



Brussels, **XXX**
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COMMISSION IMPLEMENTING REGULATION (EU) .../...

of XXX

laying down rules for the application of Directive 2006/22/EC of the European Parliament and of the Council as regards a common approach to the recording 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

This draft has not been adopted or endorsed by the European Commission. Any views expressed are the preliminary views of the Commission services and may not in any circumstances be regarded as stating an official position of the Commission.

COMMISSION IMPLEMENTING REGULATION (EU) .../...

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THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to 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/EEC¹, and in particular Article 11(3) thereof,

Whereas:

- (1) Drivers engaged only occasionally in transport operations falling within the scope of Regulations (EC) No 561/2006² and (EU) No 165/2014³ face burdensome and time-consuming manual entries in the tachograph relating to the work they have carried out away from a vehicle equipped with a tachograph, over the period preceding the start of the operation for which the use of the tachograph is mandatory.
- (2) Technical constraints have also been detected when entering long periods of rest (annual leaves or sick leaves) onto driving cards using the manual entry facility provided for in the digital tachograph complying with the specifications in Annex IB to Council Regulation (EEC) No 3821/85⁴ applicable until 30 September 2011 that are still in use⁵, which prevents manual recordings of only one type of activity per day.
- (3) In addition, in any case, the activities that were performed before the last weekly rest or during the periods shorter than one week may be checked at the premises of undertakings. For those reasons, a common approach should therefore be established as regards the recording of periods of at least one week during which a driver is away from the vehicle with an installed tachograph and is unable to carry out any activities with that vehicle.

¹ OJ L 102, 11.4.2006, p. 35, ELI: <http://data.europa.eu/eli/dir/2006/22/oj>.

² 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, ELI: <http://data.europa.eu/eli/reg/2006/561/oj>).

³ 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, ELI: <http://data.europa.eu/eli/reg/2014/165/oj>).

⁴ Council Regulation (EEC) No 3821/85 of 20 December 1985 on recording equipment in road transport (OJ L 370, 31.12.1985, p. 8, ELI: <http://data.europa.eu/eli/reg/1985/3821/oj>).

⁵ Although Regulation (EEC) No 3821/85 is now repealed, tachographs compliant with the technical specifications of the first digital tachographs are still in use.

- (4) In the residual cases where manual entries are prevented for technical reasons due to the version of the tachograph, drivers may continue to use the standard attestation form established by Commission Decision 2007/230/EC⁶. Member States' enforcement authorities should accept that standard attestation form in such justified situations.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the committee established by Article 42(1) of Regulation (EU) No 165/2014,

HAS ADOPTED THIS REGULATION:

Article 1

In the cases where a driver, as a result of being away from the vehicle for at least one week, is unable to carry out activities with that vehicle, the driver shall enter onto the driver card, at the latest at the start of the following driving activity, the periods of time referred to in Article 34(5), point (b)(ii), (iii) and (iv), of Regulation (EU) No 165/2014. In such cases, drivers shall only be required to cover the period from the start of the last weekly rest period.

The activities performed before the last weekly rest period not recorded onto the driver card shall be checked at the premises of undertakings.

Member States shall accept the standard attestation form established by Decision 2007/230/EC when manual entries are prevented for technical reasons due to the tachograph.

Article 2

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

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

Done at Brussels,

For the Commission
The President
[...]

⁶ Commission Decision 2007/230/EC of 12 April 2007 on a form concerning social legislation relating to road transport activities (OJ L 99, 14.4.2007, p. 14, ELI: <http://data.europa.eu/eli/dec/2007/230/oj>).