



## Department for Transport

### **NOTIFICATION - PORT OF CALAIS INDUSTRIAL ACTION: TEMPORARY RELAXATION OF THE ENFORCEMENT OF DRIVERS' HOURS RULES**

In reaction to the current industrial action at the Port of Calais and incidents at the Euro Tunnel terminal and Channel Tunnel, there has been major disruption to cross-Channel commercial vehicle traffic through the Tunnel and to some ferry routes to and from Kent. This has resulted in Operation Stack being invoked on the M20.

The Department for Transport has, pursuant to Article 14(2) of Regulation (EC) No 561/2006, agreed to a temporary and limited, exceptional relaxation of the enforcement of EU drivers' hours rules for the drivers involved in the transport of goods and passengers in Europe whose journeys are affected by this disruption and for drivers of commercial vehicles operated by local operators based in Kent.

**This temporary relaxation applies from 00:01 on Thursday 30th July 2015 and will run for a period of 30 days at the times when Operation Stack is in place. Up to date information on the status of Operation Stack is available from Kent Police and Highways England.**

The temporary relaxation applies only to drivers whose journeys are delayed due to the industrial action or disruption at Calais and who:

- have used a cross channel ferry or Eurotunnel to reach or leave Kent; or
- are waiting within Kent for departure to mainland Europe; or
- are driving a commercial vehicle operated from an operating centre in Kent and whose journey has been disrupted.

This relaxation is not available for other commercial vehicle drivers in Kent and is not available for international journeys that do not pass through Kent.

The Department reserves the right to withdraw or suspend the relaxation earlier if circumstances change. This relaxation is under constant review and may be withdrawn or suspended with less than twenty four hours' notice.

The Department wishes to make clear that driver safety must not be compromised. Drivers should not be expected to drive whilst tired - employers remain responsible for the safety of their employees and other road users.

For the drivers and work in question, the EU drivers' hours rules will be temporarily relaxed as follows:-

- Replacement of the EU daily driving limit of 9 hours with one of 11 hours.
- Reduction of the daily rest requirements from 11 to 9 hours.

The requirement to take a 45 minute break after 4½ hours driving remains and will continue to be rigorously enforced.

The enforcement of EU working time rules has NOT been relaxed for this period.

The practical implementation of the temporary relaxation should be through agreement between employers and employees and/or driver representatives.

The drivers in question must note on the back of their tachograph charts or printouts the reasons why they are exceeding the normally permitted limits. This is usual practice in emergencies and is, of course, essential for enforcement purposes.

In addition, drivers of lorries within the “Operation Stack” queue can use exceptional provision to allow them to move slowly within the queue as required and they cannot claim this as a break or rest.

The temporary relaxation of the rules described above reflects the exceptional circumstances of the industrial action, incidents and the severe delays at the Channel Tunnel and Calais. The Department wishes to emphasise that, as a general rule, we expect business to plan for and manage the risks of disruption to supply chains.

All enquiries regarding interpretation of these temporary arrangements should, in the first instance, be made to the Driver and Vehicle Standards Agency on 0300 1239000 or via email at [enquiries@vosa.gov.uk](mailto:enquiries@vosa.gov.uk)

We will keep these temporary arrangements under review.

**29<sup>th</sup> July 2015**