

Re: Temporary derogation from driving and resting time rules for the drivers of vehicles transporting animal feed and fertiliser due to prolonged wet weather

19th April 2024

The Road Safety Authority (RSA) and the Department of Transport (DoT) have agreed to allow a temporary and urgent derogation in respect of certain provisions of the EU driving and resting time rules. The proposed derogation will apply to all drivers transporting animal feed and fertiliser subject to the EU driver's hours and tachograph rules.

The move is being made because of the extraordinary crisis situation faced by Irish farmers due to prolonged wet weather, disrupting animal feed and fertiliser supply chains, leading to shortages on farms and risks to animal welfare.

Coming into effect: The derogation will apply for a period of 14 days and will run from 22nd April 2024 to 5th May 2024. For this period, the following provisions will be temporarily relaxed as follows:

- Derogation to Article 6(3) of Regulation 561/2006: the fortnightly driving limit is lifted from 90 hours to 100 hours.
- Derogation to Article 8(4) of the Regulation 561/2006: the maximum reduced daily rest periods between any 2 weekly rest periods is lifted from 3 to 4.
- Derogation to Article 8(6) of Regulation 561/2006: the rules relating to weekly rest are being relaxed by allowing drivers to take a reduced weekly rest of at least 24 hours in each consecutive week during the relaxation period. There will be no obligation on a driver to take at least one regular weekly rest period in any 2 consecutive weeks until the derogation expires. Furthermore, there will not be any requirement for compensation where reduced weekly rest is being taken.

While the derogations are proposed for an initial 14 day period to deal exclusively for transport of animal feed and fertiliser, the RSA and the DoT will keep this under review and consider the need for an extension of same on the basis of further engagement with the relevant stakeholders.

While the current situation may impact on driving time, driver safety or other road user's safety must not be compromised. Drivers should not deviate from the rules if it jeopardises road safety nor should



they be expected to drive whilst tired. Employers remain responsible for the health and safety of their employees and other road users.

There is no change to the rules relating to working time.

Notes:

Operator obligations: The RSA wishes to emphasise that HGV operators are required to mitigate the risks of disruption to transport operations and to plan accordingly and ensure compliance with the rules.

Appropriate arrangements must be put in place to record any extra driving time being undertaken by drivers availing of the derogation. Drivers must record on the back of their analogue tachograph charts or digital tachograph printouts (as soon as they finish their daily working period) the reasons and justification why they are exceeding the prescribed limits. Where there is a failure to do so, this will cause delays and issues at inspections. The practical implementation of this temporary relaxation of the rules should be agreed by employers with their drivers.

HGV operators must put in place contingency measures to cater for emergency and urgent situations, and this must be properly documented and retained for inspection. Documentary evidence in support of the reason for taking extra driving should be retained for at least 12 months. Any deviation from the driving and resting time rules must be a last resort. During inspections, the history of the driver and operator overall compliance with the rules will be carefully assessed.

