



## Driving times and rest periods – Regulation N° 561/2006 ECFD position paper

The safety of European roads is among the highest priority of the European Confederation of Fuel Distributors members (ECFD). In that respect, Regulation N°561/2006 on the harmonization of certain social legislation relating to road transport<sup>1</sup> plays a major role as it provides professional drivers with the assurance that their daily activities will not be hampered by a dangerous environment nor by degraded working conditions. The benefits of this regulation are not to be considered only through a social perspective. Guaranteeing reasonable driving times as well as regular breaks and rest periods for drivers are essential prerequisites to secure European roads from easily avoidable accidents linked to tiredness and reduced attention span.

Given the impact of the regulation on its members, the ECFD welcomes its ongoing review. It provides an excellent opportunity to improve and adjust the regulation's provisions to particular sectorial needs.

### **SMEs composed sector**

ECFD represents the interests of heating fuels distributors which are mainly small and medium-sized, often family-owned, companies. This means that these enterprises work with only a few employees – highly-trained professional drivers delivering domestic heating oil to their customers.

The heating fuels distribution sector is locally-based, enabling the development of a strong bond of trust between the companies and their local customers. In that respect, deliveries do not entail long-distance deliveries for drivers as the customers are always situated within a limited perimeter. Hence, the ECFD members' drivers do not spend several hours of continuous driving. As a matter of fact, delivering heating fuels to households requires them to stop frequently in order to refill customers' fuel tanks. In that respect, a typical driver's day encompasses between 20 and 25 deliveries, keeping in mind that it takes on average more than 15 minutes to complete a delivery. Fuel distributors spend more time outside the cabin to deliver the energy to the households than behind the wheel of their truck.

### **Delivering a basic commodity**

Drivers are not granted any exemption under the existing regulation. The ECFD considers that due to the particular nature of the activity, the heating fuels distribution sector should benefit from an exception granted at Member State level as foreseen under article 13 (1) of Regulation N°561/2006.

---

<sup>1</sup> Regulation (EC) No 561/2006 of the European Parliament and of the Council of 15 March 2006 on the harmonization 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



The ECFD members' work is to guarantee the supply of a basic commodity to European households. Drivers have to ensure that households will have enough fuel to heat their house – especially during the winter months or during disruptions to the upstream supply lines. Unfortunately, not only is winter the peak demand period, but it is also synonymous of degraded weather conditions, potentially increasing delivery time due to less practicable roads. It is however precisely then that those deliveries should be the quickest, in order to prevent households to be left without heating during the coldest months of the year.

At present, the strict application of the current regulation's provisions prevents drivers from increasing their delivery capacity during peak demand. Even though winter is the busiest season for drivers, they are paradoxically forced to take breaks from their work precisely when customers running out of heating oil expect quick supply. The lack of flexibility in implementation leads to winter deliveries being delayed to satisfy the regulation's obligations, to the detriment of households.

National derogations provided by article 14 of the regulation on the temporary relaxation of drivers do not seem to ECFD an appropriate solution. Indeed, ECFD strongly doubts that winter could be qualified as an "exceptional circumstance" or an "urgent case". Furthermore, interpretation of and recourse to article 14 (2) seems to differ tremendously from one Member State to another according to the Commission's list<sup>2</sup> of temporary relaxation of drivers' hours rules. In any case, this provision only provides an ad hoc, short term solution to particular unforeseen circumstances and is as such not fit to accommodate the heating fuels distribution sector specific needs.

### **ECFD recommendations**

ECFD suggests to the Commission to amend article 13 (1) of the regulation so as to add to the list of possible exceptions vehicles used to deliver domestic heating fuels. Drivers should be granted the possibility to depart from the provisions of article 8 on daily and weekly rest periods when their customers' interests are at stake.

ECFD is convinced that such derogation would not go against the objectives set up in article 1 of the regulation. Since the only means of transportation used to deliver heating fuels and propane are rigid trucks, competition in the road sector cannot possibly be hampered by such exception, especially as it would apply to all heating fuels distribution companies. Moreover, departing from the strict obligations on daily breaks would not be to the detriment of working conditions and road safety. On the contrary, it will enable drivers to complete more deliveries during a period where daylight is reduced, limiting risks related to filling tanks, dragging hoses and driving in the dark. Lastly, monitoring, enforcement practices as well as working practices in the road sector will not be impacted by such exception.

The exception to include in article 13 (1) of Regulation N° 561/2006 would therefore apply:

- To rigid heating fuels delivery tankers operating within 150 km from their base;

---

<sup>2</sup>



- For the period between 1 October and 31 March each year;
- Weekly rest breaks cannot be reduced to less than 24 hours a week;
- The driver's hours will be monitored and reviewed.

#### **About the ECFD**

*The ECFD represents the interests of 10,000 distributors of petroleum products, including domestic heating oil, kerosene, petrol, diesel, gasoil and liquefied petroleum gases (butane, propane, LPG). Its members are essentially family-owned SMEs who supply from the refineries, terminals and their own storage directly to their customers' tanks. Members include the Austrian Association of fuel and petroleum distributors (WKO), the Belgian Federation of Fuel Suppliers (BRAFCO), UNITI, Bundesverband mittelständischer Mineralölunternehmen e.V., the French Fédération Française des Combustibles et Carburants (FF3C), and the UK Federation of Petroleum Suppliers*

For further information and questions, please contact:

Johan Mattart  
ECFD c/o BrafcO (Belgische Federatie der Brandstoffenhandelaars vzw  
Fédération belge des négociants en combustibles et carburants asbl)  
Léon Lepagestraat 4  
1000 Brussel  
Belgie  
Email: [johan.mattart@brafco.be](mailto:johan.mattart@brafco.be)