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► **B** ► **M4** **DIRECTIVE 2006/22/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**  
**of 15 March 2006**

**on minimum conditions for the implementation of Regulations (EC) No 561/2006 and (EU) No 165/2014 and Directive 2002/15/EC as regards social legislation relating to road transport activities, and repealing Council Directive 88/599/EEC ◀**

(Text with EEA relevance)

(OJ L 102, 11.4.2006, p. 35)

Amended by:

		Official Journal		
		No	page	date
► <b>M1</b>	Commission Directive 2009/4/EC of 23 January 2009	L 21	39	24.1.2009
► <b>M2</b>	Commission Directive 2009/5/EC of 30 January 2009	L 29	45	31.1.2009
► <b>M3</b>	Commission Regulation (EU) 2016/403 of 18 March 2016	L 74	8	19.3.2016
► <b>M4</b>	Directive (EU) 2020/1057 of the European Parliament and of the Council of 15 July 2020	L 249	49	31.7.2020
► <b>M5</b>	Commission Delegated Directive (EU) 2024/846 of 14 March 2024	L 846	1	31.5.2024

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- **C1** Corrigendum, OJ L 256, 29.9.2009, p. 38 (2009/5/EC)

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**DIRECTIVE 2006/22/EC OF THE EUROPEAN PARLIAMENT  
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*Article 1*

**Subject matter**

This Directive lays down minimum conditions for the implementation of Regulations (EC) No 561/2006 <sup>(1)</sup> and (EU) No 165/2014 <sup>(2)</sup> of the European Parliament and of the Council and Directive 2002/15/EC of the European Parliament and of the Council <sup>(3)</sup>.

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*Article 2*

**Checking systems**

1. Member States shall organise a system of appropriate and regular checks on correct and consistent implementation, as referred to in Article 1, both at the roadside and at premises of undertakings of all transport categories.

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These checks shall cover each year a large and representative cross-section of mobile workers, drivers, undertakings and vehicles falling within the scope of Regulations (EC) No 561/2006 and (EU) No 165/2014 and of mobile workers and drivers falling within the scope of Directive 2002/15/EC. Roadside checks on compliance with Directive 2002/15/EC shall be limited to aspects that can be checked efficiently through the tachograph and related recording equipment. A comprehensive check on compliance with Directive 2002/15/EC may only be carried out at the premises.

<sup>(1)</sup> Regulation (EC) 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 (OJ L 102, 11.4.2006, p. 1).

<sup>(2)</sup> Regulation (EU) No 165/2014 of the European Parliament and of the Council of 4 February 2014 on tachographs in road transport, repealing Council Regulation (EEC) No 3821/85 on recording equipment in road transport and amending Regulation (EC) No 561/2006 of the European Parliament and of the Council on the harmonisation of certain social legislation relating to road transport (OJ L 60, 28.2.2014, p. 1).

<sup>(3)</sup> Directive 2002/15/EC of the European Parliament and of the Council of 11 March 2002 on the organisation of the working time of persons performing mobile road transport activities (OJ L 80, 23.3.2002, p. 35).

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Member States shall ensure that a coherent national enforcement strategy is applied on their territory. For this purpose, Member States may designate a body for the coordination of actions taken under Articles 4 and 6, in which case the Commission and the other Member States shall be informed thereof.

2. In so far as this is not already the case, Member States shall, not later than 1 May 2007, provide authorised inspecting officers with appropriate legal powers to enable them correctly to discharge their inspection obligations as required by this Directive.

3. ►**M4** Each Member State shall organise checks in such a way that at least 3 % of days worked by drivers of vehicles falling within the scope of Regulations (EC) No 561/2006 and (EU) No 165/2014 are checked. During the roadside check, the driver shall be allowed to contact the head office, the transport manager or any other person or entity in order to provide, before the end of the roadside check, any evidence which is found to be missing on board; this is without prejudice to the driver's obligation to ensure the proper use of tachograph equipment.

From 1 January 2012 the Commission may, by means of an implementing act, increase the minimum percentage to 4 %, provided that the statistics collected pursuant to Article 3 show that, on average, more than 90 % of all vehicles checked are equipped with a digital tachograph. In making its decision, the Commission shall also take into account the effectiveness of existing enforcement measures, in particular the availability of digital tachograph data at the premises of undertakings. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 12(2). ◀

Not less than 15 % of the total number of the working days checked shall be checked at the roadside and not less than 30 % at the premises of undertakings. From 1 January 2008 not less than 30 % of the total number of the working days checked shall be checked at the roadside and not less than 50 % shall be checked at the premises of undertakings.

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3a. Each Member State shall organise checks on compliance with Directive 2002/15/EC, taking into account the risk rating system provided for in Article 9 of this Directive. Those checks shall be targeted at an undertaking if one or more of its drivers have been continuously or seriously infringing Regulation (EC) No 561/2006 or (EU) No 165/2014.

4. The information submitted to the Commission in accordance with Article 17 of Regulation (EC) No 561/2006 and Article 13 of Directive 2002/15/EC shall include the number of drivers checked at the roadside, the number of checks at the premises of undertakings, the number of working days checked and the number and type of infringements reported, and shall indicate whether passengers or goods were transported.

**▼ B***Article 3***Statistics**

Member States shall ensure that statistics collected from the checks organised in accordance with Article 2(1) and (3) are broken down into the following categories:

- (a) for roadside checks:
  - (i) type of road, namely whether it is a motorway, a national or a secondary road, and country of registration of the vehicle inspected, in order to avoid discrimination;
  - (ii) type of tachograph: analogue or digital;
- (b) for checks at the premises:
  - (i) type of transport activity, namely whether the activity is international or domestic, passenger or freight, own account or for hire or reward;
  - (ii) size of company fleet;
  - (iii) type of tachograph: analogue or digital.

These statistics shall be submitted biennially to the Commission and shall be published in a report.

The competent authorities in the Member States shall keep a record of the data collected for the previous year.

Undertakings responsible for drivers shall keep, for a period of one year, the documents, records of results and other relevant data passed to them by the enforcement authorities concerning checks carried out on them at their premises and/or on their drivers at the roadside.

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The Commission shall, if required, further clarify, by means of implementing acts, the definitions of the categories mentioned under points (a) and (b) of the first paragraph. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 12(2).

**▼ B***Article 4***Roadside checks**

1. Roadside checks shall be organised in various places and at any time and shall cover a sufficiently extensive part of the road network to make it difficult to avoid checkpoints.
2. Member States shall ensure that:
  - (a) sufficient provision is made for checkpoints on or nearby existing and planned roads and, if necessary, that service stations and other safe locations along motorways can function as checkpoints;

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- (b) checks are carried out following a random rotation system, with an appropriate geographical balance.
3. The points to be verified at roadside checks are set out in Part A of Annex I. Checks may focus on a specific point if the situation so requires.
4. Without prejudice to Article 9(2), roadside checks shall be carried out without discrimination. In particular, enforcement officers shall not discriminate on any of the following grounds:
- (a) country of registration of vehicle;
  - (b) country of residence of driver;
  - (c) country of establishment of undertaking;
  - (d) origin and destination of journey;
  - (e) type of tachograph: analogue or digital.
5. Enforcement officers shall be provided with:
- (a) a list of the principal points to be checked, as set out in Part A of Annex I;
  - (b) standard checking equipment, as set out in Annex II.
6. If, in a Member State, the findings of a roadside check on the driver of a vehicle registered in another Member State afford grounds for believing that infringements have been committed which cannot be established during the check owing to a lack of necessary data, the competent authorities of the Member States concerned shall assist each other in clarifying the situation.

**▼M4***Article 5***Concerted checks**

Member States shall, at least six times per year, carry out concerted roadside checks on drivers and vehicles falling within the scope of Regulation (EC) No 561/2006 or (EU) No 165/2014. Member States shall, in addition, endeavour to organise concerted checks at premises of undertakings.

Such concerted checks shall be carried out at the same time by the enforcement authorities of two or more Member States, each operating in its own territory.

**▼B***Article 6***Checks at the premises of undertakings****▼M4**

1. Checks at premises shall be planned in the light of past experience in relation to the various types of transport and undertakings. They shall also be carried out if serious infringements of Regulation (EC) No 561/2006 or (EU) No 165/2014 or Directive 2002/15/EC have been detected at the roadside.

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2. Checks at premises shall cover the points listed in Part A and Part B of Annex I.
3. Enforcement officers shall be provided with:
  - (a) a list of the principal points to be checked, as set out in Parts A and B of Annex I;
  - (b) standard checking equipment, as set out in Annex II.
4. Enforcement officers in a Member State shall, in the course of the check take into account any information provided by the designated liaison body of another Member State, as referred to in Article 7(1), concerning the activities of the undertaking in question in that other Member State.
5. For the purposes of paragraphs 1 to 4, checks carried out at the premises of the competent authorities, on the basis of relevant documents or data handed over by undertakings at the request of the said authorities, shall have the same status as checks carried out at the premises of undertakings.

*Article 7***Intracommunity liaison**

1. Member States shall designate a body which shall have the following tasks:
  - (a) to ensure coordination with equivalent bodies in the other Member States concerned as regards actions taken under Article 5;

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- (b) to forward the biennial statistical returns to the Commission under Article 17 of Regulation (EC) No 561/2006;

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- (c) to be primarily responsible for assisting the competent authorities of other Member States pursuant to Article 4(6);

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- (d) to ensure exchange of information with the other Member States pursuant to Article 8 of this Directive with regard to the application of national provisions transposing this Directive and Directive 2002/15/EC.

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The body shall be represented on the Committee referred to in Article 12(1).

2. Member States shall notify the Commission of the designation of this body and the Commission shall advise the other Member States accordingly.

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3. The exchange of data, of experience and of intelligence between Member States shall be actively promoted, primarily, but not exclusively through the Committee referred to in Article 12(1) and any such body as the Commission may designate by way of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 12(2).

▼ **M4***Article 8***Exchange of information**

1. Information made available bilaterally under Article 22(3) of Regulation (EC) No 561/2006 shall also be exchanged between the designated bodies notified to the Commission in accordance with Article 7 of this Directive:

- (a) at least once every six months after the entry into force of this Directive;
- (b) upon reasoned request by a Member State in individual cases.

2. A Member State shall provide the information requested by another Member State pursuant to point (b) of paragraph 1 within 25 working days from the receipt of the request. A shorter time limit may be mutually agreed between the Member States. In urgent cases or in cases requiring only a simple consultation of registers, such as registers of a risk rating system, the requested information shall be provided within three working days.

Where the requested Member State considers that the request is insufficiently reasoned, it shall inform the requesting Member State accordingly, within 10 working days from the receipt of the request. The requesting Member State shall further substantiate the request. Where the requesting Member State is unable to further substantiate the request, the requested Member State may reject the request.

Where it is difficult or impossible to comply with a request for information or to carry out checks, inspections or investigations, the requested Member State shall inform the requesting Member State accordingly within 10 working days from the receipt of the request and provide reasons to duly justify that difficulty or impossibility. The Member States concerned shall discuss with one another with a view to finding a solution.

In the event of persistent delays in the provision of information to the Member State to whose territory the worker is posted, the Commission shall be informed and shall take appropriate measures.

3. The exchange of information provided for in this Article shall be implemented through the Internal Market Information System ('IMI'), established by Regulation (EU) No 1024/2012 of the European Parliament and of the Council <sup>(1)</sup>. This does not apply to information which Member States exchange through direct consultation of national electronic registers referred to in Article 16(5) of Regulation (EC) No 1071/2009 of the European Parliament and of the Council <sup>(2)</sup>.

<sup>(1)</sup> Regulation (EU) No 1024/2012 of the European Parliament and of the Council of 25 October 2012 on administrative cooperation through the Internal Market Information System and repealing Commission Decision 2008/49/EC ('the IMI Regulation') (OJ L 316, 14.11.2012, p. 1).

<sup>(2)</sup> Regulation (EC) No 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator and repealing Council Directive 96/26/EC (OJ L 300, 14.11.2009, p. 51).

**▼B***Article 9***Risk rating system****▼M4**

1. Member States shall introduce a risk rating system for undertakings based on the relative number and gravity of any infringement of Regulation (EC) No 561/2006 or of Regulation (EU) No 165/2014 or of national provisions transposing Directive 2002/15/EC that an individual undertaking has committed.

By 2 June 2021 the Commission shall, by means of implementing acts, establish a common formula for calculating the risk rating of an undertaking. That common formula shall take into account the number, gravity and frequency of occurrence of infringements and the results of controls where no infringement has been detected, as well as whether a road transport undertaking has been using the smart tachograph, pursuant to Chapter II of Regulation (EU) No 165/2014, on all its vehicles. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 12(2) of this Directive.

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2. Undertakings with a high risk rating shall be checked more closely and more often. ►**M4** ————— ◀

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3. An initial list of infringements of Regulation (EC) No 561/2006 and Regulation (EU) No 165/2014 and their weighting of gravity is set out in Annex III.

With a view to establishing or updating the weighting of gravity of infringements of Regulation (EC) No 561/2006 or (EU) No 165/2014, the Commission is empowered to adopt delegated acts in accordance with Article 15a of this Directive to amend Annex III to take account of regulatory developments and road safety considerations.

The category for the most serious infringements should include those in which failure to comply with the relevant provisions of Regulations (EC) No 561/2006 and (EU) No 165/2014 creates a serious risk of death or serious personal injury.

4. In order to facilitate targeted roadside checks, the data contained in the national risk rating system shall be accessible to all the competent control authorities of the Member State concerned at the time of control.

5. Member States shall make the information contained in their national risk rating system directly accessible through interoperable national electronic registers as referred to in Article 16 of Regulation (EC) No 1071/2009 to competent authorities of other Member States in accordance with Article 16(2) of that Regulation.

**▼B***Article 10***Report**

By 1 May 2009 the Commission shall submit to the European Parliament and to the Council a report analysing the penalties for serious infringements provided for in the legislation of the Member States.



**▼ B***Article 11***Best practice****▼ M4**

1. The Commission shall, by means of implementing acts, establish guidelines on best enforcement practice. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 12(2).

Those guidelines shall be published in a biennial report of the Commission.

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2. Member States shall establish joint training programmes on best practice to be held at least once per year and shall facilitate exchanges, at least once per year, of staff of their respective bodies for intracommunity liaison with their counterparts in other Member States.

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3. The Commission shall, by means of implementing acts, establish a common approach to the recording and controlling of periods of other work, as defined in point (e) of Article 4 of Regulation (EC) No 561/2006, including the form of the recording and specific cases in which it is to take place, and to the recording and controlling of periods of at least one week during which a driver is away from the vehicle and is unable to carry out any activities with that vehicle. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 12(2) of this Directive.

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4. Member States shall ensure that enforcement officers are well trained for the execution of their tasks.

**▼ M4***Article 12***Committee procedure**

1. The Commission shall be assisted by the Committee established by Article 42(1) of Regulation (EU) No 165/2014. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011 of the European Parliament and of the Council <sup>(1)</sup>.

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

Where the committee delivers no opinion, the Commission shall not adopt the draft implementing act and the third subparagraph of Article 5(4) of Regulation (EU) No 182/2011 shall apply.

<sup>(1)</sup> Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

**▼M4***Article 13***Implementing measures**

At the request of a Member State or on its own initiative the Commission shall adopt implementing acts in particular with one of the following aims:

- (a) to promote a common approach to the implementation of this Directive;
- (b) to encourage a coherence of approach between enforcement authorities and a harmonised interpretation of Regulation (EC) No 561/2006 between enforcement authorities;
- (c) to facilitate dialogue between the transport sector and enforcement authorities.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 12(2) of this Directive.

*Article 14***Negotiations with third countries**

Once this Directive has entered into force, the Union shall begin negotiations with the relevant third countries with a view to the application of rules equivalent to those laid down in this Directive.

Pending the conclusion of these negotiations, Member States shall include data on checks carried out on vehicles from third countries in their returns to the Commission as set out in Article 17 of Regulation (EC) No 561/2006.

*Article 15***Updating of the Annexes**

The Commission is empowered to adopt delegated acts in accordance with Article 15a to amend Annexes I and II to introduce necessary adaptations to reflect developments in best practice.

*Article 15a***Exercise of the delegation**

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The power to adopt delegated acts referred to in Article 9(3) and Article 15 shall be conferred on the Commission for a period of five years from 1 August 2020. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the 5-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

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3. The delegation of power referred to in Article 9(3) and Article 15 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making <sup>(1)</sup>.
5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
6. A delegated act adopted pursuant to Article 9(3) and Article 15 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

**▼B***Article 16***Transposition**

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 1 April 2007. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

When Member States adopt these measures, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field governed by this Directive.

*Article 17***Repeal**

1. Directive 88/599/EEC is hereby repealed.
2. References made to the repealed Directive shall be construed as being made to this Directive.

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<sup>(1)</sup> OJ L 123, 12.5.2016, p. 1.

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*Article 18*

**Entry into force**

This Directive shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

*Article 19*

**Addressees**

This Directive is addressed to the Member States.

**▼ B***ANNEX I*

## PART A

**ROADSIDE CHECKS**

The following points shall, in general, be covered by roadside checks:

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- (1) daily and weekly driving times, breaks and daily and weekly rest periods; also the preceding days' record sheets which have to be carried on board the vehicle in accordance with Article 36(1) and (2) of Regulation (EU) No 165/2014 and/or the data stored for the same period on the driver card and/or in the memory of the recording equipment in accordance with Annex II to this Directive and/or on printouts;
- (2) for the period referred to in Article 36 paragraphs (1) and (2) of Regulation (EU) No 165/2014, any cases where the vehicle's authorised speed is exceeded, to be defined as being any periods of more than one minute during which the vehicle's speed exceeds 90 km/h for category N<sub>3</sub> vehicles or 105 km/h for category M<sub>3</sub> vehicles (categories N<sub>3</sub> and M<sub>3</sub> as defined in Directive 2007/46/EC of the European Parliament and of the Council <sup>(1)</sup>);

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- (3) where appropriate, momentary speeds attained by the vehicle as recorded by the recording equipment in no more than the previous 24 hours' use of the vehicle;

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- (4) the correct functioning of the recording equipment (determination of possible misuse of the equipment and/or the driver card and/or record sheets) or, where appropriate, presence of the documents referred to in Article 16(2) of Regulation (EC) No 561/2006;

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- (5) where appropriate, and with due regard to safety considerations, a verification of the recording equipment installed in vehicles in order to detect the installation and/or the use of any device, or devices, intended to destroy, suppress, manipulate or alter any data, or which is intended to interfere with any part of the electronic data exchange between the component parts of recording equipment, or which inhibits or alters the data in such ways prior to encryption;

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- (6) extended maximum weekly working times of 60 hours as set out in Article 4 point (a) of Directive 2002/15/EC; other weekly working times as set out in Articles 4 and 5 of Directive 2002/15/EC only where technology enables effective checks to be carried out.

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## PART B

**CHECKS AT THE PREMISES OF UNDERTAKINGS**

The following points shall be checked at the premises of undertakings, in addition to those set out in Part A:

<sup>(1)</sup> Directive 2007/46/EC of the European Parliament and of the Council of 5 September 2007 establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles (Framework Directive) (OJ L 263, 9.10.2007, p. 1).

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- (1) weekly rest periods and driving times between these rest periods;
- (2) observance of the two-weekly limitation of driving times;
- (3) record sheets, vehicle unit and driver card data and printouts;

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- (4) compliance with maximum average weekly working times, breaks and night work requirements set out in Articles 4, 5 and 7 of Directive 2002/15/EC;
- (5) observance of the obligations of undertakings as regards the payment for drivers' accommodation and the organisation of the work of drivers, in accordance with Article 8(8) and (8a) of Regulation (EC) No 561/2006.

Member States may, if appropriate, check on the joint liability of other instigators or accessories in the transport chain, such as shippers, freight forwarders or contractors, if an infringement is detected, including verification that contracts for the provision of transport permit compliance with Regulations (EC) No 561/2006 and (EU) No 165/2014.

**▼ B***ANNEX II***Standard equipment to be available to enforcement units**

Member States shall ensure that the following standard equipment is available to enforcement units carrying out the duties set out in Annex I:

- (1) equipment capable of downloading data from the vehicle unit and driver card of the digital tachograph, reading data, and analysing data and/or transmitting findings to a central database for analysis;
- (2) equipment to check the tachograph sheets;

**▼ M1**

- (3) specific analysis equipment, with appropriate software, to verify and confirm the digital signature attached to data, as well as specific analysis software to provide a detailed speed profile of vehicles prior to the inspection of their recording equipment.

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## ANNEX III

1. Groups of infringements against Regulation of the European Parliament and of the Council (EC) No 561/2006 <sup>(1)</sup> (Driving and resting time)

No	EU LEGAL BASIS	TYPE OF INFRINGEMENT	LEVEL OF SERIOUSNESS				
			MSI	VSI	SI	MI	
<b>A</b>	<b>Crew</b>						
A1	Article 5.1	Not respecting minimum ages for conductors			X		
<b>B</b>	<b>Driving periods</b>						
B1	Article 6.1	Exceed daily driving time of 9h if possibilities to extend to 10h not allowed	9h < ... < 10h			X	
B2			10h ≤ ... < 11h		X		
B3			11h ≤ ...		X		
B4		Exceed daily driving time of 9h by 50 % or more	13h30 ≤ ...	X			
B5		Exceed extended daily driving time of 10h if extension allowed	10h < ... < 11h			X	
B6			11h ≤ ... < 12h		X		
B7			12h ≤ ...		X		
B8			Exceed daily driving time of 10h by 50 % or more	15h ≤ ...	X		
B9		Article 6.2	Exceed weekly driving time	56h < ... < 60h			X
B10				60h ≤ ... < 65h		X	
B11				65h ≤ ... < 70h		X	
B12				Exceed weekly driving time by 25 % or more	70h ≤ ...	X	

<sup>(1)</sup> Regulation (EC) 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 (OJ L 102, 11.4.2006, p. 1).



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No	EU LEGAL BASIS	TYPE OF INFRINGEMENT	LEVEL OF SERIOUSNESS				
			MSI	VSI	SI	MI	
B13	Article 6.3	Exceed maximum total driving time during 2 consecutive weeks	90h < ... < 100h				X
B14			100h ≤ ... < 105h			X	
B15			105h ≤ ... < 112h30		X		
B16		Exceed maximum total driving time during 2 consecutive weeks by 25 % or more	112h30 ≤ ...	X			
<b>C</b>	<b>Breaks</b>						
C1	Article 7	Exceed uninterrupted driving time of 4,5 hours before taking the break	4h30 < ... < 5h				X
C2			5h ≤ ... < 6h			X	
C3			6h ≤ ...		X		
<b>D</b>	<b>Rest Periods</b>						
D1	Article 8.2	Insufficient daily rest period of less than 11h if reduced daily rest period not allowed	10h ≤ ... < 11h				X
D2			8h30 ≤ ... < 10h			X	
D3			... < 8h30		X		
D4		Insufficient reduced daily rest period of less than 9h if reduce allowed	8h ≤ ... < 9h				X
D5			7h ≤ ... < 8h			X	
D6			... < 7h		X		
D7		Insufficient split daily rest period of less than 3h + 9h	3h + [8h ≤ ... < 9h]				X
D8			3h + [7h ≤ ... < 8h]			X	
D9			3h + [... < 7h]		X		
D10	Article 8.5	Insufficient daily rest period of less than 9h for multi-manning	8h ≤ ... < 9h				X
D11			7h ≤ ... < 8h			X	
D12			... < 7h		X		

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No	EU LEGAL BASIS	TYPE OF INFRINGEMENT		LEVEL OF SERIOUSNESS			
				MSI	VSI	SI	MI
D13	Article 8.6	Insufficient reduced weekly resting period of less than 24 h	$22h \leq \dots < 24h$				X
D14			$20h \leq \dots < 22h$			X	
D15			$\dots < 20h$		X		
D16		Insufficient weekly resting period of less than 45 h if reduced weekly resting period not allowed	$42h \leq \dots < 45h$				X
D17			$36h \leq \dots < 42h$			X	
D18			$\dots < 36h$		X		
D19	Article 8.6	Exceeding 6 consecutive 24-hour periods following the previous weekly rest period	$\dots < 3h$				X
D20			$3h \leq \dots < 12h$			X	
D21			$12h \leq \dots$		X		
D22	Article 8.6b	No compensation for two consecutive reduced weekly rest periods			X		
D23	Article 8.8	Regular weekly rest period or any weekly rest period of more than 45 hours taken in a vehicle			X		
D24	Article 8.8	The employer not covering any costs for accommodation outside the vehicle				X	
E	<b>12-day rule derogation</b>						
E1	Article 8.6a.	Exceeding 12 consecutive 24-hour periods following a previous regular weekly rest	$\dots < 3h$				X
E2			$3h \leq \dots < 12h$			X	
E3			$12h \leq \dots$		X		
E4	Article 8.6a. (b) (ii)	Weekly rest period taken following 12 consecutive 24-hour periods	$67h < \dots < 69h$				X
E5			$65h < \dots \leq 67h$			X	
E6			$\dots \leq 65h$		X		
E7	Article 8.6a. (d)	Driving period, between 22:00 and 6:00, of more than 3 hours before the break, if the vehicle is not multi-manned	$3h < \dots < 4,5 h$			X	
E8			$4,5 h \leq \dots$		X		

## ▼ M5

No	EU LEGAL BASIS	TYPE OF INFRINGEMENT	LEVEL OF SERIOUSNESS			
			MSI	VSI	SI	MI
<b>F</b>	<b>Work organisation</b>					
F1	Article 8.8a	Transport undertaking not organising the work of drivers in such a way that the drivers are able to return to the employer's operational centre, or to return to the drivers' place of residence		X		
F2	Article. 10.1	Link between wage/payment and distance travelled, speed of delivery and/or amount of goods carried		X		
F3	Article. 10.2	No or improper organisation of driver's work, no or improper instructions given to driver enabling him to comply with the law		X		

**2. Groups of infringements against Regulation (EU) No 165/2014 of the European Parliament and of the Council <sup>(1)</sup> (Tachograph)**

No	LEGAL BASIS	TYPE OF INFRINGEMENT	LEVEL OF SERIOUSNESS		
			MSI	VSI	SI
<b>G</b>	<b>Installation of tachograph</b>				
G1	Articles 3(1), (4), (4a) and Article 22	Not having type-approved tachograph installed and used	X		
<b>H</b>	<b>Use of tachograph, driver card or record sheet</b>				
H1.	Article 23(1)	Using a tachograph not inspected by an approved workshop		X	
H2.	Article 27	Driver holding and/or using more than one own driver card		X	
H3		Driving with a driver card that has been falsified ( <i>considered as driving without driver card</i> )	X		
H4.		Driving with a driver card of which the driver is not the holder ( <i>considered as driving without driver card</i> )	X		
H5.		Driving with a driver card which has been obtained on the basis of false declarations and/or forged documents ( <i>considered as driving without driver card</i> )	X		

<sup>(1)</sup> Regulation (EU) No 165/2014 of the European Parliament and of the Council of 4 February 2014 on tachographs in road transport, repealing Council Regulation (EEC) No 3821/85 on recording equipment in road transport and amending Regulation (EC) No 561/2006 of the European Parliament and of the Council on the harmonisation of certain social legislation relating to road transport (OJ L 60, 28.2.2014, p. 1).

## ▼ M5

No	LEGAL BASIS	TYPE OF INFRINGEMENT	LEVEL OF SERIOUSNESS		
			MSI	VSI	SI
H6	Article 32(1)	Tachograph not correctly functioning ( <i>e.g.: tachograph not properly inspected, calibrated and sealed</i> )		X	
H7	Article 32(1) and Article 33(1)	Tachograph improperly used ( <i>e.g.: deliberate, voluntary or imposed misuse, lack of instructions on correct use, etc.</i> )		X	
H8.	Article 32(3)	Having in the vehicle and/or using a fraudulent device able to modify the records of the tachograph	X		
H9		Falsifying, concealing, suppressing or destroying data recorded on the record sheets or stored and downloaded from the tachograph and/or the driver card	X		
H10	Article 33(2)	Undertaking not keeping record sheets, printouts and downloaded data		X	
H11		Recorded and stored data not available for at least a year		X	
H12	Article 34(1)	Incorrect use of record sheets/driver card		X	
H13		Unauthorised withdrawal of record sheets or driver card which has an impact on the record of relevant data		X	
H14		Record sheet or driver card used to cover a period longer than that for which it is intended and data is lost		X	
H15.	Article 34(2)	Use dirty or damaged record sheets or driver card and data not legible		X	
H16	Article 34(3)	Not using manual input when required to do so		X	
H17.	Article 34(4)	Not using correct record sheet or driver card not in the correct slot (multi-manning)			X
H18	Article 34(5)	Incorrect use of switch mechanism		X	
<b>I</b>	<b>Producing information</b>				
I1.	Article 34(5), point (b)(v)	Incorrect use or non-use of the ferry/train sign			X
I2	Article 34(6)	Required information not entered on the record sheet		X	

▼ **M5**

No	LEGAL BASIS	TYPE OF INFRINGEMENT	LEVEL OF SERIOUSNESS		
			MSI	VSI	SI
I3.	Article 34(7)	Records not showing the symbols of the countries whose borders were crossed by the driver during the daily working period			X
I4	Article 34(7)	Records not showing the symbols of the countries where the driver's daily working period started and finished			X
I5.	Article 36	Refusing to be checked		X	
I6	Article 36	Unable to produce manual records and printouts made during the current day and the previous 28 days (until 30 December 2024) Unable to produce manual records and printouts made during the current day and the previous 56 days (as of 31 December 2024)		X	
I7	Article 36	Unable to produce a driver card, if the driver holds one		X	
<b>J</b>	<b>Malfunctioning</b>				
J1.	Article 37(1) and Article 22(1)	Tachograph not repaired by an approved fitter or workshop		X	
J2	Article 37(2)	Driver not marking all required information for the periods of time, which are no longer recorded while tachograph is unserviceable or malfunctioning		X	