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# ANNEX ROAD-1 : TRANSPORT OF GOODS BY ROAD

[...]

PART B – Requirements for drivers involved in the transport of goods in accordance with Article ROAD.7

[...]

## 2. Driving times, breaks and rest periods

### Article 1 - Scope

1. This section lays down the rules on driving time, breaks and rest periods for drivers referred to in Article ROAD 7 (2) (b).
2. This section shall apply:
  - (a) where the maximum permissible mass of the vehicle, including any trailer, or semi-trailer, exceeds 3,5 tonnes; or
  - (b) from 1 July 2026, where the maximum permissible mass of the vehicle, including any trailer, or semi-trailer, exceeds 2,5 tonnes.
3. This section shall not apply to transport by:
  - (a) vehicles or combinations of vehicles with a maximum permissible mass not exceeding 7,5 tonnes used for:
    - (i) carrying materials, equipment or machinery for the driver's use in the course of the driver's work, or
    - (ii) for delivering goods which are produced on a craft basis,only within a 100 km radius from the base of the undertaking and on the condition that driving the vehicle does not constitute the driver's main activity and transport is not carried out for hire or reward;
  - (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 transport is undertaken as a consequence of the tasks assigned to these services and is under their control;

- (d) vehicles 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 with a maximum permissible mass, including any trailer, or semi-trailer exceeding 2,5 tonnes but not exceeding 3,5 tonnes that are used for the transport of goods, where the transport is not effected for hire or reward, but on the own account of the company or the driver, and where driving does not constitute the main activity of the person driving the vehicle;
- (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 transport of goods.

## **Article 2 - Definitions**

For the purposes of this section,

- (a) 'transport by road' means any journey made entirely or in part on roads open to the public by a vehicle, whether laden or not;
- (b) '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;
- (c) 'other work' means all activities which are defined as working time in Article 2(a) of section 3 of Part B of this section except 'driving', including any work for the same or another employer, within or outside of the transport sector; ;
- (d) 'rest' means any uninterrupted period during which a driver may freely dispose of his time;
- (e) '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;
- (f) '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,
- 'reduced weekly rest period' means any period of rest of less than 45 hours, which may, subject to the conditions laid down in Article 6(6) of this section, be shortened to a minimum of 24 consecutive hours;

(g) 'a week' means the period of time between 00.00 on Monday and 24.00 on Sunday;

(h) 'driving time' means the duration of driving activity recorded automatically or semi-automatically or manually in the conditions defined in section 4 of Part B of this Annex;

(i) '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;

(j) 'weekly driving time' means the total accumulated driving time during a week;

(k) 'maximum permissible mass' means the maximum authorised operating mass of a vehicle when fully laden;

(l) '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;

(m) '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.

### **Article 3 – Requirement for drivers**

The minimum age for drivers shall be 18 years.

### **Article 4 – Driving times**

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 of 60 hours 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 Parties.

5. A driver shall record as other work any time spent as described in point (c) of Article 2 as well as any time spent driving a vehicle used for commercial operations that do not fall within the scope of this section, and shall record any periods of availability, as defined in Article 2(b) of section 3 of Part B of this Annex, in accordance with point (b)(iii) of Article 6(5) of section 4 of Part B of this Annex. This record shall be entered either manually on a record sheet or printout or by use of manual input facilities on recording equipment.

## **Article 5 - Breaks**

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.

A driver engaged in multi-manning may take a break of 45 minutes in a vehicle driven by another driver provided that the driver taking the break is not involved in assisting the driver driving the vehicle.

## **Article 6 - Rests**

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.

6. In any two consecutive weeks a driver shall take at least:

(a) two regular weekly rest periods; or

(b) one regular weekly rest period and one reduced weekly rest period of at least 24 hours. However, the reduction shall be compensated by an equivalent period of rest taken *en bloc* before the end of the third week following the week in question.

A weekly rest period shall start no later than at the end of six 24-hour periods from the end of the previous weekly rest period.

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

8. The regular weekly rest periods and any weekly rest period of more than 45 hours taken in compensation for previous reduced weekly rest periods shall not be taken in a vehicle. They shall be taken in suitable gender-friendly accommodation with adequate sleeping and sanitary facilities.

Any costs for accommodation outside the vehicle shall be covered by the employer.

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

10. By way of derogation from paragraphs (1) to (9), where a driver accompanies a vehicle which is transported by ferry or train and takes a regular daily rest period or a reduced weekly rest period, that period may be interrupted not more than twice by other activities not exceeding one hour in total. During that regular daily rest or reduced weekly rest period the driver shall have access to a sleeper cabin, bunk or couchette at their disposal.

With regard to regular weekly rest periods, that derogation shall only apply to ferry or train journeys where:

(a) the journey is scheduled for 8 hours or more; and

(b) the driver has access to a sleeper cabin in the ferry or on the train.

11. Any time spent travelling to a location to take charge of a vehicle falling within the scope of this section, or to return from that location, when the vehicle is neither at the driver's home nor at the employer's operational centre where the driver is normally based, shall not be counted as a rest or break unless the driver is on a ferry or train and has access to a sleeper cabin, bunk or couchette.

12. Any time spent by a driver driving a vehicle which falls outside the scope of this section to or from a vehicle which falls within the scope of this section, 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.

## **Article 7 - Liability of road haulage operators**

1. A road haulage operator of a Party shall not give drivers it employs or who are put at its disposal any payment, even in the form of a bonus or wage supplement, related to distances travelled, the speed of delivery and/or the amount of goods carried if that payment is of such a kind as to endanger road safety and/or encourages infringement of this section.

2. A road haulage operator of a Party shall organise road transport operations and properly instruct crew members so that they are able to comply with the provisions of this section.

3. A road haulage operator of a Party shall be liable for infringements committed by drivers of the operator, even if the infringement was committed on the territory of the other Party.

Without prejudice to the right of the Parties to hold road haulage operators fully liable, the Parties may make this liability conditional on the operator's infringement of paragraphs 1 and 2. The Parties may consider any evidence that the road haulage operator cannot reasonably be held responsible for the infringement committed.

4. Road haulage operators, consignors, freight forwarders, principal contractors, subcontractors and driver employment agencies shall ensure that contractually agreed transport time schedules respect this section.

5. A road haulage operator which uses vehicles that are fitted with recording equipment complying with Article 2(2)(a) of section 4 of Part B of this Annex and that fall within the scope of this section, shall:

(i) ensure that all data are downloaded from the vehicle unit and driver card as regularly as is stipulated by the Party and that relevant data are downloaded more frequently so as to ensure that all data concerning activities undertaken by or for that road haulage operator 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 road haulage operator;

For the purposes of this paragraph 'downloaded' shall be interpreted in accordance with the definition laid down in Article 2(2)(h) of section 2 of Part C of this Annex.

The maximum period within which the relevant data shall be downloaded under (a)(i) shall be 90 days for data from the vehicle unit and 28 days for data from the driver card.

#### **Article 8 - Exceptions**

1. 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 4 to 6 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.

2. Provided that road safety is not thereby jeopardised, in exceptional circumstances, the driver may also depart from Article 4(1) and (2) and Article 6(2) by exceeding the daily and weekly driving time by up to one hour in order to reach the employer's operational centre or the driver's place of residence to take a weekly rest period.

Under the same conditions, the driver may exceed the daily and weekly driving time by up to two hours, provided that an uninterrupted break of 30 minutes was taken immediately

prior to the additional driving in order to reach the employer's operational centre or the driver's place of residence for taking a regular weekly rest period.

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 destination or the suitable stopping place.

Any period of extension shall be compensated by an equivalent period of rest taken en bloc with any rest period, by the end of the third week following the week in question.

3. Provided road safety is not thereby jeopardised, each Party and, in the case of the European Union, a Member State, may grant exceptions from Articles 3 to 6 and make such exceptions subject to individual conditions on its own territory or, with the agreement of the other Party, on the territory of the other Party, applicable to transport by the following:

- (a) vehicles owned or hired, without a driver, by public authorities to undertake transport by road which do not compete with private road haulage operators;
- (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;
- (d) vehicles or combinations of vehicles with a maximum permissible mass not exceeding 7,5 tonnes used by universal service providers to deliver items as part of the universal service.

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

- (e) vehicles operating exclusively on islands not exceeding 2 300 square kilometres in area which are not linked to the rest of the national territory by a bridge, ford or tunnel open for use by motor vehicles
- (f) vehicles used for the transport of goods within a 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 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;
- (h) specialised vehicles transporting circus and funfair equipment;

- (i) specially fitted mobile project vehicles, the primary purpose of which is use as an educational facility when stationary;
- (j) vehicles used for milk collection from farms and/or for the return to farms of milk containers or milk products intended for animal feed;
- (k) specialised vehicles transporting money and/or valuables;
- (l) vehicles used for carrying animal waste or carcasses which are not intended for human consumption;
- (m) vehicles used exclusively on roads inside hub facilities such as ports, interports and railway terminals;
- (n) vehicles used for the transport of live animals from farms to local markets and vice versa or from markets to local slaughterhouses within a radius of up to 100 km.
- (o) vehicles or combinations of vehicles carrying construction machinery for a construction undertaking, up to a radius of 100 km from the base of the undertaking, provided that driving the vehicles does not constitute the driver's main activity;
- (p) vehicles used for the delivery of ready-mixed concrete.

4. Provided that road safety is not thereby jeopardised, a Party may, and in the case of the European Union, a Member State, may in agreement with the other Party, grant exceptions from the application of Articles 4 to 6 to transport operations carried out in exceptional circumstances.

### **3. Working time of mobile workers**

#### **Article 1 - Scope**

1. This section shall apply to mobile workers employed by road haulage operators of the Parties, undertaking journeys referred to in Article ROAD.4.

This section shall also apply to self-employed drivers.

2. In so far as this section contains more specific provisions as regards mobile workers performing road transport activities it shall take precedence over the relevant provisions of Article LPF.2.27.

3. This section shall supplement the provisions of section 2 of Part B which take precedence over the provisions of this Section.

#### **Article 2 - Definitions**

For the purposes of this section:

(a) "working time" shall mean:

1. in the case of mobile workers: the time from the beginning to the end of work, during which the mobile worker is at his workstation, at the disposal of the employer and exercising his functions or activities, that is to say:

- the time devoted to all road transport activities. These activities are, in particular, the following:

(i) driving;

(ii) loading and unloading;

(iii) assisting passengers boarding and disembarking from the vehicle;

(iv) cleaning and technical maintenance;

(v) all other work intended to ensure the safety of the vehicle and its cargo or to fulfil the legal or regulatory obligations directly linked to the specific transport operation under way, including monitoring of loading and unloading, administrative formalities with police, customs, immigration officers etc.,

- the times during which he cannot dispose freely of his time and is required to be at his workstation, ready to take up normal work, with certain tasks associated with being on duty, in particular during periods awaiting loading or unloading where their foreseeable duration is not known in advance, that is to say either before departure or just before the actual start of the period in question, or under the general conditions negotiated between the social partners and/or under the terms of the legislation of the Parties;

2. in the case of self-employed drivers, the same definition shall apply to the time from the beginning to the end of work, during which the self-employed driver is at his workstation, at the disposal of the client and exercising his functions or activities other than general administrative work that is not directly linked to the specific transport operation under way.

The break times referred to in Article 4, the rest times referred to in Article 5 and, without prejudice to the legislation of the Parties or agreements between the social partners providing that such periods should be compensated or limited, the periods of availability referred to in (b) of this Article, shall be excluded from working time;

(b) "periods of availability" shall mean:

- periods other than those relating to break times and rest times during which the mobile worker is not required to remain at his workstation, but must be available to answer any calls to start or resume driving or to carry out other work. In particular such periods of availability shall include periods during which the mobile worker is accompanying a vehicle being transported by ferryboat or by train as well as periods of waiting at frontiers and those due to traffic prohibitions.

These periods and their foreseeable duration shall be known in advance by the mobile worker, that is to say either before departure or just before the actual start of the period in question, or under the general conditions negotiated between the social partners and/or under the terms of the legislation of the Parties,

- for mobile workers driving in a team, the time spent sitting next to the driver or on the couchette while the vehicle is in motion;

(c) "workstation" shall mean:

- the location of the main place of business of the road haulage operator for which the person performing mobile road transport activities carries out duties, together with its various subsidiary places of business, regardless of whether they are located in the same place as its head office or main place of business,

- the vehicle which the person performing mobile road transport activities uses when he carries out duties, and

- any other place in which activities connected with transportation are carried out;

(d) "mobile worker" shall mean any worker forming part of the travelling staff, including trainees and apprentices, who is in the service of an undertaking which operates transport services for passengers or goods by road for hire or reward or on its own account;

(e) "self-employed driver" shall mean anyone whose main occupation is to transport of goods by road for hire or reward within the meaning of Part A of this Annex, who is entitled to work for himself and who is not tied to an employer by an employment contract or by any other type of working hierarchical relationship, who is free to organise the relevant working activities, whose income depends directly on the profits made and who has the freedom to, individually or through a cooperation between self-employed drivers, have commercial relations with several customers.

For the purposes of this section, those drivers who do not satisfy these criteria shall be subject to the same obligations and benefit from the same rights as those provided for mobile workers by this Section;

(f) "person performing mobile road transport activities" shall mean any mobile worker or self-employed driver who performs such activities;

(g) "week" shall mean the period between 00.00 hours on Monday and 24.00 hours on Sunday;

(h) "night time" shall mean a period of at least four hours, as defined by national law, between 00.00 hours and 07.00 hours;

(i) "night work" shall mean any work performed during night time.

### **Article 3 - Maximum weekly working time**

Each party shall take the measures necessary to ensure that:

(a) the average weekly working time may not exceed 48 hours. The maximum weekly working time may be extended to 60 hours only if, over four months, an average of 48 hours a week is not exceeded.

(b) working time for different employers is the sum of the working hours. The employer shall ask the mobile worker concerned in writing for an account of time worked for another employer. The mobile worker shall provide such information in writing.

#### **Article 4 - Breaks**

1. Each Party shall take the measures necessary to ensure that, without prejudice to the provisions of Section 2 of Part B of this Annex, persons performing mobile road transport activities, in no circumstances work for more than six consecutive hours without a break. Working time shall be interrupted by a break of at least 30 minutes, if working hours total between six and nine hours, and of at least 45 minutes, if working hours total more than nine hours.

2. Breaks may be subdivided into periods of at least 15 minutes each.

#### **Article 5 - Rest periods**

For the purposes of this section, apprentices and trainees shall be covered by the same provisions on rest time as other mobile workers in pursuance of Section 2 of Part B of this Annex.

#### **Article 6 - Night work**

1. Each party shall take the measures necessary to ensure that:

- if night work is performed, the daily working time does not exceed ten hours in each 24 period,

- compensation for night work is given in accordance with national legislative measures, collective agreements, agreements between the two sides of industry and/or national practice, on condition that such compensation is not liable to endanger road safety.

#### **Article 7 - Derogations**

1. Derogations from Articles 3 and 6 may, for objective or technical reasons or reasons concerning the organisation of work, be adopted by means of collective agreements, agreements between the social partners, or if this is not possible, by laws, regulations or administrative provisions provided there is consultation of the representatives of the employers and workers concerned and efforts are made to encourage all relevant forms of social dialogue.

2. The option to derogate from Article 3 may not result in the establishment of a reference period exceeding six months, for calculation of the average maximum weekly working time of forty-eight hours.

3. The Specialised Committee shall be informed of the derogations applied by a Party according to paragraph 1.

#### **Article 8 - Information and records**

Each Party shall ensure that:

- (a) mobile workers are informed of the relevant national requirements, the internal rules of the road haulage operator and agreements between the two sides of industry, in particular collective agreements and any company agreements, reached on the basis of this Section;
- (b) the working time of persons performing mobile road transport activities is recorded. Records shall be kept for at least two years after the end of the period covered. Employers shall be responsible for recording the working time of mobile workers. Employers shall upon request provide mobile workers with copies of the records of hours worked.

#### **Article 9 - More favourable provisions**

This Section shall not affect the right of each Party to apply or introduce laws, regulations or administrative provisions more favourable to the protection of the health and safety of persons performing mobile road transport activities, or their right to facilitate or permit the application of collective agreements or other agreements concluded between the two sides of industry which are more favourable to the protection of the health and safety of mobile workers. These rules shall be applied in a non-discriminatory manner.

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## 4. Use of tachographs by drivers

### Article 1 – Subject matter and principles

This section lays down requirements for drivers regarding the use of tachographs referred to in Article ROAD 7(1)(b).

### Article 2 – Definitions

1. For the purposes of this section, the definitions set out in Article 2 of section 2 of Part B of this Annex shall apply.

2. In addition to the definitions referred to in paragraph 1, for the purposes of this section the following definitions shall apply:

- (a) 'tachograph' or 'recording equipment' means the equipment intended for installation in road vehicles to display, record, print, store and output automatically or semi-automatically details of the movement, including the speed, of such vehicles and details of certain periods of activity of their drivers;
- (b) 'record sheet' means a sheet designed to accept and retain recorded data, to be placed in an analogue tachograph, and on which the marking devices of the analogue tachograph continuously inscribe the information to be recorded;
- (c) 'tachograph card' means a smart card, intended for use with the tachograph, which allows identification by the tachograph of the role of the cardholder and allows data transfer and storage;
- (d) 'driver card' means a tachograph card, issued by the authorities of a Party to a particular driver, which identifies the driver and allows for the storage of driver activity data;
- (e) 'analogue tachograph' means a tachograph complying with the specifications in annex I to Council Regulation (EEC) No 3821/85;
- (f) 'digital tachograph' means a tachograph complying with one of the following set of specifications:
  - annex IB to Council Regulation (EEC) No 3821/85 applicable until 30 September 2011;
  - annex IB to Council Regulation (EEC) No 3821/85 applicable from 1 October 2011;
  - annex IB to Council Regulation (EEC) No 3821/85 applicable from 1 October 2012
- (g) 'smart tachograph 1' means a tachograph complying with annex IC to Commission implementing regulation (EU) 2016/799 applicable from 15 June 2019
- (h) 'smart tachograph 2' means a tachograph complying with the following requirements:
  - automatic recording of the border crossing ;
  - recording of loading and unloading activities ;
  - recording whether the vehicle is used for carriage of goods or passengers,

and with the specifications to be set out in the implementing acts referred to in the first paragraph of Article 11 of Regulation (EU) No 165/2014.

- (i) 'event' means an abnormal operation detected by the digital tachograph which may result from a fraud attempt;
- (j) 'non-valid card' means a card detected as faulty, or whose initial authentication failed, or whose start of validity date is not yet reached, or whose expiry date has passed;

### **Article 3 - Use of driver cards**

1. The driver card is personal.
2. A driver may hold no more than one valid driver card, and is only authorised to use his own personalised driver card. A driver shall not use a driver card which is defective or which has expired.

### **Article 4 - Issuing of driver cards**

1. Driver cards shall be requested to the competent authority of the Party where the driver has his normal residence.
2. For the purposes of this Article, 'normal residence' means the place where a person usually lives, that is for at least 185 days in each calendar year, because of personal and occupational ties, or, in the case of a person with no occupational ties, because of personal ties which show close links between that person and the place where he is living.

However, the normal residence of a person whose occupational ties are in a place different from their personal ties and who consequently lives in turn in different places situated in the two Parties shall be regarded as being the place of their personal ties, provided that such person returns there regularly. This last condition need not be complied with where the person is living in a Party in order to carry out a fixed-term assignment.

3. Drivers shall give proof of their normal residence by any appropriate means, such as their identity card or any other valid document.

### **Article 5 - Renewal of driver cards**

Where a driver wishes to renew his driver card, he shall apply to the competent authorities of the Party of his normal residence not later than 15 working days before the expiry date of the card.

### **Article 6 - Use of driver cards and record sheets**

1. Drivers shall use record sheets or driver cards every day on which they drive, starting from the moment they take over the vehicle. The record sheet or driver card shall not be withdrawn before the end of the daily working period unless its withdrawal is otherwise authorised or is necessary in order to enter the symbol of the country after having crossed a border. No record sheet or driver card may be used to cover a period longer than that for which it is intended.
2. Drivers shall adequately protect the record sheets or driver cards, and shall not use dirty or damaged record sheets or driver cards. The driver shall ensure that, taking into account the length of

the period of service, the printing of data from the tachograph at the request of a control officer can be carried out correctly in the event of an inspection.

3. When, as a result of being away from the vehicle, a driver is unable to use the tachograph fitted to the vehicle, the periods of time referred to in points (ii), (iii) and (iv) of paragraph 5(b) shall:

(a) if the vehicle is fitted with an analogue tachograph, be entered on the record sheet, either manually, by automatic recording or other means, legibly and without dirtying the record sheet; or

(b) if the vehicle is fitted with a digital, a smart 1 or smart 2 tachograph, be entered onto the driver card using the manual entry facility provided for in the tachograph.

Each Party shall not impose on drivers a requirement to present forms attesting to their activities while away from the vehicle.

4. Where there is more than one driver on board a vehicle fitted with a digital, a smart 1 or smart 2 tachograph, each driver shall ensure that his driver card is inserted into the correct slot in the tachograph.

Where there is more than one driver on board a vehicle fitted with an analogue tachograph, the drivers shall amend the record sheets as necessary, so that the relevant information is recorded on the record sheet of the driver who is actually driving.

5. Drivers shall:

(a) ensure that the time recorded on the record sheet corresponds to the official time in the country of registration of the vehicle;

(b) operate the switch mechanisms enabling the following periods of time to be recorded separately and distinctly:

(i) under the sign  : driving time,

(ii) under the sign  : 'other work', which means any activity other than driving, as defined in point (a) of Article 2 of section 3 of Part B of this Annex, and also any work for the same or another employer within or outside of the transport sector,

(iii) under the sign  : 'availability', as defined in point (b) of Article 2 of Part B3 of this Annex,

(iv) under the sign  : breaks, rest, annual leave or sick leave,

(v) under the sign for "ferry/train": In addition to the sign  : the rest period spent on a ferry or train as required in paragraph (10) of Article 6 of Section 2 of Part B.

6. Each driver of a vehicle fitted with an analogue tachograph shall enter the following information on his record sheet:

(a) on beginning to use the record sheet — his surname and first name;

- (b) the date and place where use of the record sheet begins and the date and place where such use ends;
- (c) the registration number of each vehicle to which the driver is assigned, both at the start of the first journey recorded on the record sheet and then, in the event of a change of vehicle, during use of the record sheet;
- (d) the odometer reading:
  - (i) at the start of the first journey recorded on the record sheet,
  - (ii) at the end of the last journey recorded on the record sheet,
  - (iii) in the event of a change of vehicle during a working day, the reading on the first vehicle to which the driver was assigned and the reading on the next vehicle;
- (e) the time of any change of vehicle;
- (f) the symbols of the countries in which the daily working period started and finished. The driver shall also enter the symbol of the country that the driver enters after crossing a border of an EU Member State and of the UK at the beginning of the driver's first stop in that Member State or the UK. That first stop shall be made at the nearest possible stopping place at or after the border. Where the crossing of the border takes place on a ferry or train, the driver shall enter the symbol of the country at the port or station of arrival.

7. The driver shall enter in the digital tachograph the symbols of the countries in which the daily working period started and finished.

An EU Member State or the UK may require drivers of vehicles engaged in transport operations inside their territory to add more detailed geographic specifications to the country symbol, provided that each Party notifies in advance the other Party about those detailed geographic specifications.

It shall not be necessary for drivers to enter the information referred to in the first sentence of the first subparagraph if the tachograph is automatically recording this location data.

#### **Article 7 - Correct use of tachographs**

- 1. Transport undertakings and drivers shall ensure the correct functioning and proper use of digital tachographs and driver cards. Transport undertakings and drivers using analogue tachographs shall ensure their correct functioning and the proper use of record sheets.
- 2. It shall be forbidden to falsify, conceal, suppress or destroy data recorded on the record sheet or stored in the tachograph or on the driver card, or print-outs from the tachograph. Any manipulation of the tachograph, record sheet or driver card which could result in data and/or printed information being falsified, suppressed or destroyed shall also be prohibited. No device which could be used to this effect shall be present on the vehicle.

#### **Article 8 - Stolen, lost or defective driver cards**

1. Issuing authorities of the Parties shall keep records of issued, stolen, lost or defective driver cards for a period at least equivalent to their period of validity.
2. If a driver card is damaged or if it malfunctions, the driver shall return it to the competent authority of the Party of his normal residence. Theft of the driver card shall be formally declared to the competent authorities of the State where the theft occurred.
3. Any loss of the driver card shall be reported in a formal declaration to the competent authorities of the issuing Party and to the competent authorities of the Party of the driver's normal residence if this is different.
4. If the driver card is damaged, malfunctions or is lost or stolen, the driver shall, within seven calendar days, apply for its replacement to the competent authorities of the Party of his normal residence.
5. In the circumstances set out in paragraph 4, the driver may continue to drive without a driver card for a maximum period of 15 calendar days or for a longer period if this is necessary for the vehicle to return to the premises where it is based, provided that the driver can prove the impossibility of producing or using the card during that period.

#### **Article 9 - Damaged driver cards and record sheets**

1. In the event of damage to a record sheet bearing recordings or to a driver card, drivers shall keep the damaged record sheet or driver card together with any spare record sheet used to replace it.
2. Where a driver card is damaged, malfunctions, or is lost or stolen, the driver shall:
  - (a) at the start of his journey, print out the details of the vehicle he is driving, and enter on that printout:
    - (i) details that enable the driver to be identified (name, driver card or driving licence number), including his signature;
    - (ii) the periods referred to in points (ii), (iii) and (iv) of Article 6 (5)(b);
  - (b) at the end of the journey, print out the information relating to periods of time recorded by the tachograph, record any periods of other work, availability and rest taken since the printout made at the start of the journey, where not recorded by the tachograph, and mark on that document details enabling the driver to be identified (name, driver card or driving licence number), including the driver's signature.

#### **Article 10 - Records to be carried by the driver**

1. Where a driver drives a vehicle fitted with an analogue tachograph, he shall be able to produce, whenever an authorised control officer so requests:
  - (i) the record sheets for the current day and the preceding 28 days,
  - (ii) the driver card, if one is held, and

- (iii) any manual records and printouts made during the current day and the previous 28 days.

2. Where the driver drives a vehicle fitted with a digital, a smart 1 or smart 2 tachograph, he shall be able to produce, whenever an authorised control officer so requests:

- (i) his driver card,
- (ii) any manual records and printouts made during the current day and the previous 28 days,
- (iii) the record sheets corresponding to the same period as that referred to in point (ii) during which he drove a vehicle fitted with an analogue tachograph.

From 31 December 2024, the period of 28 days referred to in (i) and (ii) of paragraph 1 and in (ii) of paragraph 2 of this Article shall be replaced by 56 days.

3. An authorised control officer may check compliance with Section 2 of Part B of this Annex by analysis of the record sheets, of the displayed, printed or downloaded data which have been recorded by the tachograph or by the driver card or, failing that, of any other supporting document that justifies non-compliance with a provision.

#### **Article 11 – Procedures for drivers in the event of malfunctioning equipment**

While the tachograph is unserviceable or malfunctioning, the driver shall mark data enabling him to be identified (name, driver card or driving licence number), including a signature, as well as the information for the various periods of time which are no longer recorded or printed out correctly by the tachograph:

- (a) on the record sheet or sheets, or
- (b) on a temporary sheet to be attached to the record sheet or to be kept together with the driver card.

# PART C – Requirements for vehicles used for the transport of goods in accordance with Article ROAD.8

## 1. Weights & dimensions

### Article 1

The maximum weights and dimensions of the vehicles that may be used for journeys referred to in Article ROAD.4 are those set out in Appendix ROAD C1.

### Article 2

For the purposes of this section:

- ‘motor vehicle’ shall mean any power-driven vehicle which travels on the road by its own means,
- ‘trailer’ shall mean any vehicle intended to be coupled to a motor vehicle excluding semi-trailers, and constructed and equipped for the carriage of goods,
- ‘semi-trailer’ shall mean any vehicle intended to be coupled to a motor vehicle in such a way that part of it rests on the motor vehicle with a substantial part of its weight and of the weight of its load being borne by the motor vehicle, and constructed and equipped for the carriage of goods,
- ‘vehicle combination’ shall mean either:
  - a road train consisting of a motor vehicle coupled to a trailer; or
  - an articulated vehicle consisting of a motor vehicle coupled to a semi-trailer,
- ‘conditioned vehicle’ shall mean any vehicle whose fixed or movable superstructures are specially equipped for the carriage of goods at controlled temperatures and whose side walls, inclusive of insulation, are each at least 45 mm thick,
- ‘maximum authorized dimensions’ shall mean the maximum dimensions for use of a vehicle,
- ‘maximum authorized weight’ shall mean the maximum weight for use of a laden vehicle,
- ‘maximum authorized axle weight’ shall mean the maximum weight for use of a laden axle or group of axles,
- ‘tonne’ shall mean the weight executed by the mass of a tonne and shall correspond to 9.8 kilonewtons (kN),
- ‘indivisible load’ shall mean a load that cannot, for the purpose of carriage by road, be divided into two or more loads without undue expense or risk of damage and which owing to its dimensions or mass cannot be carried by a motor vehicle, trailer, road train or articulated vehicle complying with this section in all respects,

— ‘alternative fuels’ shall mean fuels or power sources which serve, at least partly, as a substitute for fossil oil sources in the energy supply to transport and which have the potential to contribute to its decarbonisation and enhance the environmental performance of the transport sector, consisting of:

- (a) electricity consumed in all types of electric vehicles;
- (b) hydrogen;
- (c) natural gas, including biomethane, in gaseous form (Compressed Natural Gas — CNG) and liquefied form (Liquefied Natural Gas — LNG);
- (d) Liquefied Petroleum Gas (LPG);
- (e) mechanical energy from on-board storage/on-board sources, including waste heat,

— ‘alternatively fuelled vehicle’ shall mean a motor vehicle powered wholly or in part by an alternative fuel,

— ‘zero-emission vehicle’ shall mean a heavy goods vehicle without an internal combustion engine, or with an internal combustion engine that emits less than 1 g CO<sub>2</sub>/kWh.

— ‘intermodal transport operation’ shall mean the transport of one or more containers or swap bodies, with a length of no more than 45 feet, where the lorry, trailer, semi-trailer (with or without tractor unit), swap body or container uses the road on the initial and/or final leg of the journey and, on the other leg, rail or inland waterway or maritime services.

### **Article 3**

A vehicle or vehicle combination which exceeds the maximum weights and dimensions set out in Appendix Road C.1 may only be allowed to circulate on the basis of a special permit issued without discrimination by the competent authorities, or on the basis of similar non-discriminatory arrangements agreed on a case-by-case basis with those authorities, where these vehicles or vehicle combinations carry or are intended to carry indivisible loads.

### **Article 4**

This section shall not preclude the non-discriminatory application of road traffic provisions in force in each Party which permit the weight and/or dimensions of vehicles on certain roads or civil engineering structures to be limited.

This includes the possibility to impose local restrictions on maximum authorised dimensions and/or weights of vehicles that may be used in specified areas or on specified roads, where the infrastructure is not suitable for long and heavy vehicles, such as city centres, small villages or places of special natural interest.

### **Article 5**

1. Vehicles or vehicle combinations equipped with aerodynamic devices may exceed the maximum lengths provided for in point 1.1 of Appendix ROAD.C1, to allow the addition of such devices to the rear of vehicles or vehicle combinations. Vehicles or vehicle combinations equipped with such devices shall comply with point 1.5 of Appendix ROAD.C1, and any exceeding of the maximum lengths shall not result in an increase in the loading length of those vehicles or vehicle combinations.

2. The aerodynamic devices referred to in paragraph 1 shall fulfil the following operational conditions:

- (a) in circumstances where the safety of other road users or of the driver is at risk, they shall be folded, retracted or removed by the driver;
- (b) when aerodynamic devices and equipment exceed 500 mm in length in the in-use position they shall be retractable or foldable ;
- (c) their use on urban and inter urban road infrastructures shall take into account the special characteristics of areas where the speed limit is less than or equal to 50 km/h and where vulnerable road users are more likely to be present; and
- (d) when retracted/folded, they shall not exceed the maximum authorised length by more than 20 cm.

#### **Article 6**

Vehicles or vehicle combinations may exceed the maximum lengths laid down in point 1.1 of Appendix ROAD.C1 provided that their cabs deliver improved aerodynamic performance, energy efficiency and safety performance. Vehicles or vehicle combinations equipped with such cabs shall comply with point 1.5 of Appendix ROAD.C1 and any exceeding of the maximum lengths shall not result in an increase in the load capacity of those vehicles.

#### **Article 7**

- 1. The maximum lengths laid down in point 1.1 of Appendix ROAD.C1, subject where applicable to Article 6, and the maximum distance laid down in point 1.6 of Appendix ROAD.C1, may be exceeded by 15 cm for vehicles or vehicle combinations engaged in the transport of 45-foot containers or 45-foot swap bodies, empty or loaded, provided that the road transport of the container or swap body in question is part of an intermodal transport operation carried out according to the conditions set by each Party.
- 2. For such operations, the maximum authorised vehicle weight for articulate vehicles with five or six axles may be exceeded by two tonnes in the combination set out in point 2.2.2(a) of Appendix ROAD.C1 and by four tonnes in the combination set out in point 2.2.2(b) of Appendix ROAD.C1.

## APPENDIX ROAD.C1: MAXIMUM WEIGHTS AND DIMENSIONS AND RELATED CHARACTERISTICS OF VEHICLES

### 1. Maximum authorized dimensions for vehicles

#### 1.1 Maximum length:

— motor vehicle	12.00 m
— trailer	12.00 m
— articulated vehicle	16.50 m
— road train	18.75 m

#### 1.2 Maximum width:

(a) all vehicles except the vehicles referred to in point (b)	2.55 m
(b) superstructures of conditioned vehicles or conditioned containers or swap bodies transported by vehicles	2.60 m

#### 1.3 Maximum height (any vehicle)

4.00 m

1.4 Removable superstructures and standardized freight items such as containers are included in the dimensions specified in points 1.1, 1.2, 1.3, 1.6, 1.7, 1.8 and 4.4

1.5 Any motor vehicle or vehicle combination which is in motion must be able to turn within a swept circle having an outer radius of 12.50 m and an inner radius of 5.30 m

#### 1.6 Maximum distance between the axis of the fifth-wheel king pin and the rear of a semi-trailer

12.00 m

#### 1.7 Maximum distance measured parallel to the longitudinal axis of the road train from the foremost external point of the loading area behind the cabin to the rearmost external point of the trailer of the combination, minus the distance between the rear of the drawing vehicle and the front of the trailer

15.65 m

#### 1.8 Maximum distance measured parallel to the longitudinal axis of the road train from the foremost external point of the loading area behind the cabin to the rearmost external point of the trailer of the combination

16.40 m

### 2. Maximum authorized vehicle weight (in tonnes)

#### 2.1 Vehicles forming part of a vehicle combination

2.1.1 *Two-axle trailer* 18 tonnes

2.1.2 *Three-axle trailer* 24 tonnes

#### 2.2 Vehicle combinations

In the case of vehicle combinations including alternatively fuelled or zero-emission vehicles, the maximum authorised weights provided for in this section are increased by the additional weight of

the alternative fuel or zero-emission technology with a maximum of 1 tonne and 2 tonnes respectively.

*2.2.1 Road trains with five or six axles*

(a) two-axle motor vehicle with three-axle trailer	40 tonnes
(b) three-axle motor vehicle with two or three-axle trailer	40 tonnes

*2.2.2 Articulated vehicles with five or six axles*

(a) two-axle motor vehicle with three-axle semi-trailer	40 tonnes
(b) three-axle motor vehicle with two or three-axle semi-trailer	40 tonnes

*2.2.3 Road trains with four axles consisting of a two-axle motor vehicle and a two-axle trailer*

36 tonnes

*2.2.4 Articulated vehicles with four axles consisting of a two-axle motor vehicle and a two-axle semi-trailer, if the distance between the axles of the semi-trailer:*

- is 1.3 m or greater but not more than 1.8 m
- is greater than 1.8 m

36 tonnes

36 tonnes (+ 2 tonnes margin when the maximum authorized weight (MAW) of the motor vehicle (18 tonnes) and the MAW of the tandem axle of the semi-trailer (20 tonnes) are respected and the driving axle is fitted with twin tyres and air suspension or equivalent suspension)

## 2.3 Motor vehicles

In the case of alternatively fuelled motor vehicles or zero-emission vehicles, the maximum authorised weights provided for in subsections 2.3.1 and 2.3.2 are increased by the additional weight of the alternative fuel or zero-emission technology with a maximum of 1 tonne and 2 tonnes respectively.

*2.3.1 Two-axle motor vehicles*

18 tonnes

*2.3.2 Three-axle motor vehicles*

25 tonnes (26 tonnes where the driving axle is fitted with twin tyres and air suspension or equivalent suspension, or where each driving axle is fitted with twin tyres and the maximum weight of each axle does not exceed 9.5 tonnes)

*2.3.3 Four-axle motor vehicles with two steering axles*

32 tonnes where the driving axle is fitted with twin tyres and air

suspension or equivalent suspension, or where each driving axle is fitted with twin tyres and the maximum weight of each axle does not exceed 9.5 tonnes

### 3. Maximum authorized axle weight of the vehicles (in tonnes)

#### 3.1 Single axles

Single non-driving axle

10 tonnes

#### 3.2 Tandem axles of trailers and semi-trailers

The sum of the axle weights per tandem axle must not exceed, if the distance (d) between the axles is:

- less than 1 m ( $d < 1.0$ )
- between 1.0 m and less than 1.3 m ( $1.0 \leq d < 1.3$ )
- between 1.3 m and less than 1.8 m ( $1.3 \leq d < 1.8$ )
- 1.8 m or more ( $1.8 \leq d$ )

11 tonnes

16 tonnes

18 tonnes

20 tonnes

#### 3.3 Tri-axles of trailers and semi-trailers

The sum of the axle weights per tri-axle must not exceed, if the distance (d) between the axles is:

- 1.3 m or less ( $d \leq 1.3$ )
- over 1.3 m and up to 1.4 m ( $1.3 < d \leq 1.4$ )

21 tonnes

24 tonnes

#### 3.4 Driving axle

Driving axle of the vehicles referred to in points 2.2 and 2.3

11.5 tonnes

#### 3.5 Tandem axles of motor vehicles

The sum of the axle weights per tandem axle must not exceed, if the distance (d) between the axles is:

- less than 1 m ( $d < 1.0$ )
- 1.0 m or greater but less than 1.3 m ( $1.0 \leq d < 1.3$ )
- 1.3 m or greater but less than 1.8 m ( $1.3 \leq d < 1.8$ )

11.5 tonnes

16 tonnes

18 tonnes (19 tonnes

where the driving axle is fitted with twin tyres and air suspension or equivalent suspension, or where each driving axle is fitted with twin tyres and where the maximum weight for each axle does not exceed 9.5 tonnes)

### 4. Other characteristics of the vehicles

#### *4.1 All vehicles*

The weight borne by the driving axle or driving axles of a vehicle or vehicle combination must not be less than 25 % of the total laden weight of the vehicle or vehicle combination

#### *4.2 Road trains*

The distance between the rear axle of a motor vehicle and the front axle of a trailer must not be less than 3.00 m.

#### *4.3 Maximum authorized weight depending on the wheelbase*

The maximum authorized weight in tonnes of a four-axle motor vehicle may not exceed five times the distance in metres between the axes of the foremost and rearmost axles of the vehicle.

#### *4.4 Semi-trailers*

The distance measured horizontally between the axis of the fifth-wheel king pin and any point at the front of the semi-trailer must not exceed 2.04 m.

## **2. Requirements for tachographs, drivers' cards and workshop cards**

### **Article 1 - Subject-matter and principles**

This section lays down the requirements for vehicles regarding the installation, testing, and control of tachographs, as referred to in Article ROAD 8 (2) of this Agreement.

### **Article 2 – Definitions**

1. For the purposes of this section, the definitions set out in Article 2 of section 2 and in Article 2 of section 4 of Part B of this Annex shall apply.
2. In addition to the definitions referred to in paragraph 1, for the purposes of this section the following definitions shall apply:
  - (a) 'vehicle unit' means the tachograph excluding the motion sensor and the cables connecting the motion sensor. The vehicle unit may be a single unit or several units distributed in the vehicle, provided that it complies with the security requirements of this Section; the vehicle unit includes, among other things, a processing unit, a data memory, a time measurement function, two smart card interface devices for driver and co-driver, a printer, a display, connectors and facilities for entering the user's inputs;
  - (b) 'motion sensor' means a part of the tachograph providing a signal representative of vehicle speed and/or distance travelled;
  - (c) 'control card' means a tachograph card issued by the authorities of a Party to a national competent control authority which identifies the control body and, optionally, the control officer, and which allows access to the data stored in the data memory or in the driver cards and, optionally, in the workshop cards for reading, printing and/or downloading;
  - (d) 'company card' means a tachograph card issued by the authorities of a Party to a road haulage operator needing to operate vehicles fitted with a tachograph, which identifies the road haulage operator and allows for the displaying, downloading and printing of the data, stored in the tachograph, which have been locked by that road haulage operator;
  - (e) 'workshop card' means a tachograph card issued by the authorities of a Party to designated staff of a tachograph manufacturer, a fitter, a vehicle manufacturer or a workshop, approved by that Party, which identifies the cardholder and allows for the testing, calibration and activation of tachographs, and/or downloading from them;
  - (f) 'activation' means the phase in which the tachograph becomes fully operational and implements all functions, including security functions, through the use of a workshop card;

- (g) 'calibration' of a digital tachograph means updating or confirming vehicle parameters, including vehicle identification and vehicle characteristics, to be held in the data memory through the use of a workshop card;
- (h) 'downloading' from a digital tachograph means the copying, together with the digital signature, of a part, or of a complete set, of data files recorded in the data memory of the vehicle unit or in the memory of a tachograph card, provided that this process does not alter or delete any stored data;
- (i) 'fault' means an abnormal operation detected by the digital tachograph which may result from an equipment malfunction or failure;
- (j) 'installation' means the mounting of a tachograph in a vehicle;
- (k) 'periodic inspection' means a set of operations performed to check that the tachograph works properly, that its settings correspond to the vehicle parameters, and that no manipulation devices are attached to the tachograph;
- (l) 'repair' means any repair of a motion sensor or of a vehicle unit that requires the disconnection of its power supply, or its disconnection from other tachograph components, or the opening of the motion sensor or vehicle unit;
- (m) 'interoperability' means the capacity of systems and the underlying business processes to exchange data and to share information;
- (n) 'interface' means a facility between systems which provides the media through which they can connect and interact;
- (o) 'time measurement' means a permanent digital record of the coordinated universal date and time (UTC);
- (p) 'time adjustment' means an automatic adjustment of current time at regular intervals and within a maximum tolerance of one minute, or an adjustment performed during calibration;
- (q) 'open standard' means a standard set out in a standard specification document available freely or at a nominal charge which it is permissible to copy, distribute or use for no fee or for a nominal fee;
- (r) 'TACHOnet messaging system' means the messaging system complying with the technical specifications laid down in Annexes I to VII of Commission Implementing Regulation (EU)

2016/68 of 21 January 2016 on common procedures and specifications necessary for the interconnection of electronic registers of driver cards.

### **Article 3 – installation**

1. Tachographs shall be installed in vehicles:
  - (a) where the maximum permissible mass of the vehicle, including any trailer, or semi-trailer, exceeds 3,5 tonnes; or
  - (b) from 1 July 2026, where the maximum permissible mass of the vehicle, including any trailer, or semi-trailer, exceeds 2,5 tonnes.
2. Each Party may exempt from the application of this Section the vehicles mentioned in Article 8(3) of section 2 of Part B of this Annex.
3. Each Party may exempt from the application of this Section vehicles used for transport operations which have been granted an exception in accordance with Article 8(4) of section 2 of Part B of this Annex. Each Party shall immediately notify each other when making use of this provision.
4. No later than three years from the end of the year of entry into force of the detailed technical specifications of the smart tachograph 2, vehicles mentioned in paragraph 1(a) which are equipped with an analogue tachograph or a digital tachograph shall be fitted with a smart tachograph 2 when operating on the territory of a Party other than the one where they are registered.
5. No later than four years after the entry into force of the detailed technical specifications of the smart tachograph 2, vehicles mentioned in paragraph 1(a) equipped with a smart tachograph 1, shall be equipped with a smart tachograph 2 when operating on the territory of a Party other than the one where they are registered.
6. From 1 July 2026, vehicles mentioned in paragraph 1(b) shall be equipped with a smart tachograph 2 when operating on the territory of a Party other than the one where they are registered.

### **Article 4 - Data protection**

1. Each Party shall ensure that the processing of personal data in the context of this Section is carried out solely for the purpose of verifying compliance with this Section.
2. Each Party shall, in particular, ensure that personal data are protected against uses other than the one strictly referred to in paragraph 1 in relation to:
  - (a) the use of a global navigation satellite system (GNSS) for the recording of location data as referred to in the technical specifications mentioned in the first paragraph of Article 11 of Regulation (EU) No 165/2014.
  - (b) the electronic exchange of information on driver cards as referred to in Article 13, and in particular any cross-border exchanges of such data with third Parties; and
  - (c) the keeping of records by road haulage operators as referred to in Article 15.

3. Digital tachographs shall be designed in such a way as to ensure privacy. Only data necessary for the purposes referred to in paragraph 1 shall be processed.

4. Owners of vehicles, road haulage operators and any other entity concerned shall comply, where applicable, with the relevant provisions on the protection of personal data.

#### **Article 5 - Installation and repair**

1. Tachographs may be installed or repaired only by fitters, workshops or vehicle manufacturers approved by the competent authorities of a Party for that purpose in accordance with Article 7 of this section.

2. Approved fitters, workshops or vehicle manufacturers shall seal the tachograph after having verified that it is functioning properly, and, in particular, in such a way as to ensure that no manipulation device can tamper with or alter the data recorded.

3. The approved fitter, workshop or vehicle manufacturer shall place a special mark on the seals which it affixes and, in addition, for digital, smart 1 and smart 2 tachographs, shall enter the electronic security data for carrying out authentication checks. Each Party shall keep and publish a register of the marks and electronic security data used and the necessary information related to the electronic security data used.

4. For the purpose of certifying that the installation of the tachograph took place in accordance with the requirements of this Section, an installation plaque shall be affixed in such a way as to be clearly visible and easily accessible.

5. Tachograph components shall be sealed. Any connections to the tachograph which are potentially vulnerable to tampering, including the connection between the motion sensor and the gearbox, and the installation plaque where relevant, shall be sealed.

A seal shall be removed or broken only:

- by fitters or workshops approved by the competent authorities under Article 7 of this section for repair, maintenance or recalibration purposes of the tachograph, or by control officers properly trained and, where required authorised, for control purposes;
  
- for the purpose of vehicle repair or modification which affects the seal. In such cases, a written statement stating the date and time at which the seal was broken and giving the reasons for the seal removal shall be kept on board the vehicle. The Commission shall develop a standard form for the written statement through implementing acts.

The removed or broken seals shall be replaced by an approved fitter or a workshop without undue delay and at the latest within seven days of their removal or breaking. When the seals have been removed or broken for control purposes, they may be replaced by a control officer equipped with sealing equipment and a unique special mark without undue delay.

When a control officer removes a seal, the control card shall be inserted in the tachograph from the moment of the removal of the seal until the inspection is finished, including in the case of the placement of a new seal. The control officer shall issue a written statement containing at least the following information:

- vehicle identification number;
- name of the officer;
- control authority and country;
- number of the control card;
- number of the removed seal;
- date and time of seal removal;
- number of the new seal, where the control officer has placed a new seal.

Before replacing the seals, a check and calibration of the tachograph shall be performed by an approved workshop, except where a seal has been removed or broken for control purposes and replaced by a control officer.

#### **Article 6 - Inspections of tachographs**

1. Tachographs shall be subject to regular inspection by approved workshops. Regular inspections shall be carried out at least every two years.
2. The inspections referred to in paragraph 1 shall check at least the following:
  - the tachograph is correctly fitted and appropriate for the vehicle;
  - the tachograph is working properly;
  - the tachograph carries the type-approval mark;
  - the installation plaque is affixed;
  - all seals are intact and effective;
  - there are no manipulation devices attached to the tachograph or traces of the use of such devices;
  - the tyre size and the actual circumference of the tyres.
3. Workshops shall draw up an inspection report in cases where irregularities in the functioning of the tachograph had to be remedied, whether as a result of a periodic inspection or of an inspection carried out at the specific request of the national competent authority. They shall keep a list of all inspection reports drawn up.
4. Inspection reports shall be retained for a minimum period of two years from the time the report was made. Each Party shall decide whether inspection reports are to be retained or sent to the competent authority during that period. In cases where the inspection reports are kept by the workshop, upon request from the competent authority, the workshop shall make available the reports of inspections and calibrations carried out during that period.

## **Article 7 - Approval of fitters, workshops and vehicle manufacturers**

1. Each Party shall approve, regularly control and certify the fitters, workshops and vehicle manufacturers which may carry out installations, checks, inspections and repairs of tachographs.
2. Each Party shall ensure that fitters, workshops and vehicle manufacturers are competent and reliable. For that purpose, they shall establish and publish a set of clear national procedures and shall ensure that the following minimum criteria are met:
  - (a) the staff are properly trained;
  - (b) the equipment necessary to carry out the relevant tests and tasks is available;
  - (c) the fitters, workshops and vehicle manufacturers are of good repute.
3. Audits of approved fitters or workshops shall be carried out as follows:
  - (a) approved fitters or workshops shall be subject, at least every two years, to an audit of the procedures they apply when handling tachographs. The audit shall focus in particular on the security measures taken and the handling of workshop cards. Parties may carry out these audits without conducting a site visit;
  - (b) unannounced technical audits of approved fitters or workshops shall also take place in order to check the calibrations, inspections and installations carried out. Those audits shall cover at least 10 % of the approved fitters and workshops annually.
4. Each Party and their competent authorities shall take appropriate measures to prevent conflicts of interests between fitters or workshops and road haulage operators. In particular, where there is a serious risk of a conflict of interests, additional specific measures shall be taken to ensure that the fitter or workshop complies with this Section.
5. The competent authorities of each Party shall withdraw approvals, either temporarily or permanently, from fitters, workshops and vehicle manufacturers which fail to meet their obligations under this Section.

## **Article 8 - Workshop cards**

1. The period of validity of workshop cards shall not exceed one year. When renewing the workshop card, the competent authority shall ensure that the criteria listed in Article 7(2) are met by the fitter, workshop or vehicle manufacturer.
2. The competent authority shall renew a workshop card within 15 working days after receipt of a valid renewal request and all the necessary documentation. If a workshop card is damaged, malfunctions, or is lost or stolen, the competent authority shall supply a replacement card within five working days of receiving a detailed request to that effect. Competent authorities shall maintain a register of lost, stolen or defective cards.
3. If a Party withdraws the approval of a fitter, workshop or vehicle manufacturer as provided for in Article 7, it shall also withdraw the workshop cards issued thereto.

4. Each Party shall take all necessary measures to prevent the workshop cards distributed to approved fitters, workshops and vehicle manufacturers from being falsified.

#### **Article 9 - Issuing of driver cards**

1. Driver cards shall be issued, at the request of the driver, by the competent authority of the Party where the driver has his normal residence. Where the competent authorities of a Party issuing the driver card have doubts as to the validity of a statement as to normal residence, or for the purpose of certain specific controls, they may request any additional information or evidence to the driver.

For the purposes of this Article, 'normal residence' means the place where a person usually lives, that is for at least 185 days in each calendar year, because of personal and occupational ties, or, in the case of a person with no occupational ties, because of personal ties which show close links between that person and the place where he is living.

However, the normal residence of a person whose occupational ties are in a place different from their personal ties and who consequently lives in turn in different places situated in the two Parties shall be regarded as being the place of their personal ties, provided that such person returns there regularly. This last condition need not be complied with where the person is living in a Party in order to carry out a fixed-term assignment.

2. In duly justified and exceptional cases, each Party may issue a temporary and non-renewable driver card valid for a maximum period of 185 days to a driver who does not have his normal residence in a Party, provided that such driver is in a labour law relationship with an undertaking established in the issuing Party and, in so far, presents a driver attestation when required.
3. The competent authorities of the issuing Party shall take appropriate measures to ensure that an applicant does not already hold a valid driver card and shall personalise the driver card, ensuring that its data are visible and secure.
4. The driver card shall not be valid for more than five years.
5. A valid driver card shall not be withdrawn or suspended unless the competent authorities of a Party find that the card has been falsified, or the driver is using a card of which he is not the holder, or the card held has been obtained on the basis of false declarations and/or forged documents. If such suspension or withdrawal measures are taken by a Party other than the issuing Party, the former shall return the card to the authorities of the Party which issued it, as soon as possible, indicating the reasons for the withdrawal or suspension. If the return of the card is expected to take longer than two weeks, the suspending or withdrawing Party shall inform the issuing Party within those two weeks of the reasons for suspension or withdrawal.
6. The competent authority of the issuing Party may require a driver to replace the driver card by a new one if this is necessary to comply with the relevant technical specifications.
7. Each Party shall take all necessary measures to prevent driver cards from being falsified.
8. This Article shall not prevent a Party from issuing a driver card to a driver who has his normal residence in a part of that Party's territory, to which this Annex does not apply, provided that the relevant provisions of this Section are applied in such cases.

#### **Article 10 - Renewal of driver cards**

1. Where, in the case of renewals, the Party of the driver's normal residence is different from that which issued his current card, and where the authorities of the former Party are requested to renew the driver card, they shall inform the authorities which issued the earlier card of the reasons for its renewal.
2. In the event of a request for the renewal of a card which is imminently about to expire, the competent authority shall supply a new card before the expiry date, provided that the request was sent within the time-limits laid down in article 5 of section 4 of Part B of this Annex.

#### **Article 11 - Stolen, lost or defective driver cards**

1. Issuing authorities shall keep records of issued, stolen, lost or defective driver cards for a period at least equivalent to their period of validity.
2. If the driver card is damaged, malfunctions or is lost or stolen, the competent authorities of the Party of his normal residence shall supply a replacement card within eight working days after their receipt of a detailed request to that effect.

#### **Article 12 - Mutual acceptance of driver cards**

1. Each Party shall accept the driver cards issued by the other Party.
2. Where the holder of a valid driver card issued by a Party has established his normal residence in another Party and has asked for his card to be exchanged for an equivalent driver card, it shall be the responsibility of the Party which carries out the exchange to verify whether the card produced is still valid.
3. Parties carrying out an exchange shall return the old card to the authorities of the issuing Party and indicate the reasons for so doing.
4. Where a Party replaces or exchanges a driver card, the replacement or exchange, and any subsequent replacement or exchange, shall be registered in that Party.

#### **Article 13- Electronic exchange of information on driver cards**

1. In order to ensure that an applicant does not already hold a valid driver card, Parties shall maintain national electronic registers containing the following information on driver cards for a period at least equivalent to the period of validity of those cards:
  - surname and first name of the driver,
  - birth date and, if available, place of birth of the driver,
  - valid driving licence number and country of issue of the driving licence (if applicable),
  - status of the driver card,
  - driver card number.
2. The electronic registers of the Parties shall be interconnected and accessible throughout the territory of the Parties, using the TACHOnet messaging system or a compatible system. In the case of

the use of a compatible system, the exchange of electronic data with the other Party shall be possible through the TACHOnet messaging system.

3. When issuing, replacing and, where necessary, renewing a driver card, Parties shall verify through electronic data exchange that the driver does not already hold another valid driver card. The data exchanged shall be limited to the data necessary for the purpose of this verification.
4. Control officers may have access to the electronic register in order to check the status of a driver card.

#### **Article 14 - Settings of tachographs**

1. Digital tachographs shall not be set in such a way that they automatically switch to a specific category of activity when the vehicle's engine or ignition is switched off, unless the driver remains able to choose manually the appropriate category of activity.
2. Vehicles shall not be fitted with more than one tachograph, except for the purposes of field tests.
3. Each Party shall forbid the production, distribution, advertising and/or selling of devices constructed and/or intended for the manipulation of tachographs.

#### **Article 15 - Responsibility of road haulage operators**

1. Road haulage operators shall be responsible for ensuring that their drivers are properly trained and instructed as regards the correct functioning of tachographs, whether digital or analogue, shall make regular checks to ensure that their drivers make correct use thereof, and shall not give to their drivers any direct or indirect incentives that could encourage the misuse of tachographs.

Road haulage operators shall issue a sufficient number of record sheets to drivers of vehicles fitted with analogue tachographs, taking into account the fact that record sheets are personal in character, the length of the period of service and the possible need to replace record sheets which are damaged or have been taken by an authorised control officer. Road haulage operators shall issue to drivers only record sheets of an approved model suitable for use in the equipment installed in the vehicle.

The road haulage operator shall ensure that, taking into account the length of the period of service, the printing of data from the tachograph at the request of a control officer can be carried out correctly in the event of an inspection.

2. Road haulage operators shall keep record sheets and printouts, whenever printouts have been made to comply with Article 9 of section 4 of Part B of this Annex, 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. Road haulage operators shall also give copies of data downloaded from driver cards to the drivers concerned who request them, together with printed paper versions of those copies. Record sheets, printouts and downloaded data shall be produced or handed over at the request of any authorised control officer.
3. Road haulage operators shall be liable for infringements of this section and of section 4 of Part B of this Annex committed by their drivers or by drivers at their disposal. However, each Party may make such liability conditional on the road haulage's infringement of the first subparagraph of paragraph 1 of this Article and Article 7(1) and (2) of section 2 of Part B of this Annex.

#### **Article 16 - Procedures for road haulage operators in the event of malfunctioning equipment**

1. In the event of the breakdown or faulty operation of a tachograph, the road haulage operator shall have it repaired by an approved fitter or workshop, as soon as circumstances permit.

If the vehicle is unable to return to the road haulage operator's premises within a period of one week calculated from the day of the breakdown or of the discovery of defective operation, the repair shall be carried out en route.

Each Party shall give the competent authorities power to prohibit the use of the vehicle in cases where the breakdown or faulty operation has not been remedied as provided in the first and the second subparagraphs of this paragraph in so far as this is in accordance with the national legislation in the Party concerned.

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