

**COMMISSION CLARIFICATION 1**

**- National regulations inspired by the European Union rules -**

**Article:** Scope of Regulation (EC) No 561/2006, Articles 1, 2 and 11 of the Regulation

**Issue raised:** German law requires that European Union rules on driving time, breaks and rest periods introduced by Regulation (EC) No 561/2006 should also apply to vehicles heavier than 2.8 tonnes, whereas the threshold established by Article 2.1 (a) of the Regulation concerns vehicles heavier than 3.5 tonnes.

**Clarification:**

The fact that some types of vehicles or transport operations are outside the scope of the Regulation implies that Member States are free to legislate in the domain which is not covered by European rules. If Member States proceed so, nothing prevents them to adopt national rules that are inspired by European Union legislation or is identical with it.

**Comment:** clarification provided by the European Commission services to the Luxembourg authorities (letter of February 1993)

*DISCLAIMER: The present note sets out the Commission services views on implementation and application of certain rules of Regulation (EC) No 561/2006 on the harmonisation of certain social legislation relating to road transport. It should be noted that, in any event, interpretation of Union law is ultimately the role of the European Court of Justice.*