

CORTE

ENFORCEMENT WORKING GROUP

Charging of electric heavy good vehicles and bus, enforcement of driving and rest times, CORTE enforcement guidelines

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Temporary guidelines for a common enforcement of Regulation (EC) No 561/2006 in relation to the charging of batteries in electric vehicles: how to enforce the time recorded while the battery of an electric heavy goods vehicle or bus was charging

Background

The introduction of battery electric heavy goods vehicles and buses will imply that batteries will need to be charged regularly. Regulation (EC) No 561/2006 does not explicitly foresee how to consider and record time while the battery is charging (given that the technology is new and that these vehicles have not yet been deployed throughout the EU). The question is whether the driver can take a qualified and safe break or rest while the battery is charging. The case is interesting not only from a practical point of view but also because it constitutes one of the very first real case examples of the impact of electrification on EU driving and rest times' rules.

Prerequisite

If a driver of an electric heavy goods vehicle or bus can freely and safely dispose of her/his time while the battery is charging, this would not affect the concepts of break or daily rest periods: in other words, the charging of the battery would have no influence on the driver's break or rest. The prerequisite, in such a case, is that the driver would not need to supervise the charging nor intervene at any moment while the break or rest is being taken.

Recommendation

If charging the battery of an electric heavy goods vehicle or bus requires supervision or involvement of the driver, then this time needs to be recorded as 'other work.' On the contrary, if the driver can freely dispose of her/his time while the battery is charging, then the time taken for the battery to charge has no effect on the breaks or the daily rest of the driver. Any movement of the vehicle from the charging location would be deemed to be an interruption or an end to a break or rest period.

Three elements need to be taken into consideration while this recommendation would be used in practice:

1. The technology is new, has not been introduced fully and is continuously evolving. Stakeholders (enforcers, drivers, companies) have not been exposed to it in real conditions. Hence, these recommendations will have to be reviewed on a regular basis by considering the eventual experience from the field, as well as the state and evolution of the technology and infrastructure deployed for charging batteries of electric heavy goods vehicles and buses across different member states.
2. The recommendations assume that the technology and charging facilities used are such that they do not require drivers to intervene in the charging process and are safe. The recommendations will need to be reviewed if these assumptions are challenged by actual experiences in the field.
3. The question on enforceability remains: i.e., how could an enforcer know whether the charging required the involvement of the driver while the battery was charging in case the time is being recorded as a break or rest? Again, feedback from the field would be needed to ensure that charging (based on the vehicle's technology and charging facilities) does not require the involvement of the driver while the battery is charging.