

## Case C-116/92

### Criminal proceedings against Kevin Albert Charlton and Others

(Reference for a preliminary ruling  
from the Manchester Crown Court)

(Road transport — Driving periods and breaks)

Report for the Hearing .....	I - 6756
Opinion of Advocate General Van Gerven delivered on 15 September 1993 .....	I - 6765
Judgment of the Court (Sixth Chamber), 15 December 1993 .....	I - 6777

### Summary of the Judgment

*Transport — Road transport — Social provisions — Prohibition on driving continuously for more than four-and-a-half hours — Calculation of the duration of breaks  
(Council Regulation No 3820/85, Art. 7(1) and (2))*

Article 7(1) and (2) of Regulation No 3820/85 on the harmonization of certain social legislation relating to road transport is to be interpreted as prohibiting drivers to

which it applies from driving continuously for more than four-and-a-half hours. However, where a driver has taken 45 minutes' break, either as a single break or as several breaks of at least 15 minutes during or at the end of a four-and-a-half hour period, the calculation provided for by Article 7(1) of the regulation should begin afresh, without taking into account the driving time

and breaks previously completed by the driver.

The calculation provided for by Article 7(1) of Regulation No 3820/85 begins at the moment when the driver sets in motion the recording equipment provided for by Regulation No 3821/85 and begins driving.

## REPORT FOR THE HEARING in Case C-116/92 \*

### I — Legal background

1. Council Regulation (EEC) No 3820/85 of 20 December 1985 replaces and repeals Council Regulation (EEC) No 543/69 of 29 March 1969 (OJ, English Special Edition 1969 (I), p. 170), which was intended to harmonize the conditions of competition between methods of inland transport, especially with regard to the road sector, and to improve working conditions and road safety. Regulation No 3820/85 safeguards and extends the progress made in those fields but makes the provisions of the previous regulation more flexible without undermining its objectives. In addition, Regulation No 3820/85 provides that, in order to promote social progress or improve road safety, each Member State must retain the right to adopt certain appropriate measures and, in exceptional cases, to derogate temporarily from its provisions. In addition,

the regulation defines a system applicable to international road transport operations to and from non-member countries (in coordination with the European Road Transport Agreement), excluding other systems of transport. The regulation also governs requirements relating to minimum age and vocational training of drivers.

It should also be noted that Regulation No 3820/85 replaces the flexible week by a fixed week (Article 1(4)).

2. As regards driving times, Regulation No 3820/85 lays down a limit on the period of continuous driving and the daily driving period, but extends the latter period by comparison with the previous regulation.

\* Language of the case: English.