	Gasthaus Heimbau	not indicated
4.	Theodor-Sanne-Straße 3, Bernau Am Chiemsee	DE	Camping Mariengrund	6 rooms (18 beds)
5.	Rasthof Irschenberg Süd, Wendling 12, 83737 Irschenberg	DE	Autobahnmotel Irschenberg Süd	50 rooms (114 beds)
6.	Mindelheimer Str. 2, 86842 Türkheim	DE	Landhaus Rosenbräu	not indicated
7.	Euro Rastpark Aichstetten, Am Waizenhof 12, 88317 Aichstetten	DE	AI Hotel	21 rooms (44 beds)
8.	Wilerstrasse 46, 9200 Gossau	CH	Hotel Gasthaus Moosburg	40 beds
9.	Hotel Geroldswil, Huebwiesenstrasse 36, 8954 Geroldswil	CH	Hotel Geroldswil	71 rooms (134 beds)
10.	Landgasthof Pflug, Lenzburgerstrasse 4, 5504 Othmarsingen	CH	Landgasthof Pflug	not indicated
11.	Gasthof Kastanienbaum, Hauptstrasse 19, CH-5502 Hunzenschwil	CH	Gasthof Kastanienbaum	15 rooms (26 beds)
12.	Raststätte Grauholz Nord, Wolfackerweg 18, 3063 Ittigen	CH	Raststätte Grauholz Nord	62 rooms
13.	Rose de La Broye, Autogrill Schweiz AG Restoroute Rose de, 1470 Lully	CH	Park Inn by Radisson Lully	80 rooms
14.	Place de La Gare 2-3,Rolle	CH	Loft de charme	1 room (3 beds)
15.	Hotel-Restaurant Le Petit Moulin, Route Blanche 1, 1274 Grens	CH	Hotel-Restaurant Le Petit Moulin	22 rooms
16.	Hotel Restaurnat Le Relax, Rue du Clou 138 Maillat	FR	Hotel Restaurnat Le Relax	35 rooms

The second route (Figure 4) leads from Slovakia (Žilina) to Hamburg (Hamburg), with 145 truck parks available, but the driver can take regular weekly rest for only 15 of them (Table 2). Most of the truck parks on the given route providing accommodation are in this case in Poland, namely 9 out of 15 and the smallest in the Slovak Republic, but in this case it should be noted

that the transport route within SR is only 39 km out of a total of 1048 km. Information on the accommodation capacity was available in 8 cases, of which 4 are less than 20 rooms and only one accommodation has more than 40 rooms.

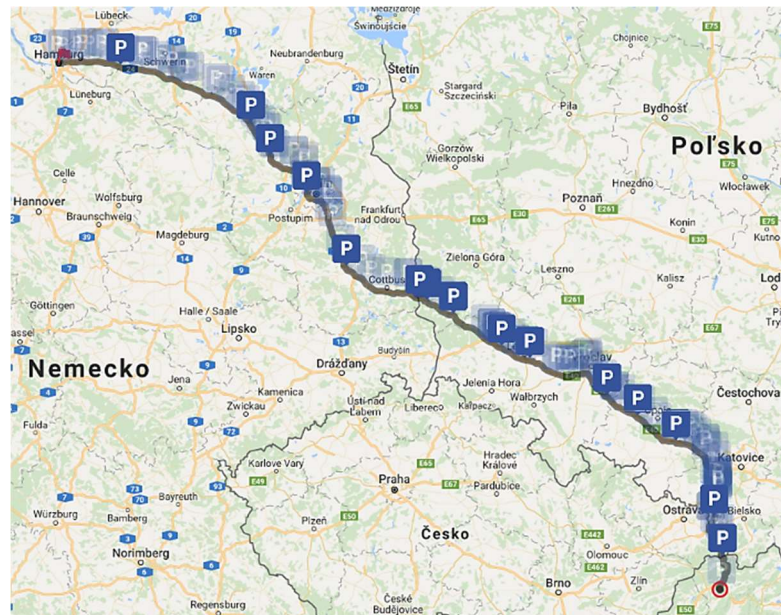


Fig. 4. Route 2 SK (Žilina)-DE (Hamburg) – 1048 km

Table 2

Possibilities of regular weekly rest on the route Žilina (SK)-Hamburg (DE)

Number	Parking for trucks with accommodation	Country	Accommodation	Accommodation capacity
1.	Slovnaft Svrčinovec Gas Station, 023 12 Svrčinovec-Purašovci	SK	Hotel Paris	not indicated
2.	Babilon, 938 Hażlach	PL	Restauracja Babilon	7 rooms (17 beds)
3.	MOP Wysoka A4/E40, Góra Św. Anny	PL	x	not indicated
4.	Młyński Staw, A4/E40, Rzędziwojowice, Niemodlin	PL	HOTEL Comfort Express	12 beds
5.	MOP Oleśnica Mała, E40 72, 55-200 Oleśnica Mała	PL	Hotel MOP Oleśnica Mała	10 rooms
6.	Hotel Dworek, 59-241 Lubień	PL	Hotel Dworek	30 rooms (60 beds)
7.	Milenium, Jadwisin 24, 59-516,	PL	x	not indicated
8.	Circle K Iłowa 68-120 Czerna	PL	x	not indicated
9.	Stacja Paliw Orlen Trzebiel, 68-212 Jędrzychowiczki	PL	Motel INTERTANK	43 beds
10.	Stacja Paliw Speed, Olszyna 2, 68-212 Olszyna, Polsko	PL	x	not indicated
11.	Rasthof Berstetal, A13/E36/E55, Kaden, Luckau	DE	x	not indicated
12.	Raststätte Avus, Nordkurve, Charlottenburg, Berlin	DE	Avus Raststätte Motel	46 rooms (79 beds+2 apartments)
13.	Pension - Truck-Center, Gewerbepark 5, 16833 Fehrbellin	DE	Pension Truck-Center	6 rooms (10 beds)
14.	Shell Autohof Herzsprung, Steinstraße 9, 16909 Wittstock/Dosse	DE	Autohof Herzsprung	not indicated
15.	Raststätte Gudow Nord, A24 23899 Gudow	DE	Autobahnhotel Gudow Nord	28 rooms (46 beds)

The last route analyzed (Figure 5) was the route leading from SR (Žilina) to Italy (Livorno). There are 113 truck parks on this route, 15 of them with accommodation. The route includes three states – Slovakia, Austria and Italy, with 7 truck parks in Austria (Table 3) and 8 in Italy (3 truck parks are next to each other, i.e. the same accommodation in all three). The capacity of accommodation facilities was found in 13 cases where the best possibilities provide truck parks in Italy, which mostly have a capacity of more than 40 rooms.

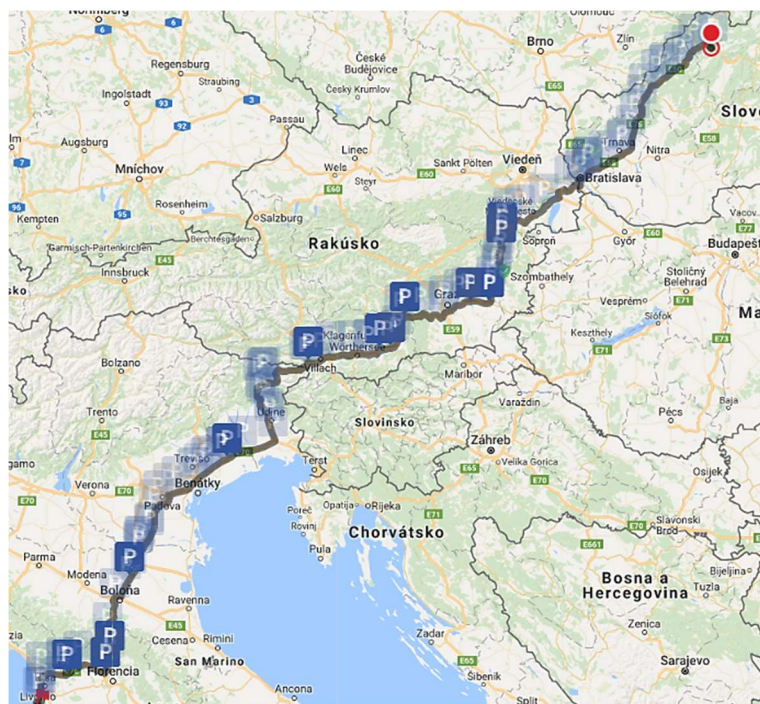


Fig. 5. Route 3 SK (Žilina)-IT (Livorno) – 1163 km

Table 3
Possibilities of regular weekly rest on the route Žilina (SK)-Livorno (IT)

Number	Parking for trucks with accommodation	Country	Accommodation	Accommodation capacity
1.	Gasthof Pichler, Bundesstraße 4, 2840 Grimmenstein	AT	Gasthof Pichler	24 beds
2.	Oldtimer Raststätte, Süd Autobahn, Zöbern	AT	Oldtimer Raststätte	20 rooms (40 beds)
3.	Autohof Ilz, Hainfeld 56, A 8262 Ilz	AT	Welog Rast Ilz	4 rooms
4.	Rasthaus Dokl Hofstätten an der Raab, Hofstätten 113, 8200	AT	Rasthaus Dokl	20 rooms (40 beds)
5.	Raststätte Pack Preitenegg, Süd Autobahn, Preitenegg	AT	Motorhotel Oldtimer	16 rooms (32 beds)
6.	Mochoritsch Griffen-Rast Griffen, Gewerbestraße 11, 9112 Griffen	AT	x	not indicated
7.	Raststätte Völkermarkt, A-9100 Völkermarkt	AT	Hotel Rosenberger Autobahn-Restaurant & Motorhotel	42 rooms (84 beds)
8.	Raststätte Dreiländerecke Süd, Süd Autobahn, Arnoldstein	IT	Raststätte Dreiländerecke Süd	90 beds
9.	Albergo Ristorante da Gigi, Via Fosson,30, Santo Stino di Livenza	IT	Albergo Ristorante da Gigi	29 rooms (56 beds)
10.	Albergo Melograno, Strada Provinciale 20, 40018 San Pietro in Casale BO	IT	x	not indicated
11.	Ristorante da Marisa, Viale del Lago, Barberino di Mugello	IT	Hotel Barberino	78 rooms
12.	Ristorante da Emma, Viale del Lago, Barberino di Mugello	IT	Hotel Barberino	78 rooms
13.	Hotel Barberino, Via del Lago, 17, 50031 Barberino di Mugello Florenz	IT	Hotel Barberino	78 rooms
14.	Firenze Nord, A1 / A11	IT	Hotel The Gate	157 rooms
15.	Ristorante Orcino, Via delle Cerbaie, Altopascio	IT	Hotel Le Cerbaie	64 rooms

Table 4 shows the comparison of the individual routes with regard to the number of truck parks, while on the Žilina-Lyon route there are 8% truck parks with accommodation of the total number of truck parks on the route. The Žilina-Hamburg route there are 10% truck parks and for the Žilina-Livorno route the parks with accommodation facilities represent 13%.

Table 4
Comparison of individual routes with respect to the number of truck parks

Route	Total route	Parking for trucks	Parking for trucks with accommodation
Žilina-Lyon	1449 km	201	16
Žilina-Hamburg	1048 km	145	15
Žilina-Livorno	1163km	113	15

CONCLUSION

With regard to processing analysis of the truck parks that provide driver accommodation, it can be confirmed that truck parks generally do not have motels or hotels near them. Many accommodation facilities are located within a city where freight parking is not allowed, so the drivers would have to get to the nearest accommodation facility somehow. There is also a risk of transported goods if the vehicle is parked in an unsecured truck park. In case the truck parks are not guarded there is a risk of possible damage to the transported goods or theft of not only the goods but also the whole vehicle. When planning a transport, it is also necessary to take into account, in addition to the provision of a suitable truck parks providing accommodation for the driver, the current capacity as some of them have a relatively low number of rooms.

A ban on regular weekly rest in the vehicle can interfere with some important transport routes and may also have an impact on transport companies operating on the West European market and using cabotage and longer periods of time during which the driver operates outside the base of the enterprise.

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