



Brussels, XXX  
[...] (2023) XXX draft

ANNEX

**ANNEX**

**to the**

**COMMISSION DELEGATED DIRECTIVE (EU).../...**

**amending Directive 2006/22/EC of the European Parliament and of the Council on minimum conditions for the implementation of Regulations (EC) No 561/2006 and (EU) No 165/2014 and Directive 2022/15/EC as regards social legislation relating to road transport activities**

## ANNEX

Annex III to Directive 2006/22/EC is replaced by the following:

### ‘ANNEX III

#### 1. Groups of infringements against Regulation of the European Parliament and of the Council (EC) No 561/2006\* (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	Art 5.1	Not respecting minimum ages for conductors			X	
<b>B</b>	<b>Driving periods</b>					
B1	Art. 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	Art. 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		
B13	Art 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	112h30 ≤ ...	X		

		weeks by 25 % or more					
<b>C</b>	<b>Breaks</b>						
C1	Art. 7	Exceed uninterrupted driving time of 4,5 hours before taking the break	$4h30 < \dots < 5h$				X
C2			$5h \leq \dots < 6h$			X	
C3			$6h \leq \dots$		X		
<b>D</b>	<b>Rest Periods</b>						
D1	Art. 8.2	Insufficient daily rest period of less than 11h if reduced daily rest period not allowed	$10h \leq \dots < 11h$				X
D2			$8h30 \leq \dots < 10h$			X	
D3			$\dots < 8h30$		X		
D4		Insufficient reduced daily rest period of less than 9h if reduce allowed	$8h \leq \dots < 9h$				X
D5			$7h \leq \dots < 8h$			X	
D6			$\dots < 7h$		X		
D7		Insufficient split daily rest period of less than 3h + 9h	$3h + [8h \leq \dots < 9h]$				X
D8			$3h + [7h \leq \dots < 8h]$			X	
D9			$3h + [\dots < 7h]$		X		
D10		Art 8.5	Insufficient daily rest period of less than 9h for multi-manning	$8h \leq \dots < 9h$			
D11	$7h \leq \dots < 8h$					X	
D12	$\dots < 7h$				X		
D13	Art 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 ≤ ...			X		
D22	Article 8.6b	No compensation for two consecutive reduced weekly rest periods				X		
D23	Art 8.8	Regular weekly rest period or any weekly rest period of more than 45 hours taken in a vehicle				X		
D24	Art 8.8	The employer not covering any costs for accommodation outside the vehicle					X	
<b>E</b>	<b>12-day rule derogation</b>							
E1	Art. 8.6a.	Exceeding 12 consecutive 24-hour periods following a previous regular weekly rest	... < 3h					X
E2			3h ≤ ... < 12h				X	
E3			12h ≤ ...			X		
E4	Art. 8.6a. (b)(ii)	Weekly rest period taken following 12 consecutive 24-hour periods	67h < ... < 69h					X
E5			65h < ... ≤ 67h				X	
E6			... ≤ 65h			X		
E7	Art. 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 < ... < 4,5 h				X	
E8			4,5 h ≤ ...			X		
<b>F</b>	<b>Work organisation</b>							
F1	Art. 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, within each period of four consecutive weeks				X		
F2	Art. 10.1	Link between wage/payment and distance travelled, speed of delivery and/or amount of goods carried				X		
F3	Art. 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\*\* (Tachograph)

No	LEGAL BASIS	TYPE OF INFRINGEMENT	LEVEL OF SERIOUSNESS		
			MSI	VSI	SI
<b>Installation of tachograph</b>					
1.	Articles 3(1), (4), (4a) and Article	Not having type-approved tachograph installed and used	X		

	22				
<b>Use of tachograph, driver card or record sheet</b>					
2.	Article 23(1)	Using a tachograph not inspected by an approved workshop		X	
3.	Article 27	Driver holding and/or using more than one own driver card		X	
4.		Driving with a driver card that has been falsified ( <i>considered as driving without driver card</i> )	X		
5.		Driving with a driver card of which the driver is not the holder ( <i>considered as driving without driver card</i> )	X		
6.		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		
7.	Article 32(1)	Tachograph not correctly functioning ( <i>e.g.: tachograph not properly inspected, calibrated and sealed</i> )		X	
8.	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	
9.	Article 32(3)	Having in the vehicle and/or using a fraudulent device able to modify the records of the tachograph	X		
10.		Falsifying, concealing, suppressing or destroying data recorded on the record sheets or stored and downloaded from the tachograph and/or the driver card	X		
11.	Article 33(2)	Undertaking not keeping record sheets, printouts and downloaded data		X	
12.		Recorded and stored data not available for at least a year		X	
13.	Article 34(1)	Incorrect use of record sheets/driver card		X	
14.		Unauthorised withdrawal of record sheets or driver card which has an impact on the record of relevant data		X	
15.	Article 34(1a)	Record sheet or driver card used to cover a period longer than that for which it is intended and data is lost		X	
16.	Article 34(2)	Use dirty or damaged record sheets or drivers card and data not legible		X	
17.	Article 34(3)	Not using manual input when required to do so		X	
18.	Article 34(4)	Not using correct record sheet or driver card not in the correct slot (multi-manning)			X
19.	Article 34(5)	Incorrect use of switch mechanism		X	
<b>Producing information</b>					
20.	Article 34(5), point (b)(v)	Incorrect use or non-use of the ferry/train sign			X

21.	Article 34(6)	Required information not entered on the record sheet		X	
22.	Article 34(7)	Records not showing the symbols of the countries whose borders were crossed by the driver during the daily working period			X
23.	Article 34(7)	Records not showing the symbols of the countries where the driver's daily working period started and finished			X
24.	Article 36	Refusing to be checked		X	
25.	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	
26.	Article 36	Unable to produce a driver card, if the driver holds one		X	
<b>Malfunctioning</b>					
27.	Article 37(1) and Article 22(1)	Tachograph not repaired by an approved fitter or workshop		X	
28.	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	

\*\* 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).’.