

Is áis doiciméadúcháin amháin an téacs seo agus níl aon éifeacht dhlíthiúil aige. Ní ghabhann institiúidí an Aontais aon dliteanas orthu féin i leith inneachar an téacs. Is iad na leaganacha de na gníomhartha a foilsíodh in Iris Oifigiúil an Aontais Eorpaigh agus atá ar fáil ar an suíomh gréasáin EUR-Lex na leaganacha barántúla de na gníomhartha ábhartha, brollach an téacs san áireamh. Is féidir teacht ar na téacsanna oifigiúla sin ach na naisc atá leabaithe sa doiciméad seo a bhrú

► **B** 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

(Text with EEA relevance)

(IO L 102, 11.4.2006, lch. 1)

Arna leasú le:

		Iris Oifigiúil		
		Uimh	Leathanach	Dáta
► <b><u>M1</u></b>	Rialachán (CE) Uimh. 1073/2009 ó Pharlaimint na hEorpa agus ón gComhairle an 21 Deireadh Fómhair 2009	L 300	88	14.11.2009
► <b><u>M2</u></b>	Rialachán (AE) Uimh. 165/2014 ó Pharlaimint na hEorpa agus ón gComhairle an 4 Feabhra 2014	L 60	1	28.2.2014
► <b><u>M3</u></b>	Rialachán (AE) 2020/1054 ó Pharlaimint na hEorpa agus ón gComhairle an 15 Iúil 2020	L 249	1	31.7.2020

Arna cheartú le:

► **C1** Ceartúchán, IO L 195, 20.7.2016, lch. 83 (561/2006)

**▼B****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****(Text with EEA relevance)****CHAPTER I****INTRODUCTORY PROVISIONS***Article 1*

This Regulation lays down rules on driving times, breaks and rest periods for drivers engaged in the carriage of goods and passengers by road in order to harmonise the conditions of competition between modes of inland transport, especially with regard to the road sector, and to improve working conditions and road safety. This Regulation also aims to promote improved monitoring and enforcement practices by Member States and improved working practices in the road transport industry.

*Article 2*

1. This Regulation shall apply to the carriage by road:
  - (a) of goods where the maximum permissible mass of the vehicle, including any trailer, or semi-trailer, exceeds 3,5 tonnes,

**▼M3**

- (aa) ón 1 Iúil 2026, maidir le hiompar earraí de bhóthar in oibríochtaí iompair idirnáisiúnta nó in oibríochtaí cabatáiste, i gcás inar mó ná 2,5 tona an uasmhais incheadaithe don fheithicil, lena n-áirítear aon leantóir, nó leath-leantóir, nó

**▼B**

- (b) of passengers by vehicles which are constructed or permanently adapted for carrying more than nine persons including the driver, and are intended for that purpose.
2. This Regulation shall apply, irrespective of the country of registration of the vehicle, to carriage by road undertaken:
  - (a) exclusively within the Community; or
  - (b) between the Community, Switzerland and the countries party to the Agreement on the European Economic Area.
3. The AETR shall apply, instead of this Regulation, to international road transport operations undertaken in part outside the areas mentioned in paragraph 2, to:
  - (a) vehicles registered in the Community or in countries which are contracting parties to the AETR, for the whole journey;
  - (b) vehicles registered in a third country which is not a contracting party to the AETR, only for the part of the journey on the territory of the Community or of countries which are contracting parties to the AETR.

**▼B**

The provisions of the AETR should be aligned with those of this Regulation, so that the main provisions in this Regulation apply, through the AETR, to such vehicles for any part of the journey made within the Community.

*Article 3*

This Regulation shall not apply to carriage by road by:

- (a) vehicles used for the carriage of passengers on regular services where the route covered by the service in question does not exceed 50 kilometres;

**▼M3**

- (aa) feithiclí nó cónaisc feithiclí nach mó ná 7,5 tona a n-uasmhais incheadaithe, a úsáidtear:

- (i) le hábhair, trealamh nó innealra a iompar, a bhféadfaidh an tiománaí úsáid a bhaint astu le linn oibre an tiománaí, nó

- (ii) le haghaidh seachadadh earraí a táirgeadh ar bhonn ceirde;

laistigh de raon 100 km ó bhunáit an ghnóthais amháin agus ar choinníoll nach í tiomáint na feithicle príomhghníomhaíocht an tiománaí agus nach ndéantar an t-iompar ar fuiliú nó ar luaíocht;

**▼B**

- (b) vehicles with a maximum authorised speed not exceeding 40 kilometres per hour;
- (c) vehicles owned or hired without a driver by the armed services, civil defence services, fire services, and forces responsible for maintaining public order when the carriage is undertaken as a consequence of the tasks assigned to these services and is under their control;
- (d) vehicles, including vehicles used in the non-commercial transport of humanitarian aid, used in emergencies or rescue operations;
- (e) specialised vehicles used for medical purposes;
- (f) specialised breakdown vehicles operating within a 100 km radius of their base;
- (g) vehicles undergoing road tests for technical development, repair or maintenance purposes, and new or rebuilt vehicles which have not yet been put into service;
- (h) vehicles or combinations of vehicles with a maximum permissible mass not exceeding 7,5 tonnes used for the non-commercial carriage of goods;

**▼M3**

- (ha) feithiclí a úsáidtear chun earraí a iompar agus a bhfuil uasmhais incheadaithe a bhfuil níos mó ná 2,5 tona agus nach mó ná 3,5 tona air, lena n-áirítear aon leantóir nó leathleantóir, i gcás nach ndéantar an t-iompar ar fuiliú nó ar luaíocht, ach ar chuntas féin na cuideachta nó an tiománaí, agus i gcás nach í tiomáint príomhghníomhaíocht an duine a bhfuil an fheithicil á tiomáint aige;

**▼B**

- (i) commercial vehicles, which have a historic status according to the legislation of the Member State in which they are being driven and which are used for the non-commercial carriage of passengers or goods.

## ▼B

*Article 4*

For the purposes of this Regulation the following definitions shall apply:

- (a) ‘carriage by road’ means any journey made entirely or in part on roads open to the public by a vehicle, whether laden or not, used for the carriage of passengers or goods;
- (b) ‘vehicle’ means a motor vehicle, tractor, trailer or semi-trailer or a combination of these vehicles, defined as follows:
  - ‘motor vehicle’: any self-propelled vehicle travelling on the road, other than a vehicle permanently running on rails, and normally used for carrying passengers or goods,
  - ‘tractor’: any self-propelled vehicle travelling on the road, other than a vehicle permanently running on rails, and specially designed to pull, push or move trailers, semi-trailers, implements or machines,
  - ‘trailer’: any vehicle designed to be coupled to a motor vehicle or tractor,
  - ‘semi-trailer’: a trailer without a front axle coupled in such a way that a substantial part of its weight and of the weight of its load is borne by the tractor or motor vehicle;
- (c) ‘driver’ means any person who drives the vehicle even for a short period, or who is carried in a vehicle as part of his duties to be available for driving if necessary;
- (d) ‘break’ means any period during which a driver may not carry out any driving or any other work and which is used exclusively for recuperation;
- (e) ‘other work’ means all activities which are defined as working time in Article 3(a) of Directive 2002/15/EC except ‘driving’, including any work for the same or another employer, within or outside of the transport sector;
- (f) ‘rest’ means any uninterrupted period during which a driver may freely dispose of his time;
- (g) ‘daily rest period’ means the daily period during which a driver may freely dispose of his time and covers a ‘regular daily rest period’ and a ‘reduced daily rest period’:
  - ‘regular daily rest period’ means any period of rest of at least 11 hours. Alternatively, this regular daily rest period may be taken in two periods, the first of which must be an uninterrupted period of at least 3 hours and the second an uninterrupted period of at least nine hours,
  - ‘reduced daily rest period’ means any period of rest of at least nine hours but less than 11 hours;
- (h) ‘weekly rest period’ means the weekly period during which a driver may freely dispose of his time and covers a ‘regular weekly rest period’ and a ‘reduced weekly rest period’:
  - ‘regular weekly rest period’ means any period of rest of at least 45 hours,

**▼B**

- ‘reduced weekly rest period’ means any period of rest of less than 45 hours, which may, subject to the conditions laid down in Article 8(6), be shortened to a minimum of 24 consecutive hours;
- (i) ‘a week’ means the period of time between 00.00 on Monday and 24.00 on Sunday;
- (j) ‘driving time’ means the duration of driving activity recorded:
  - automatically or semi-automatically by the recording equipment as defined in Annex I and Annex IB of Regulation (EEC) No 3821/85, or
  - manually as required by Article 16(2) of Regulation (EEC) No 3821/85;
- (k) ‘daily driving time’ means the total accumulated driving time between the end of one daily rest period and the beginning of the following daily rest period or between a daily rest period and a weekly rest period;
- (l) ‘weekly driving time’ means the total accumulated driving time during a week;
- (m) ‘maximum permissible mass’ means the maximum authorised operating mass of a vehicle when fully laden;
- (n) ‘regular passenger services’ means national and international services as defined in Article 2 of Council Regulation (EEC) No 684/92 of 16 March 1992 on common rules for the international carriage of passengers by coach and bus <sup>(1)</sup>;
- (o) ‘multi-manning’ means the situation where, during each period of driving between any two consecutive daily rest periods, or between a daily rest period and a weekly rest period, there are at least two drivers in the vehicle to do the driving. For the first hour of multi-manning the presence of another driver or drivers is optional but for the remainder of the period it is compulsory;
- (p) ‘transport undertaking’ means any natural person, any legal person, any association or group of persons without legal personality, whether profit-making or not, or any official body, whether having its own legal personality or being dependent upon an authority having such a personality, which engages in carriage by road, whether for hire or reward or for own account;
- (q) ‘driving period’ means the accumulated driving time from when a driver commences driving following a rest period or a break until he takes a rest period or a break. The driving period may be continuous or broken;

**▼M3**

- (r) ciallaíonn ‘iompar neamhthráchtála’ aon iompar de bhóthar, seachas iompar ar fruilíú nó ar luaíocht nó iompar ar a chuntas féin, nach bhfaightear aon luach saothair díreach nó indíreach ar a shon agus nach ngineann aon ioncam díreach nó indíreach do thiománaí na feithicle ná do dhaoine eile agus nach bhfuil aon nasc le gníomhaíocht ghairmiúil ná le gníomhaíocht tráchtála ann.

<sup>(1)</sup> OJ L 74, 20.3.1992, p. 1. Regulation as last amended by the 2003 Act of Accession.

## ▼B

## CHAPTER II

## CREWS, DRIVING TIMES, BREAKS AND REST PERIODS

*Article 5*

1. The minimum age for conductors shall be 18 years.
2. The minimum age for drivers' mates shall be 18 years. However, Member States may reduce the minimum age for drivers' mates to 16 years, provided that:
  - (a) the carriage by road is carried out within one Member State within a 50 kilometre radius of the place where the vehicle is based, including local administrative areas the centre of which is situated within that radius;
  - (b) the reduction is for the purposes of vocational training; and
  - (c) there is compliance with the limits imposed by the Member State's national rules on employment matters.

*Article 6*

1. The daily driving time shall not exceed nine hours.  
  
However, the daily driving time may be extended to at most 10 hours not more than twice during the week.
2. The weekly driving time shall not exceed 56 hours and shall not result in the maximum weekly working time laid down in Directive 2002/15/EC being exceeded.
3. The total accumulated driving time during any two consecutive weeks shall not exceed 90 hours.
4. Daily and weekly driving times shall include all driving time on the territory of the Community or of a third country.

## ▼M3

5. Taifeadfaidh tiománaí mar obair eile aon am a caitheadh atá de réir na tuairisce i bpointe (e) d'Airteagal 4 mar aon le haon am a caitheadh ag tiomáint feithicil a úsáidtear le haghaidh oibríochtaí tráchtála nach bhfuil faoi raon feidhme an Rialacháin seo, agus taifeadfaidh sé aon tréimhsí infhaighteachta mar a shainmhínítear i bpointe (b) d'Airteagal 3 de Threoir 2002/15/CE, i gcomhréir le pointe (b)(iii) d'Airteagal 34(5) de Rialachán (AE) Uimh. 165/2014 ó Pharlaimint na hEorpa agus ón gComhairle <sup>(1)</sup>. Iontrálfar an taifead sin de láimh ar leathanach taifid nó ar asphrionta nó le saoráidí ionchuir láimhe ar threalamh taifeadta.

<sup>(1)</sup> Rialachán (AE) Uimh. 165/2014 ó Pharlaimint na hEorpa agus ón gComhairle an 4 Feabhra 2014 maidir le tacagraif in iompar de bhóthar, lena n-aisghairtear Rialachán (CEE) Uimh. 3821/85 ón gComhairle maidir le trealamh taifeadta in iompar de bhóthar agus lena leasaítear Rialachán (CE) Uimh. 561/2006 ó Pharlaimint na hEorpa agus ón gComhairle maidir le comhchuibhiú reachtaíochta sóisialta áirithe a bhaineann le hiompar de bhóthar (IO L 60, 28.2.2014, lch. 1).

**▼B***Article 7*

After a driving period of four and a half hours a driver shall take an uninterrupted break of not less than 45 minutes, unless he takes a rest period.

This break may be replaced by a break of at least 15 minutes followed by a break of at least 30 minutes each distributed over the period in such a way as to comply with the provisions of the first paragraph.

**▼M3**

Féadfaidh tiománaí atá páirteach i sealaíocht sos 45 nóiméad a ghlacadh i bhfeithicil atá á tiomáint ag tiománaí eile ar choinníoll nach bhfuil an tiománaí atá ag glacadh an tsosa páirteach sa chúnamh don tiománaí atá ag tiomáint na feithicle.

**▼B***Article 8*

1. A driver shall take daily and weekly rest periods.
2. Within each period of 24 hours after the end of the previous daily rest period or weekly rest period a driver shall have taken a new daily rest period.  
  
If the portion of the daily rest period which falls within that 24 hour period is at least nine hours but less than 11 hours, then the daily rest period in question shall be regarded as a reduced daily rest period.
3. A daily rest period may be extended to make a regular weekly rest period or a reduced weekly rest period.
4. A driver may have at most three reduced daily rest periods between any two weekly rest periods.
5. By way of derogation from paragraph 2, within 30 hours of the end of a daily or weekly rest period, a driver engaged in multi-manning must have taken a new daily rest period of at least nine hours.

**▼M3**

6. Le linn aon 2 sheachtain i ndiaidh a chéile, glacfaidh an tiománaí, ar a laghad:

- (a) dhá thréimhse scíthe seachtainiúla rialta; nó
- (b) thréimhse scíthe seachtainiúla rialta amháin agus thréimhse scíthe seachtainiúla laghdaithe amháin de 24 uair an chloig ar a laghad.

Cuirfear tús le thréimhse scíthe seachtainiúla tráth nach déanaí ná an uair a thagann deireadh le sé thréimhse de 24 uair an chloig ó dheireadh na thréimhse scíthe seachtainiúla deiridh.

De mhaolú ar an gcéad fhomhír, féadfaidh tiománaí atá ag gabháil d'iompar idirnáisiúnta earraí, lasmuigh den Bhallstát bunaíochta, dhá thréimhse scíthe seachtainiúla laghdaithe as a chéile a ghlacadh, ar choinníoll go nglacann an tiománaí, ceithre thréimhse scíthe seachtainiúla ar a laghad, in aon thréimhse de 4 seachtaine as a chéile, agus gur thréimhsí scíthe seachtainiúla rialta iad dhá cheann díobh sin ar a laghad.

▼ **M3**

Chun críoch na míre seo, measfar tiománaí a bheith ag gabháil d'iompar idirnáisiúnta i gcás ina dtosaíonn an tiománaí an dá thréimhse scíthe seachtainiúla laghdaithe as a chéile lasmuigh den Bhallstát ina bhfuil an fostóir bunaithe agus lasmuigh den tír ina bhfuil áit chónaithe an tiománaí.

▼ **M1**

6a. De mhaolú ar mhír 6, féadfaidh tiománaí a bhíonn ag gabháil do sheirbhís aonair ócáideach d'iompar idirnáisiúnta paisinéirí, faoi mar a shainmhínítear í i Rialachán (CE) Uimh.1073/2009 ó Pharlaimint na hEorpa agus ón gComhairle an 21 Deireadh Fómhair 2009 maidir leis na rialacha comhchoiteanna le haghaidh rochtana ar an margadh idirnáisiúnta um sheirbhísí cóiste agus bus <sup>(1)</sup>, an sos seachtainiúil a chur siar ar feadh suas go dtí 12 thréimhse 24-uair an chloig i ndiaidh a chéile i ndiaidh sosa seachtainiúil rialta roimhe sin, ar an gcoinníoll:

- (a) go maireann an tseirbhís ar feadh 24 uair an chloig as a chéile i mBallstát nó i dtríú tír a bhfuil feidhm ag an Rialachán seo seachas an Ballstát nó an tír inar cuireadh tús leis an seirbhís;
- (b) tar éis úsáid an mhaolaithe, go dtógann an tiománaí:
  - (i) dhá shos seachtainiúla rialta: nó
  - (ii) sos seachtainiúil amháin agus sos amháin a bheidh laghdaithe de 24 uair an chloig ar a laghad. Cúiteofar, áfach, don laghdú trí shos coibhéiseach a thógfar *en bloc* roimh dheireadh an tríú seachtain tar éis úsáid an mhaolaithe; agus
- (c) tar éis an 1 Eanáir 2014, má tá an fheithicil feistithe le trealamh taifeadta i gcomhréir le ceanglais Iarscríbhinn IB a ghabhann le Rialachán (CEE) Uimh. 3821/85; agus
- (d) tar éis an 1 Eanáir 2014, sa chás go dtiománfar idir an tréimhse ó 22.00 go 06.00, go mbeidh níos mó ná tiománaí amháin san fheithicil nó go laghdófar an tréimhse tiomána dá dtagraítear in Airteagal 7 go trí uair an chloig.

Déanfaidh an Coimisiún dlúthfhaireachán ar an úsáid a bhainfear as an maolú seo d'fhonn a áirithiú go gcaomhnaítear na coinníollacha fiordhocta maidir leis an tsábháilteacht ar bhóithre, go háirithe trína sheiceáil nach mbeidh an méid uaireanta an chloig tiomána i gcaitheamh na tréimhse a chlúdaíonn an maolú seo iomarcach. Faoi 4 Nollaig 2012, tarraingeoidh an Coimisiún suas tuarascáil ina ndéanfar iarmhairtí an mhaolaithe a mheas i dtaobh na sábháilteachta ar bhóithre mar aon leis na gnéithe sóisialta. Má cheapann sé é a bheidh iomchuí, beartóidh an Coimisiún an Rialachán seo a leasú i dtaca le seo.

▼ **M3**

6b. Cúiteofar aon laghdú ar an tréimhse scíthe seachtainiúla le tréimhse choibhéiseach scíthe a ghlacfar *en bloc* roimh dheireadh an tríú seachtain tar éis na seachtaine i gceist.

I gcás go dtógtar dhá thréimhse scíthe seachtainiúla laghdaithe as a chéile i gcomhréir leis an tríú fómhír de mhír 6, glacfar tréimhse scíthe roimh an gcéad tréimhse scíthe seachtainiúla eile mar chúiteamh ar an dá thréimhse scíthe seachtainiúla laghdaithe sin.

<sup>(1)</sup> IO L 300, 14.11.2009, lch. 88



**▼B**

7. Any rest taken as compensation for a reduced weekly rest period shall be attached to another rest period of at least nine hours.

**▼M3**

8. Na tréimhsí scíthe seachtainiúla rialta agus aon tréimhse scíthe seachtainiúla os cionn 45 uair an chloig a ghlacfar mar chúiteamh as tréimhsí scíthe seachtainiúla laghdaithe a bhí ann roimhe sin, ní ghlacfar iad i bhfeithicil. Glacfar iad i gcóiríocht oiriúnach atá oiriúnach do gach inscne, ina mbeidh saoráidí leordhóthanacha codlata agus sláintíochta.

Aon chostais ar chóiríocht lasmuigh den fheithicil, is ar an bhfostóir a chuirfear iad.

8a. Eagróidh gnóthais iompair obair na dtiománaithe sa chaoi gur féidir le tiománaithe filleadh ar ionad oibríochtúil an fhostóra ina bhfuil an tiománaí bunaithe de ghnáth agus ina dtosaíonn tréimhse scíthe seachtainiúla an tiománaí, i mBallstát bunaíochta an fhostóra, nó filleadh ar áit chónaithe an tiománaí laistigh de gach tréimhse de cheithre sheachtaine as a chéile, d'fhonn tréimhse scíthe seachtainiúla rialta nó tréimhse scíthe seachtainiúla ar faide ná 45 uair an chloig í a chaitheamh mar chúiteamh as tréimhse scíthe seachtainiúla laghdaithe.

Mar sin féin, i gcás ina mbeidh dhá thréimhse scíthe seachtainiúla laghdaithe as a chéile tógtha ag an tiománaí i gcomhréir le mír 6, eagróidh an gnóthas iompair obair an tiománaí sa chaoi go mbeidh an tiománaí in ann filleadh roimh thús na tréimhse scíthe seachtainiúla rialta de níos mó ná 45 uair an chloig a ghlacfar mar chúiteamh.

Déanfaidh an gnóthas an chaoi a gcomhlíontar an oibleagáid sin a dhoiciméadú agus coimeádfaidh sé an doiciméadacht sin ag a áitreabh ionas gur féidir í a thabhairt do na húdaráis rialaithe arna iarraidh sin dóibh.

**▼B**

9. A weekly rest period that falls in two weeks may be counted in either week, but not in both.

**▼M3**

10. Tráth nach déanaí ná 21 Lúnasa 2022, déanfaidh an Coimisiún meastóireacht agus tuairisceoidh sé don Pharlaimint agus don Chomhairle an féidir rialacha níos iomchuí a ghlacadh maidir le tiománaithe atá i mbun seirbhísí ócáideacha le haghaidh iompar paisinéirí, mar a shainmhínítear i bpointe 4 d'Airteagal 2 de Rialachán (CE) Uimh. 1073/2009.

*Airteagal 8a*

1. Áiríteoidh an Coimisiún go mbeidh rochtain éasca ag tiománaithe atá ag gabháil d'iompar earraí agus paisinéirí de bhóthar ar fhaisnéis faoi limistéir pháirceála shábháilte shlána. Foilseoidh an Coimisiún liosta de na limistéir pháirceála go léir atá deimhnithe, le gur féidir an méid thíos a chur ar fáil do thiománaithe ar bhealach leordhóthanach:

— ionradh a bhrath agus a chosc;

— soilsiú agus infheictheacht;

**▼M3**

- pointe teagmhála agus nósanna imeachta i gcás éigeandála;
- saoráidí sláintíochta atá oiriúnach do gach inscne;
- roghanna maidir le bia agus deochanna a cheannach;
- naisc lena gcumasaítear an chumarsáid;
- soláthar cumhachta.

Cuirfear liosta na limistéir pháirceála sin ar fáil ar shuíomh gréasáin oifigiúil amháin, a nuashonraítear go rialta.

2. Glacfaidh an Coimisiún gníomhartha tarmligthe i gcomhréir le hAirteagal 23a chun caighdeán a bhunú lena soláthrófar tuilleadh sonraí i dtaca le leibhéal na seirbhíse agus na slándála maidir leis na limistéir a liostaítear i mír 1 agus maidir leis na nósanna imeachta chun limistéir pháirceála a dheimhniú.

3. Féadfaidh gach limistéar páirceála atá deimhnithe a chur in iúl go bhfuil siad deimhnithe i gcomhréir le caighdeán agus nósanna imeachta an Aontais.

I gcomhréir le pointe (c) d'Airteagal 39(2) de Rialachán (AE) Uimh. 1315/2013 ó Pharlaimint na hEorpa agus ón gComhairle <sup>(1)</sup>, déanfaidh na Ballstáit cruthú limistéar páirceála d'úsáideoirí tráchtála bóthair a spreagadh.

4. Faoin 31 Nollaig 2024, déanfaidh an Coimisiún tuarascáil a thíolacadh do Pharlaimint na hEorpa agus don Chomhairle maidir le hinfhaighteacht saoráidí oiriúnacha scíthe do thiománaithe agus maidir le hinfhaighteacht saoráidí páirceála slána, agus maidir le forbairt limistéar páirceála slán sábháilte arna ndeimhniú i gcomhréir leis na gníomhartha tarmligthe dá dtagraítear i mír 2. Féadfar bearta a liostú sa tuarascáil sin chun líon agus cáilíocht na limistéir páirceála sábháilte slán a mhéadú.

**▼B***Article 9***▼M3**

1. De mhaolú ar Airteagal 8, i gcás ina mbíonn tiománaí ag tionlacan feithicil atá á hiompar ag bád farantóireachta nó ag traein agus ina nglacann sé tréimhse scíthe laethúla rialta nó tréimhse scíthe seachtainiúla laghdaithe, ní fhéadfar an tréimhse sin a bhriseadh dhá uair ar a mhéad le haghaidh gníomhaíochtaí eile nach mairfidh níos mó ná aon uair an chloig san iomlán. Le linn na tréimhse scíthe laethúla rialta nó na tréimhse scíthe seachtainiúla laghdaithe sin, beidh fáil ag an tiománaí ar chábán codlata, ar bhunc nó ar leaba shuíocháin.

Maidir le tréimhsí scíthe seachtainiúla rialta, ní bheidh feidhm ag an maolú sin ach amháin maidir le turais ar bhád farantóireachta nó le turais traenach sna cásanna seo a leanas:

- (a) go mbeidh an turas sceidealta ar feadh 8 uair an chloig nó os a chionn; agus
- (b) go mbeidh rochtain ag an tiománaí ar chábán codlata sa bhád farantóireachta nó ar an traein.

<sup>(1)</sup> Rialachán (AE) Uimh. 1315/2013 ó Pharlaimint na hEorpa agus ón gComhairle an 11 Nollaig 2013 maidir le treoirlínte an Aontais chun an gréasán tras-Eorpach iompair a fhorbairt agus lena n-aisghairtear Cinneadh Uimh. 661/2010/AE (IO L 348, 20.12.2013, lch. 1).

▼ M3

2. An t-am a chaitear ag taisteal chuig suíomh chun teacht i gceannas ar fheithicil a thagann faoi réim feidhme an Rialacháin seo, nó chun teacht ar ais ón suíomh sin, nuair nach bhfuil an fheithicil ag áit chónaithe an tiománaí ná ag ionad oibríochtúil an fhostaí mar a mbíonn an tiománaí bunaithe de ghnáth, ní áireofar mar scíth nó sos é sin mura bhfuil an tiománaí ar bhád farantóireachta nó traein agus rochtain aige ar chábán codlata, ar bhunc nó ar couchette.

▼ B

3. Any time spent by a driver driving a vehicle which falls outside the scope of this Regulation to or from a vehicle which falls within the scope of this Regulation, which is not at the driver's home or at the employer's operational centre where the driver is normally based, shall count as other work.

▼ M3*Airteagal 9a*

Faoin 31 Nollaig 2025, déanfaidh an Coimisiún tuarascáil a tharraingt suas agus a chur faoi bhráid Pharlaimint na hEorpa agus na Comhairle ina mbeidh meastóireacht ar úsáid córas tiomána uathrialaí sna Ballstáit. Díreoidh an tuarascáil sin go háirithe ar an tionchar a d'fhéadfadh a bheith ag na córais sin ar rialacha maidir le hamanna tiomána agus scíthe. Beidh togra reachtach ag gabháil leis an tuarascáil, más iomchuí, chun an Rialachán seo a leasú.

▼ B

## CHAPTER III

## LIABILITY OF TRANSPORT UNDERTAKINGS

*Article 10*▼ M3

1. Ní dhéanfaidh gnóthas iompair aon íocaíocht a thabhairt do thiománaí atá fostaithe aige ná a cuireadh ar fáil dó, fiú íocaíocht i bhfoirm bónaís nó forlíonadh pá, sa chás ina mbaineann an íocaíocht sin le hachair taistil, leis an luas seachadta agus/nó le méid na n-earraí arna n-iompar, i gcás gur íocaíocht í de chineál a chuirfeadh sábháilteacht ar bhóithre i mbaol agus/nó a spreagfadh sárú ar an Rialachán sin.

▼ B

2. A transport undertaking shall organise the work of drivers referred to in paragraph 1 in such a way that the drivers are able to comply with Regulation (EEC) No 3821/85 and Chapter II of this Regulation. The transport undertaking shall properly instruct the driver and shall make regular checks to ensure that Regulation (EEC) No 3821/85 and Chapter II of this Regulation are complied with.

3. A transport undertaking shall be liable for infringements committed by drivers of the undertaking, even if the infringement was committed on the territory of another Member State or a third country.

Without prejudice to the right of Member States to hold transport undertakings fully liable, Member States may make this liability conditional on the undertaking's infringement of paragraphs 1 and 2. Member States may consider any evidence that the transport undertaking cannot reasonably be held responsible for the infringement committed.

**▼B**

4. Undertakings, consignors, freight forwarders, tour operators, principal contractors, subcontractors and driver employment agencies shall ensure that contractually agreed transport time schedules respect this Regulation.
5. (a) A transport undertaking which uses vehicles that are fitted with recording equipment complying with Annex IB of Regulation (EEC) No 3821/85 and that fall within the scope of this Regulation, shall:
  - (i) ensure that all data are downloaded from the vehicle unit and driver card as regularly as is stipulated by the Member State and that relevant data are downloaded more frequently so as to ensure that all data concerning activities undertaken by or for that undertaking are downloaded;
  - (ii) ensure that all data downloaded from both the vehicle unit and driver card are kept for at least 12 months following recording and, should an inspecting officer request it, such data are accessible, either directly or remotely, from the premises of the undertaking;
- (b) for the purposes of this paragraph ‘downloaded’ shall be interpreted in accordance with the definition laid down in Annex IB, Chapter I, point (s) of Regulation (EEC) No 3821/85;
- (c) the maximum period within which the relevant data shall be downloaded under (a)(i) shall be decided by the Commission in accordance with the procedure referred to in Article 24(2).

## CHAPTER IV

## EXCEPTIONS

*Article 11*

A Member State may provide for longer minimum breaks and rest periods or shorter maximum driving times than those laid down in Articles 6 to 9 in the case of carriage by road undertaken wholly within its territory. In so doing, Member States shall take account of relevant collective or other agreements between the social partners. Nevertheless, this Regulation shall remain applicable to drivers engaged in international transport operations.

*Article 12*

Provided that road safety is not thereby jeopardised and to enable the vehicle to reach a suitable stopping place, the driver may depart from Articles 6 to 9 to the extent necessary to ensure the safety of persons, of the vehicle or its load. The driver shall indicate the reason for such departure manually on the record sheet of the recording equipment or on a printout from the recording equipment or in the duty roster, at the latest on arrival at the suitable stopping place.

**▼M3**

Ar choinníoll nach gcuirfear sábháilteacht ar bhóithre i mbaol dá dheasca, i gcúinsí eisceachtúla, féadfaidh an tiománaí imeacht ó Airteagail 6(1) agus (2) agus ó Airteagal 8(2) i gcás ina dtéann sé suas go dtí aon uair an chloig thar an teorainn ama tiomána laethúil agus sheachtainiúil chun ionad oibríochtúil an fhostóra nó áit chónaithe an tiománaí a shroicheadh chun tréimhse scíthe seachtainiúla a ghlacadh.

Faoi na coinníollacha céanna, féadfaidh an tiománaí dul suas le dhá uair an chloig thar an tréimhse tiomána laethúil agus sheachtainiúil, ar choinníoll gur glacadh sos gan bhriseadh 30 nóiméad díreach roimh an tiomáint bhreise chun ionad oibríochtúil an fhostóra nó áit chónaithe an tiománaí a shroicheadh chun tréimhse scíthe sheachtainiúla rialta a ghlacadh.

Scríobhfaidh an tiománaí síos de láimh cúis na himeachta sin ar leathanach taifid an trealamh taifeadta, nó ar asphrionta ón trealamh taifeadta nó san uainchlár dualgas, ar theacht go ceann scribe nó go dtí an áit stadta oiriúnach, ar a dhéanaí.

Cúiteofar aon tréimhse fhadaithe le tréimhse choibhéiseach scíthe, a thógfar en bloc, faoi dheireadh an tríú seachtain tar éis na seachtaine i gceist.

**▼B***Article 13*

1. Provided the objectives set out in Article 1 are not prejudiced, each Member State may grant exceptions from Articles 5 to 9 and make such exceptions subject to individual conditions on its own territory or, with the agreement of the States concerned, on the territory of another Member State, applicable to carriage by the following:

- (a) vehicles owned or hired, without a driver, by public authorities to undertake carriage by road which do not compete with private transport undertakings;
- (b) vehicles used or hired, without a driver, by agricultural, horticultural, forestry, farming or fishery undertakings for carrying goods as part of their own entrepreneurial activity within a radius of up to 100 km from the base of the undertaking;
- (c) agricultural tractors and forestry tractors used for agricultural or forestry activities, within a radius of up to 100 km from the base of the undertaking which owns, hires or leases the vehicle;

**▼M2**

- (d) feithiclí nó cónaise feithiclí ag a bhfuil mais incheadaithe uasta nach mó ná 7,5 thonna a úsáidtear ag soláthróirí seirbhísí uilíocha mar a shainmhínítear in Airteagal 2(13) de Threoir 97/67/CE ó Pharlaimint na hEorpa agus ón gComhairle an 15 Nollaig 1997 maidir le comhrialacha chun an margadh inmheánach Comhphobail i seirbhísí poist a fhorbairt agus cáilíocht na seirbhíse a fheabhsú <sup>(1)</sup> mar chuid den seirbhís uilíoch;

<sup>(1)</sup> IO L 15, 21.1.1998, lch. 14.

**▼B**

These vehicles shall be used only within a ►**M2** 100 km ◀ radius from the base of the undertaking, and on condition that driving the vehicles does not constitute the driver's main activity;

**▼M3**

- (e) feithiclí a oibríonn go heisiach ar oileáin nó i réigiúin atá scartha amach ón gcuid eile den chríoch náisiúnta, nach mó ná 2 300 ciliméadar cearnach iad ó thaobh achair de agus nach bhfuil nasctha leis an gcuid eile den chríoch náisiúnta le droichead, áth ná tollán atá ar oscailt lena úsáid ag mótarfheithicil, agus nach bhfuil teorainn acu le Ballstát eile;

**▼B**

- (f) vehicles used for the carriage of goods within a ►**M2** 100 km ◀ radius from the base of the undertaking and propelled by means of natural or liquefied gas or electricity, the maximum permissible mass of which, including the mass of a trailer or semi-trailer, does not exceed 7,5 tonnes;
- (g) vehicles used for driving instruction and examination with a view to obtaining a driving licence or a certificate of professional competence, provided that they are not being used for the commercial carriage of goods or passengers;
- (h) vehicles used in connection with sewerage, flood protection, water, gas and electricity maintenance services, road maintenance and control, door-to-door household refuse collection and disposal, telegraph and telephone services, radio and television broadcasting, and the detection of radio or television transmitters or receivers;
- (i) vehicles with between 10 and 17 seats used exclusively for the non-commercial carriage of passengers;
- (j) specialised vehicles transporting circus and funfair equipment;
- (k) specially fitted mobile project vehicles, the primary purpose of which is use as an educational facility when stationary;

**▼C1**

- (l) vehicles used for milk collection from farms and/or for the return to farms of milk containers or milk products intended for animal feed;

**▼B**

- (m) specialised vehicles transporting money and/or valuables;
- (n) vehicles used for carrying animal waste or carcasses which are not intended for human consumption;

**▼B**

- (o) vehicles used exclusively on roads inside hub facilities such as ports, interports and railway terminals;
- (p) vehicles used for the carriage of live animals from farms to local markets and vice versa or from markets to local slaughterhouses within a radius of up to ►**M2** 100 km ◀;

**▼M3**

- (q) feithiclí nó cónaisc feithiclí a iompraíonn innealra tógála do ghnóthas tógála suas le raon 100 km ó bhunáit an ghnóthais, ar choinníoll nach í tiomáint na feithicle príomhghníomhaíocht an tiománaí;
- (r) feithiclí a úsáidtear le coincreít réamh-mheasctha a sheachadadh.

**▼B**

2. Member States shall inform the Commission of the exceptions granted under paragraph 1 and the Commission shall inform the other Member States thereof.

3. Provided that the objectives set out in Article 1 are not prejudiced and adequate protection for drivers is provided, a Member State may, after approval by the Commission, grant on its own territory minor exemptions from this Regulation for vehicles used in predefined areas with a population density of less than five persons per square kilometre, in the following cases:

- regular domestic passenger services, where their schedule is confirmed by the authorities (in which case only exemptions relating to breaks may be permitted), and
- domestic road haulage operations for own account or for hire or reward, which have no impact on the single market and are needed to maintain certain sectors of industry in the territory concerned and where the exempting provisions of this Regulation impose a limiting radius of up to 100 km.

Carriage by road under this exemption may include a journey to an area with a population density of five persons or more per square kilometre only in order to end or start the journey. Any such measures shall be proportionate in nature and scope.

*Article 14*

1. Provided that the objectives set out in Article 1 are not prejudiced, Member States may, after authorisation by the Commission, grant exceptions from the application of Articles 6 to 9 to transport operations carried out in exceptional circumstances.

**▼M3**

2. I gcásanna práinne, ina mbíonn imthosca eisceachtúla, féadfaidh na Ballstáit eisceacht shealadach a dheonú ar feadh tréimhse nach mó ná 30 lá. Tabharfar údar cuí le heisceachtaí den sórt sin agus déanfar fógra ina leith a thabhairt láithreach don Choimisiún. Foilseoidh an Coimisiún an fhaisnéis sin gan mhoill ar shuíomh gréasáin poiblí.

**▼B**

3. The Commission shall inform the other Member States of any exception granted pursuant to this Article.

**▼M3***Airteagal 15*

Áiritheoidh na Ballstáit go mbeidh tiománaithe na bhfeithiclí dá dtagraítear i bpointe (a) d’Airteagal 3(a) faoi réir na rialacha náisiúnta lena dtugtar cosaint leordhóthanach i leith tréimhsí tiomána ceadaithe agus sosanna agus tréimhsí scíthe éigeantacha. Cuirfidh na Ballstáit an Coimisiún ar an eolas faoi na rialacha náisiúnta ábhartha is infheidhme maidir le tiománaithe den chineál sin.

**▼B**

## CHAPTER V

## CONTROL PROCEDURES AND SANCTIONS

*Article 16*

1. Where no recording equipment has been fitted to the vehicle in accordance with Regulation (EEC) No 3821/85, paragraphs 2 and 3 of this Article shall apply to:

- (a) regular national passenger services, and
- (b) regular international passenger services whose route terminals are located within a distance of 50 km as the crow flies from a border between two Member States and whose route length does not exceed 100 km.

2. A service timetable and a duty roster shall be drawn up by the transport undertaking and shall show, in respect of each driver, the name, place where he is based and the schedule laid down in advance for various periods of driving, other work, breaks and availability.

Each driver assigned to a service referred to in paragraph 1 shall carry an extract from the duty roster and a copy of the service timetable.

3. The duty roster shall:

- (a) include all the particulars specified in paragraph 2 for a minimum period covering the previous 28 days; these particulars must be updated on regular intervals, the duration of which may not exceed one month;
- (b) be signed by the head of the transport undertaking or by a person authorised to represent him;
- (c) be kept by the transport undertaking for one year after expiry of the period covered by it. The transport undertaking shall give an extract from the roster to the drivers concerned upon request; and
- (d) be produced and handed over at the request of an authorised inspecting officer.



**▼B***Article 17*

1. Member States, using the standard form set out in Decision 93/173/EEC <sup>(1)</sup>, shall communicate the necessary information to the Commission to enable it to draw up every two years a report on the application of this Regulation and Regulation (EEC) No 3821/85 and developments in the fields in question.
2. This information shall be communicated to the Commission not later than 30 September of the year following the end of the two-year period concerned.
3. The report shall state what use has been made of the exceptions provided for in Article 13.
4. The Commission shall forward the report to the European Parliament and to the Council within 13 months of the end of the two-year period concerned.

*Article 18*

Member States shall adopt such measures as may be necessary for the implementation of this Regulation.

*Article 19***▼M3**

1. Leagfaidh na Ballstáit rialacha síos maidir leis na pionóis is infheidhme maidir le sárúithe ar an Rialachán seo agus ar Rialachán (AE) Uimh. 165/2014 agus déanfaidh siad gach beart is gá lena áirithiú go gcuirfear chun feidhme iad. Beidh na pionóis sin éifeachtach agus comhréireach le tromchúis na sárúithe, mar a léirítear in Iarscríbhinn III a ghabhann le Treoir 2006/22/CE ó Pharlaimint na hEorpa agus ón gComhairle <sup>(2)</sup>, agus, chomh maith leis sin, beidh siad athchomhairleach agus neamh-idirdhealaitheach. Ní bheidh aon sárú ar an Rialachán seo ná ar Rialachán (AE) Uimh. 165/2014 ó Pharlaimint na hEorpa agus ón gComhairle <sup>\*\*</sup> faoi réir níos mó ná aon phionós amháin ná níos mó ná aon nós imeachta amháin. Déanfaidh na Ballstáit fógra a thabhairt don Choimisiún maidir leis na rialacha agus na bearta sin, mar aon leis an modh agus na critéir a roghnófar ar an leibhéal náisiúnta chun a gcomhréireacht a mheas. Déanfaidh na Ballstáit fógra a thabhairt gan mhoill maidir le haon leasú a imreoidh tionchar orthu. Cuirfidh an Coimisiún na Ballstáit ar an eolas maidir leis na rialacha agus na bearta sin, agus maidir le haon leasuithe a dhéanfar orthu sin. Áirítheoidh an Coimisiún go bhfoilseofar an fhaisnéis sin ar shuíomh gréasáin tiomnaithe poiblí i dteangacha oifigiúla uile an Aontais, ina mbeidh faisnéis mhionsonraithe maidir leis na pionóis sin is infheidhme sna Ballstáit.

**▼B**

2. A Member State shall enable the competent authorities to impose a penalty on an undertaking and/or a driver for an infringement of this Regulation detected on its territory and for which a penalty has not already been imposed, even where that infringement has been committed on the territory of another Member State or of a third country.

By way of exception, where an infringement is detected:

- which was not committed on the territory of the Member State concerned, and

<sup>(1)</sup> OJ L 72, 25.3.1993, p. 33.

<sup>(2)</sup> Treoir 2006/22/CE ó Pharlaimint na hEorpa agus ón gComhairle an 15 Márta 2006 maidir le coinníollacha íosta le haghaidh chur chun feidhme Rialacháin (CE) Uimh. 561/2006 agus (AE) Uimh. 165/2014 agus Threoir 2002/15/CE maidir le reachtaíocht shóisialta a bhaineann le gníomhaíochtaí iompair de bhóthar agus lena n-aisghairtear Treoir 88/599/CEE ón gComhairle (IO L 102, 11.4.2006, lch. 35)

**▼B**

— which has been committed by an undertaking which is established in, or a driver whose place of employment is, in another Member State or a third country,

a Member State may, until 1 January 2009, instead of imposing a penalty, notify the facts of the infringement to the competent authority in the Member State or the third country where the undertaking is established or where the driver has his place of employment.

3. Whenever a Member State initiates proceedings or imposes a penalty for a particular infringement, it shall provide the driver with due evidence of this in writing.

4. Member States shall ensure that a system of proportionate penalties, which may include financial penalties, is in force for infringements of this Regulation or Regulation (EEC) No 3821/85 on the part of undertakings, or associated consignors, freight forwarders, tour operators, principal contractors, subcontractors and driver employment agencies.

*Article 20*

1. The driver shall keep any evidence provided by a Member State concerning penalties imposed or the initiation of proceedings until such time as the same infringement of this Regulation can no longer lead to a second proceeding or penalty pursuant to this Regulation.

2. The driver shall produce the evidence referred to in paragraph 1 upon request.

3. A driver who is employed or at the disposal of more than one transport undertaking shall provide sufficient information to each undertaking to enable it to comply with Chapter II.

*Article 21*

To address cases where a Member State considers that there has been an infringement of this Regulation which is of a kind that is clearly liable to endanger road safety, it shall empower the relevant competent authority to proceed with immobilisation of the vehicle concerned until such time as the cause of the infringement has been rectified. Member States may compel the driver to take a daily rest period. Member States shall, where appropriate also withdraw, suspend or restrict an undertaking's licence, if the undertaking is established in that Member State, or withdraw, suspend or restrict a driver's driving licence. The Commission, acting in accordance with the procedure in Article 24(2) shall develop guidelines with a view to promoting a harmonised application of this Article.

*Article 22***▼M3**

1. Oibreoidh na Ballstáit i ndlúthchomhar le chéile agus tabharfaidh siad cúnamh dá chéile gan moill mhíchúí chun chur i bhfeidhm seasmhach agus forfheidhmiú éifeachtach an Rialacháin seo a éascú, i gcomhréir leis na ceanglais a leagtar amach in Airteagal 8 de Threoir 2006/22/CE.

**▼B**

2. The competent authorities of the Member States shall regularly exchange all available information concerning:

- (a) infringements of the rules set out in Chapter II committed by non-residents and any penalties imposed for such infringements;
- (b) penalties imposed by a Member State on its residents for such infringements committed in other Member States;

**▼M3**

- (c) faisnéis shonrach eile, lena n-áirítear rátáil riosca an ghnóthais, ar féidir go mbeidh iarmhairtí aici i leith chomhlíonadh an Rialacháin seo.

**▼B**

3. The Member States shall regularly send relevant information concerning the national interpretation and application of this Regulation to the Commission, which will make this information available in electronic form to other Member States.

**▼M3**

3a. Chun críoch an mhalartaithe faisnéise faoi chuimsiú an Rialacháin seo, úsáidfídh na Ballstáit na comhlachtaí le haghaidh idirchaidreamh laistigh den chomhphobal arna n-ainmniú de bhun Airteagal 7 de Threoir 2006/22/CE.

3b. Cuirfear comhar agus cúnamh riaracháin frithpháirteach ar fáil saor in aisce.

**▼B**

4. The Commission shall support dialogue between Member States concerning national interpretation and application of this Regulation through the Committee referred to in Article 24(1).

*Article 23*

The Community shall enter into any negotiations with third countries which may prove necessary for the purpose of implementing this Regulation.

**▼M3***Airteagal 23a*

1. Is faoi réir na gcoinníollacha a leagtar síos san Airteagal seo a thugtar an chumhacht don Choimisiún chun gníomhartha tarmligthe a ghlacadh.

2. Déanfar an chumhacht chun gníomhartha tarmligthe a ghlacadh dá dtagraítear in Airteagal 8a a thabhairt don Choimisiún go ceann tréimhse 5 bliana ón 20 Lúnasa 2020.

Déanfaidh an Coimisiún, tráth nach déanaí ná 9 mí roimh dheireadh na tréimhse 5 bliana, tuarascáil a tharraingt suas maidir le tarmligeán na cumhachta. Déanfar tarmligeán na cumhachta a fhadú go hintuigthe go ceann tréimhsí comhfhaid, mura rud é go gcuireann Parlaimint na hEorpa nó an Chomhairle in aghaidh an fhadaíthe sin tráth nach déanaí ná 3 mhí roimh dheireadh gach tréimhse.

▼ **M3**

3. Féadfaidh Parlaimint na hEorpa nó an Chomhairle tarmligeán na cumhachta dá dtagraítear in Airteagal 8a a chúlghairm aon tráth. Déanfaidh cinneadh chun cúlghairm a dhéanamh deireadh a chur le tarmligeán na cumhachta atá sonraithe sa chinneadh sin. Gabhfaidh éifeacht leis an lá tar éis fhoilsiú an chinnidh in *Iris Oifigiúil an Aontais Eorpaigh* nó ar dháta is déanaí a shonrófar sa chinneadh. Ní dhéanfaidh sé difear do bhailíocht aon ghníomhartha tarmligthe atá i bhfeidhm cheana.

4. Roimh dó gníomh tarmligthe a ghlacadh, rachaidh an Coimisiún i mbun comhairliúcháin le saineolaithe arna n-ainmniú ag gach Ballstát i gcomhréir leis na prionsabail a leagtar síos i gComhaontú Idirinstitiúideach an 13 Aibreán 2016 maidir le Reachtóireacht Níos Fearr <sup>(1)</sup>.

5. A luaithe a ghlacfaidh sé gníomh tarmligthe, tabharfaidh an Coimisiún fógra, an tráth céanna, do Pharlaimint na hEorpa agus don Chomhairle.

6. Ní thiocfaidh gníomh tarmligthe a ghlactar de bhun Airteagal 8a i bhfeidhm ach amháin mura mbeidh aon agóid curtha in iúl ag Parlaimint na hEorpa ná ag an gComhairle laistigh de thréimhse 2 mhí tar éis fógra faoin ngníomh sin a thabhairt do Pharlaimint na hEorpa agus don Chomhairle nó más rud é, roimh dhul in éag na thréimhse sin, go mbeidh Parlaimint na hEorpa agus an Chomhairle araon tar éis a chur in iúl don Choimisiún nach ndéanfaidh siad aon agóid. Déanfar an thréimhse sin a fhadú 2 mhí ar thionscnamh Pharlaimint na hEorpa nó na Comhairle.

▼ **B***Article 24*

1. The Commission shall be assisted by the Committee set up under Article 18(1) of Regulation (EEC) No 3821/85.

▼ **M3**

2. I gcás ina dtagraítear don mhír seo, beidh feidhm ag Airteagal 4 de Rialachán (AE) Uimh. 182/2011 ó Pharlaimint na hEorpa agus ón gComhairle <sup>(2)</sup>.

“2a. I gcás ina dtagraítear don mhír seo, beidh feidhm ag Airteagal 5 de Rialachán (AE) Uimh. 182/2011.

▼ **B**

3. The Committee shall adopt its rules of procedure.

*Article 25*

1. At the request of a Member State, or on its own initiative, the Commission shall:

- (a) examine cases where differences in the application and enforcement of any of the provisions of this Regulation arise and particularly concerning driving times, breaks and rest periods;
- (b) clarify the provisions of this Regulation, with a view to promoting a common approach.

▼ **M3**

2. I gcásanna dá dtagraítear i bpointe (b) de mhír 1, glacfaidh an Coimisiún gníomhartha cur chun feidhme ina leagfar amach modhanna comhchoiteanna.

<sup>(1)</sup> IO L 123, 12.5.2016, lch. 1.

<sup>(2)</sup> Rialachán (AE) Uimh. 182/2011 ó Pharlaimint na hEorpa agus ón gComhairle an 16 Feabhra 2011 lena leagtar síos na rialacha agus na prionsabail ghinearálta a bhaineann le sásraí lenar féidir le Ballstáit feidhmiú chumhachtaí cur chun feidhme an Choimisiúin a rialú (IO L 55, 28.2.2011, lch. 13).

**▼M3**

Déanfar na gníomhartha cur chun feidhme sin a ghlacadh i gcomhréir leis an nós imeachta scrúdúcháin dá dtagraítear in Airteagal 24(2a).

**▼B**

CHAPTER VI  
FINAL PROVISIONS

*Article 26*

Regulation (EEC) No 3821/85 is hereby amended as follows:

1. Article 2 shall be replaced by the following:

*‘Article 2*

For the purpose of this Regulation the definitions set out in Article 4 of 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 (\*) shall apply.

(\*) OJ L 102, 11.4.2006, p. 1’,

2. Article 3(1), (2) and (3) shall be replaced as follows:

‘1. Recording equipment shall be installed and used in vehicles registered in a Member State which are used for the carriage of passengers or goods by road, except the vehicles referred to in Article 3 of Regulation (EC) No 561/2006. Vehicles referred to in Article 16(1) of Regulation (EC) No 561/2006 and vehicles, which were exempt from the scope of application of Regulation (EEC) No 3820/85, but which are no longer exempt under Regulation (EC) No 561/2006 shall have until 31 December 2007 to comply with this requirement.

2. Member States may exempt vehicles mentioned in Articles 13(1) and (3) of Regulation (EC) No 561/2006 from application of this Regulation.

3. Member States may, after authorisation by the Commission, exempt from application of this Regulation vehicles used for the transport operations referred to in Article 14 of Regulation (EC) No 561/2006.’;

3. Article 14(2) shall be replaced as follows:

‘2. The undertaking shall keep record sheets and printouts, whenever printouts have been made to comply with Article 15(1), in chronological order and in a legible form for at least a year after their use and shall give copies to the drivers concerned who request them. The undertaking shall also give copies of downloaded data from the driver cards to the drivers concerned who request them and the printed papers of these copies. The record sheets, printouts and downloaded data shall be produced or handed over at the request of any authorised inspecting officer.’;

**▼B**

4. Article 15 shall be amended as follows:

— in paragraph 1, the following subparagraph shall be added:

‘Where a driver card is damaged, malfunctions, or is not in the possession of the driver, the driver shall:

- (a) at the start of his journey, print out the details of the vehicle the driver is driving, and shall enter onto that printout:
  - (i) details that enable the driver to be identified (name, driver card or driver's licence number), including his signature;
  - (ii) the periods referred to in paragraph 3, second indent (b), (c) and (d);
- (b) at the end of his journey, print out the information relating to periods of time recorded by the recording equipment, record any periods of other work, availability and rest undertaken since the printout that was made at the start of the journey, where not recorded by the tachograph, and mark on that document details that enable the driver to be identified (name, driver card or driver's licence number), including the driver's signature.’,


— paragraph 2, second subparagraph shall be replaced by the following:

‘When as a result of being away from the vehicle, a driver is unable to use the equipment fitted to the vehicle, the periods of time referred to in paragraph 3, second indent (b), (c) and (d) shall:


- (a) if the vehicle is fitted with recording equipment in conformity with Annex I, be entered on the record sheet, either manually, by automatic recording or other means, legibly and without dirtying the sheet; or
- (b) if the vehicle is fitted with recording equipment in conformity with Annex IB, be entered onto the driver card using the manual entry facility provided in the recording equipment.

Where there is more than one driver on board the vehicle fitted with recording equipment in conformity with Annex IB, each driver shall ensure that his driver card is inserted into the correct slot in the tachograph.’,

— paragraph 3(b) and (c) shall be replaced by the following:

- (b) “other work” means any activity other than driving, as defined in Article 3(a) of 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(\*), and also any work for the same or another employer within or outside of the transport sector, and must be recorded under this sign ;

**▼B**

- (c) “availability” defined in Article 3(b) of Directive 2002/15/EC must be recorded under this sign .

(\*) OJ L 80, 23.3.2002, p. 35.’,

— paragraph 4 shall be deleted,

— paragraph 7 shall be replaced by the following:

‘7. (a) Where the driver drives a vehicle fitted with recording equipment in conformity with Annex I, the driver must be able to produce, whenever an inspecting officer so requests:

- (i) the record sheets for the current week and those used by the driver in the previous 15 days;
- (ii) the driver card if he holds one, and
- (iii) any manual record and printout made during the current week and the previous 15 days as required under this Regulation and Regulation (EC) No 561/2006.

However, after 1 January 2008, the time periods referred to under (i) and (iii) shall cover the current day and the previous 28 days.

(b) Where the driver drives a vehicle fitted with recording equipment in conformity with Annex IB, the driver must be able to produce, whenever an inspecting officer so requests:

- (i) the driver card of which he is holder;
- (ii) any manual record and printout made during the current week and the previous 15 days as required under this Regulation and Regulation (EC) No 561/2006, and
- (iii) the record sheets corresponding to the same period as the one referred to in the previous subparagraph during which he drove a vehicle fitted with recording equipment in conformity with Annex I.

However, after 1 January 2008, the time periods referred to under (ii) shall cover the current day and the previous 28 days.

(c) An authorised inspecting officer may check compliance with Regulation (EC) No 561/2006 by analysis of the record sheets, of the displayed or printed data which have been recorded by the recording equipment or by the driver card or, failing this, by analysis of any other supporting document that justifies non-compliance with a provision, such as those laid down in Article 16(2) and (3).’

*Article 27*

Regulation (EC) No 2135/98 is hereby amended as follows:

1. Article 2(1)(a) shall be replaced by the following:

‘1. (a) From the 20th day following the day of publication of 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 (\*) vehicles put into service for the first time shall be fitted with recording equipment in accordance with the requirements of Annex IB to Regulation (EEC) No 3821/85.

(\*) OJ L 102, 11.4.2006, p. 1’;

2. Article 2(2) shall be replaced by the following:

‘2. Member States shall take the necessary measures to ensure that they are able to issue driver cards at the latest on the 20th day following the day of publication of Regulation (EC) No 561/2006.’

*Article 28*

Regulation (EEC) No 3820/85 is hereby repealed and replaced by this Regulation.

Notwithstanding, paragraphs 1, 2 and 4 of Article 5 of Regulation (EEC) No 3820/85 shall continue to apply until the dates set out in Article 15(1) of Directive 2003/59/EC.

*Article 29*

This Regulation shall enter into force on 11 April 2007, with the exception of Articles 10(5), 26(3) and (4) and 27, which shall enter into force on 1 May 2006.

This Regulation shall be binding in its entirety and directly applicable in all Member States.