

EFTA Surveillance Authority  
Attn. Mr. Per Sanderud, President of the College  
Rue de Belliard 35  
B-1040 Brussels  
Belgium

Reykjavík November 5, 2009  
Reference: SAM08040021/619

On 11 April 2008, Iceland sent an application to the EFTA Surveillance Authority (hereinafter referred to as the 'Authority'), requesting authorisation for four exemptions from Art. 6 – 8 of (EC) Regulation No 561/2006 of the European Parliament and of the Council of 15 March 2006 on the harmonisation of certain social legislation relating to road transport and amending Council Regulations (EEC) No 3821/85 and (EC) No 2135/98 and repealing Council Regulation (EEC) No 3820/85, (hereinafter referred to as 'Regulation No 561/2006'). The application was based on Art. 14(1) of the Regulation.

The Authority and the EFTA working group, assisting the Authority concluded that the requirement of Art. 14(1) of Regulation No 561/2006 was not fulfilled and the request for exemptions should be rejected. The EFTA States unanimously opposed the Authority's decision and the case was sent to the EFTA Standing Committee for a final determination. The request for exemptions was approved by the EFTA Standing Committee.

It was later concluded that the EFTA Standing Committee did not have authority to make a final determination as the Authority's initiation of comitology procedure in the case was erroneous.

Consequently, Iceland re-evaluated its position and decided to withdraw the above mentioned request for exemptions from Regulation No 561/2006 and make a new request to the Authority, as stated in its letter to the Authority, dated 7 September 2009.

After taking into account information gained during the processing of its first application, Iceland hereby applies for the following two exemptions from Regulation No 561/2006 with regard to long haul transport, based on Art. 14(1) of the Regulation, for a period of five years:

*1. Exemption from Art. 6(1) of Regulation No 561/2006, prolonging the extended daily driving time from 10 hours up to 11 hours, five days during a week, on long-distance routes for land transport of perishable foodstuffs, during the period from 1 September until 1 April.*

Iceland applies for exemption from Art. 6(1), allowing an extension of daily driving time by one hour five days during the week on long-distance routes for carriage of perishable foodstuffs.

The following routes in Iceland fall within this category:

Reykjavík - Akureyri 389 km  
Reykjavík – Egilsstaðir 654 km  
Reykjavík – Ísafjörður 456 km  
Reykjavík – Höfn í Hornafirði 458 km  
Reykjavík – Neskaupstaður 715 km

The exemption would only apply for carriage by road of perishable foodstuffs, such as fresh seafood, that need to be transported in the quickest manner possible at a stable temperature, to preserve the products, including for shipment abroad, by air or sea carriers specifically designed for such transport. This transport has to be carried on irrespective of weather to ensure that the seafood, newly harvested, reaches its destination in perfect condition, and to ensure the long-term viability of the seafood industry in outlying regions of Iceland.

Extending the driving time would be without prejudice to Art. 6(3) and thus not affect the total accumulated driving time during any two consecutive weeks, which should not exceed 90 hours. A driver's required rest period according to Regulation No 561/2006 would thus not be affected.

As driving conditions are considerably better during summertime than in wintertime, Iceland applies for authorisation of this exemption for the period of September 1 until April 30 each year.

*2. Exemption from Art. 7 of Regulation No 561/2006, allowing driving time up to five hours without a break, between Reykjavik and Freysnes and between Freysnes and Egilsstaðir.*

On the route between Reykjavík and Freysnes in the South-East, Iceland requests an extension of the driving period, as stipulated in Article 7 of Regulation No 561/2006, from four and a half hours to five hours before the driver is obliged to take a break. The same request is made for the route between Freysnes and Egilsstaðir in East Iceland.

The route between Reykjavík and Egilsstaðir goes through Freysnes, which is a service area located exactly mid-way on the route. As there are currently no facilities with equivalent level of service in the area close to Freysnes, and as the only possibility to make this route in one day is by taking only one rest break on the way, the drivers need to reach Freysnes for their rest break in order to make the route in one day.

The distance from Reykjavík to Freysnes is 327,1 km and the distance between Freysnes and Egilsstaðir is 326.9 km. As the speed limit for trucks exceeding 3,5 tonnes is 80 km pr. hour in Iceland, the drivers are forced to keep maximum speed most of the time in order to reach their destinations for a rest break. As the roads have mostly only one lane in each direction as Annexes II and IV demonstrate, the drivers have to adhere to the speed of other road users, as passing can be extremely dangerous. Granting them an extra half hour during wintertime on these routes would relieve tension and stress and increase road safety. As there are no facilities with equivalent level of service in the area, the drivers want to reach Freysnes for rest break as this makes it possible for them to drive on to Egilsstaðir in one day.

The most hazardous stretch of road between Reykjavík and Freysnes is through Breiðamerkursandur and Skeiðarársandur which are black sand deserts stretching over a large

area which has to be covered before arriving in Freysnes. This area has the highest amount of precipitation in Iceland. Because of its remoteness, it was only in 1974 that this part of Iceland was made accessible by car. As Annex III indicates clearly, sandstorms can be quite severe in this area, especially in wintertime, which can be dangerous to road users and have in many instances damaged automobiles caught in the storms. It is therefore imperative that drivers can reach Freysnes in the shortest time possible for safety reasons.

The route between Freysnes and Egilsstaðir is extremely sparsely populated and has no actual rest areas on the way, except for the town of Höfn in Hornafjörður which is located seven kilometres off the main road. But as there are only 120 km between Freysnes and Höfn, this town is not a practical option as a resting place. In addition it has limited services except in summer. It is therefore important for drivers, for safety reasons, to be able to reach Egilsstaðir, the main town in East Iceland which has an adequate degree of services.

One of the main challenges to implementing the rules on driving time and rest periods for long haul and bus/coach drivers in Iceland is the fact that there are limited facilities with adequate services and opening hours along the main roads in Iceland. The Icelandic Road Administration has now started drawing up a plan for rest areas for long haul/bus/coach drivers that will be part of the four-year structural plan. Given the vast size of the country, it will take some years to build service facilities for long distance drivers in Iceland.

Under good weather conditions, drivers should be able to reach those destinations within existing time limits. But in bad weather, particularly in winter, driving slows down and an extension of the time limits becomes necessary. As indicated in Annex II, the road from Reykjavik to Egilsstaðir is mostly 6 to 7 metres wide. Furthermore, on most stretches there are no or limited hard shoulders for rest stops, as can clearly be seen in pictures in Annex IV. If the drivers are forced to take a rest on the road or by the roadside, they could jeopardize the safety of other road users and themselves.

In Iceland, hazardous weather conditions can occur all year round. If a year round exemption is not possible, Iceland applies for the exemption from Art. 7 of Regulation No 561/2006 to apply for the period 1 September to 30 April each year, when weather conditions can be at their worst.

As already indicated, authorisation for the above two exemptions are requested for a period of five years. As the road system in Iceland is under constant improvement, the exemptions might not be relevant in five years time.

One of the main reasons for the application for these minor exemptions from Regulation No 561/2006 is to ensure that the inland transport market in Iceland can function smoothly and that the inhabitants of the thinly populated areas of Iceland can still be connected to the metropolitan area with adequate transportation activities. It should be emphasised that land transport is the only means of transport to these areas in Iceland.

With reference to the above it is held that all preconditions of Article 14(1) are met and that granting authorisation for exemptions applied for will not compromise the objectives of Art. 1 of Regulation No 561/2006. For further arguments in support of the above exemptions, kindly refer to Annex 1 to this letter, dated 5 November 2009.

These requests for exemptions under Article 14 of Regulation No 561/2006 are made with a

view to addressing the occurrence of exceptional conditions due to the exceptional nature of Icelandic geography, meteorological conditions, population density and road infrastructure. It is the strong contention of the Icelandic authorities that these exemptions in no way prejudice the objectives of Article 1 of the Regulation, and, as regards working conditions and road safety, reinforce them.

The requests are submitted to the Authority in the hope that they will be looked favourably upon, given the readiness of Iceland hitherto to fully cooperate with the Authority on this very important matter that directly affects the inhabitants in the remote areas of Iceland and all interested parties in land transport as well.

On behalf of the Minister

Ragnhildur Hjaltadóttir

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