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**COMMISSION REGULATION (EU) 2016/403**

**of 18 March 2016**

**supplementing Regulation (EC) No 1071/2009 of the European Parliament and of the Council with regard to the classification of serious infringements of the Union rules, which may lead to the loss of good repute by the road transport operator, and amending Annex III to Directive 2006/22/EC of the European Parliament and of the Council**

(Text with EEA relevance)

(OJ L 74, 19.3.2016, p. 8)

Amended by:

		Official Journal		
		No	page	date
► <b><u>M1</u></b>	Commission Implementing Regulation (EU) 2022/694 of 2 May 2022	L 129	22	3.5.2022

**COMMISSION REGULATION (EU) 2016/403****of 18 March 2016****supplementing Regulation (EC) No 1071/2009 of the European Parliament and of the Council with regard to the classification of serious infringements of the Union rules, which may lead to the loss of good repute by the road transport operator, and amending Annex III to Directive 2006/22/EC of the European Parliament and of the Council****(Text with EEA relevance)***Article 1*

1. This Regulation establishes a common list of categories, types and degrees of serious infringements of the Union rules in the commercial road transport, as laid down in Annex I to this Regulation, which, in addition to those set out in Annex IV to Regulation (EC) No 1071/2009, may lead to the loss of good repute of a road transport operator.
2. This Regulation provides for the maximum frequency of occurrence beyond which repeated serious infringements shall be regarded as more serious, by taking into account the number of drivers used for the transport activities managed by the transport manager, as laid down in Annex II.
3. Member States shall take into account information on the serious infringements referred to in paragraphs 1 and 2 when carrying out the national administrative procedure on assessing good repute.

*Article 2*

Annex III to Directive 2006/22/EC is amended as set out in Annex III to this Regulation.

*Article 3*

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

It shall apply from 1 January 2017.

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

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## ANNEX I

**▼M1****Categorisation of serious infringements**

(referred to in Article 1)

The following tables contain categories and types of serious infringements against the Union rules in commercial road transport, divided into three categories of seriousness according to their potential to create a risk of fatalities or serious injuries and/or of distorting competition in the road transport market.

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

No	LEGAL BASIS	TYPE OF INFRINGEMENT	LEVEL OF SERIOUSNESS <sup>(1)</sup>		
			MSI	VSI	SI
<b>Crew</b>					
1.	Article 5(1)	Not respecting minimum ages for conductors			X
<b>Driving periods</b>					
2.	Article 6(1)	Exceed daily driving time of 9h if possibilities to extend to 10h not allowed	10h ≤ ... < 11h		X
3.			11h ≤ ...		X
4.		Exceed daily driving time of 9h by 50 % or more	13h30 ≤ ...	X	
5.		Exceed extended daily driving time of 10h if extension allowed	11h ≤ ... < 12h		X
6.			12h ≤ ...		X
7.			Exceed daily driving time of 10h by 50 % or more	15h ≤ ...	X
8.		Article 6(2)	Exceed weekly driving time	60h ≤ ... < 65h	
9.	65h ≤ ... < 70h				X
10.	Exceed weekly driving time by 25 % or more		70h ≤ ...	X	
11.	Article 6(3)	Exceed maximum total driving time during 2 consecutive weeks	100h ≤ ... < 105h		X
12.			105h ≤ ... < 112h30		X
13.		Exceed maximum total driving time during 2 consecutive weeks by 25 % or more	112h30 ≤ ...	X	
<b>Breaks</b>					
14.	Article 7	Exceed uninterrupted driving time of 4,5 hours before taking the break	5h ≤ ... < 6h		X
15.			6h ≤ ...		X

<sup>(1)</sup> Regulation (EC) No 561/2006 of the European Parliament and of the Council of 15 March 2006 on the harmonisation of certain social legislation relating to road transport and amending Council Regulations (EEC) No 3821/85 and (EC) No 2135/98 and repealing Council Regulation (EEC) No 3820/85 (OJ L 102, 11.4.2006, p. 1).

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No	LEGAL BASIS	TYPE OF INFRINGEMENT	LEVEL OF SERIOUSNESS (1)			
			MSI	VSI	SI	
<b>Rest Periods</b>						
16.	Article 8(2)	Insufficient daily rest period of less than 11h if reduced daily rest period not allowed	$8h30 \leq \dots < 10h$			X
17.			$\dots < 8h30$		X	
18.		Insufficient reduced daily rest period of less than 9h if reduce allowed	$7h \leq \dots < 8h$			X
19.			$\dots < 7h$		X	
20.		Insufficient split daily rest period of less than 3h + 9h	$3h + [7h \leq \dots < 8h]$			X
21.			$3h + [\dots < 7h]$		X	
22.	Article 8(5)	Insufficient daily rest period of less than 9h for multi-manning	$7h \leq \dots < 8h$			X
23.			$\dots < 7h$		X	
24.	Article 8(6)	Insufficient reduced weekly resting period of less than 24 h	$20h \leq \dots < 22h$			X
25.			$\dots < 20h$		X	
26.		Insufficient weekly resting period of less than 45 h if reduced weekly resting period not allowed	$36h \leq \dots < 42h$			X
27.			$\dots < 36h$		X	
28.	Article 8(6)	Exceeding 6 consecutive 24-hour periods following the previous weekly rest period	$3h \leq \dots < 12h$			X
29.			$12h \leq \dots$		X	
30.	Article 8(6b)	No compensation rest for two consecutive reduced weekly rest periods			X	
31.	Article 8(8)	Regular weekly rest period or any weekly rest period of more than 45 hours taken in a vehicle			X	
32.	Article 8(8)	The employer not covering costs for accommodation outside the vehicle				X
<b>12-day rule derogation</b>						
33.	Article 8(6a)	Exceeding 12 consecutive 24-hour periods following a previous regular weekly rest	$3h \leq \dots < 12h$			X
34.			$12h \leq \dots$		X	
35.	Article 8(6a), Point (b)(ii)	Weekly rest period taken following 12 consecutive 24-hour periods	$65h < \dots \leq 67h$			X
36.			$\dots \leq 65h$		X	
37.	Article 8(6a), point (d)	Driving period, between 22.00 and 6.00, of more than 3 hours before the break, if the vehicle is not multi-manned	$3h < \dots < 4,5 h$			X
38.			$4,5 h \leq \dots$		X	
<b>Work organisation</b>						
39.	Article 8(8a)	Transport undertaking not organising the work of drivers in such a way that the drivers are able to return to the employer's operational centre, or to return to the drivers' place of residence			X	

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No	LEGAL BASIS	TYPE OF INFRINGEMENT	LEVEL OF SERIOUSNESS <sup>(1)</sup>		
			MSI	VSI	SI
40.	Article 10(1)	Link between wage/payment and distance travelled, speed of delivery and/or amount of goods carried		X	
41.	Article 10(2)	No or improper organisation of driver's work, no or improper instructions given to driver enabling him to comply with the law		X	

(<sup>1</sup>) MSI = most serious infringements / VSI = very serious infringement / SI = serious infringement.

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

No	LEGAL BASIS	TYPE OF INFRINGEMENT	LEVEL OF SERIOUSNESS		
			MSI	VSI	SI
<b>Installation of tachograph</b>					
1.	Articles 3(1), (4), (4a) and Article 22	Not having type-approved tachograph installed and used	X		
<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		

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

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No	LEGAL BASIS	TYPE OF INFRINGEMENT	LEVEL OF SERIOUSNESS		
			MSI	VSI	SI
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	

**Producing information**

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	

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No	LEGAL BASIS	TYPE OF INFRINGEMENT	LEVEL OF SERIOUSNESS		
			MSI	VSI	SI
<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	

**▼B****3. Groups of infringements against Directive 2002/15/EC of the European Parliament and of the Council <sup>(1)</sup> (Working time rules)**

No	LEGAL BASIS	TYPE OF INFRINGEMENT	LEVEL OF SERIOUSNESS			
			MSI	VSI	SI	
<b>Maximum weekly working time</b>						
1.	Article 4	Exceeding maximum weekly working time of 48h if possibilities to extend to 60h already consumed	56h ≤ ... 60h			X
2.			60h ≤ ...		X	
3.		Exceeding maximum weekly working time of 60h if no derogation under Article 8 granted	65 ≤ ... < 70h			X
4.			70h ≤ ...		X	
<b>Breaks</b>						
5.	Article 5.1	Insufficient obligatory break taken when working time between 6 and 9 hours	10 < ... ≤ 20 min			X
6.			... ≤ 10 min		X	
7.		Insufficient obligatory break taken when working time over 9 hours	20 < ... ≤ 30min			X
8.			... ≤ 20 min		X	
<b>Night work</b>						
9.	Article 7.1	Daily working time in each 24h when night work performed if no derogation under Article 8 granted	11h ≤ ... < 13h			X
10.			13h ≤ ...		X	

<sup>(1)</sup> Directive 2002/15/EC of the European Parliament and of the Council of 11 March 2002 on the organisation of the working time of persons performing mobile road transport activities (OJ L 80, 23.3.2002, p. 35).

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No	LEGAL BASIS	TYPE OF INFRINGEMENT	LEVEL OF SERIOUSNESS		
			MSI	VSI	SI

**Records**

11.	Article 9	Employers falsifying working time records or refusing to provide records to inspection officer		X	
12.		Employed/self-employed drivers falsifying records or refusing to provide records to inspection officer		X	

**4. Groups of infringements against Council Directive 96/53/EC <sup>(1)</sup> (Weight and dimension rules)**

No	LEGAL BASIS	TYPE OF INFRINGEMENT	LEVEL OF SERIOUSNESS		
			MSI	VSI	SI

**Weights**

1.	Article 1	Exceed maximum permissible weight for N3 vehicles	5 % ≤ ... < 10 %			X
2.			10 % ≤ ... < 20 %		X	
3.			20 % ≤ ...	X		
4.		Exceed maximum permissible weight for N2 vehicles	5 % ≤ ... < 15 %			X
5.			15 % ≤ ... < 25 %		X	
6.			25 % ≤ ...	X		

**Lengths**

7.	Article 1	Exceed maximum permissible length	2 % < ... < 20 %			X
8.			20 % ≤ ...		X	

**Width**

9.	Article 1	Exceed maximum permissible width	2,65 ≤ ... < 3,10 metres			X
10.			3,10 metres ≤ ...		X	

<sup>(1)</sup> Council Directive 96/53/EC of 25 July 1996 laying down for certain road vehicles circulating within the Community the maximum authorized dimensions in national and international traffic and the maximum authorized weights in international traffic (OJ L 235, 17.9.1996, p. 59). The Directive has been amended by Directive (EU) 2015/719 of the European Parliament and of the Council (OJ L 115, 6.5.2015, p. 1), which shall be transposed by Member States by 7 May 2017.

**▼B****5. Groups of infringements against Directive 2014/45/EU of the European Parliament and of the Council <sup>(1)</sup> (Periodic roadworthiness tests) and Directive 2014/47/EU of the European Parliament and of the Council <sup>(2)</sup> (Technical roadside inspection)**

No	LEGAL BASIS	TYPE OF INFRINGEMENT	LEVEL OF SERIOUSNESS		
			MSI	VSI	SI
<b>Roadworthiness</b>					
1.	Article 8 and 10 Directive 2014/45/EU and Article 7.1 of Directive 2014/47/EU	Driving without a valid proof of roadworthiness tests passed, as required by the EU law	X		
2.	Article 12.2 of Directive 2014/47/EU	Not keeping a vehicle in a safe and roadworthy condition resulting in a very serious deficiency of the braking system, the steering linkages, the wheels/tires, the suspension or chassis or other equipment that would create such an immediate risk to road safety that it leads to a decision to immobilise the vehicle	X		

Directive 2014/47/EU on technical roadside inspection of the roadworthiness of commercial vehicles contains in its Annex II a detailed classification of technical deficiencies divided, according to their level of severity, into minor, major and dangerous deficiencies. Article 12.2 of this Directive provides for the following definitions:

- (a) **minor** deficiencies having no significant effect on the safety of the vehicle or impact on the environment, and other minor non-compliances;
- (b) **major** deficiencies that may prejudice the safety of the vehicle or have an impact on the environment or put other road users at risk, or other more significant non-compliances;
- (c) **dangerous** deficiencies constituting a direct and immediate risk to road safety or having an impact on the environment.

The level of infringements against the provisions of the roadworthiness directives shall reflect the classification of deficiencies contained in Annex II of Directive 2014/47/EU, namely: SI = major deficiencies; VSI = dangerous deficiencies; MSI = driving with deficiencies, which creates immediate risk to road safety. Minor deficiencies would be equal to the level of minor infringements.

**▼M1****6. Groups of infringement against Council Directive 92/6/EEC <sup>(3)</sup> (Speed limitation devices)**

No	LEGAL BASIS	TYPE OF INFRINGEMENT	LEVEL OF SERIOUSNESS		
			MSI	VSI	SI
1.	Article 2 and 3	Speed limitation device not fitted	X		
2.	Article 5	Speed limitation device not satisfying the applicable technical requirements		X	

<sup>(1)</sup> Directive 2014/45/EU of the European Parliament and of the Council of 3 April 2014 on periodic roadworthiness tests for motor vehicles and their trailers and repealing Directive 2009/40/EC (OJ L 127, 29.4.2014, p. 51).

<sup>(2)</sup> Directive 2014/47/EU of the European Parliament and of the Council of 3 April 2014 on the technical roadside inspection of the roadworthiness of commercial vehicles circulating in the Union and repealing Directive 2000/30/EC (OJ L 127, 29.4.2014, p. 134).

<sup>(3)</sup> Council Directive 92/6/EEC of 10 February 1992 on the installation and use of speed limitation devices for certain categories of motor vehicles in the Community (OJ L 57, 2.3.1992, p. 27)

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No	LEGAL BASIS	TYPE OF INFRINGEMENT	LEVEL OF SERIOUSNESS		
			MSI	VSI	SI
3.	Article 5	Speed limitation device not fitted by an approved workshop			X
4.		Having and/or using a fraudulent device able to falsify data of speed limitation device or having and/or using a fraudulent speed limitation device	X		

**▼B****7. Groups of infringements against Directive 2003/59/EC of the European Parliament and of the Council <sup>(1)</sup> (Initial qualification and periodic training of drivers)**

No	LEGAL BASIS	TYPE OF INFRINGEMENTS	LEVEL OF SERIOUSNESS		
			MSI	VSI	SI
<b>Training and licence</b>					
1.	Article 3	Carrying goods or passengers without a compulsory initial qualification and/or compulsory periodic training		X	
2.	Article 10 and Annex II	Driver unable to present the valid qualification card or the driving licence with the marking, as required by the national law ( <i>e.g.: lost, forgotten, damaged, unreadable</i> )			X

**8. Groups of infringements against Directive 2006/126/EC of the European Parliament and of the Council <sup>(2)</sup> (Driving licences requirements)**

No	LEGAL BASIS	TYPE OF INFRINGEMENTS	LEVEL OF SERIOUSNESS		
			MSI	VSI	SI
1.	Articles 1 and 4 of Directive 2006/126/EC	Carrying passengers or goods without holding a valid driving licence	X		
2.	Article 1 Annex I	Using a driving licence which is damaged or unreadable or not in line with common model			X

**9. Groups of infringements against Directive 2008/68/EC of the European Parliament and of the Council <sup>(3)</sup> (Transport of dangerous goods by road)**

<sup>(1)</sup> Directive 2003/59/EC of the European Parliament and of the Council of 15 July 2003 on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers, amending Council Regulation (EEC) No 3820/85 and Council Directive 91/439/EEC and repealing Council Directive 76/914/EEC (OJ L 226, 10.9.2003, p. 4).

<sup>(2)</sup> Directive 2006/126/EC of the European Parliament and of the Council of 20 December 2006 on driving licences (OJ L 403, 30.12.2006, p. 18).

<sup>(3)</sup> Directive 2008/68/EC of the European Parliament and of the Council of 24 September 2008 on the inland transport of dangerous goods (OJ L 260, 30.9.2008, p. 13).

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No	LEGAL BASIS	TYPE OF INFRINGEMENTS	LEVEL OF SERIOUSNESS		
			MSI	VSI	SI
1.	Annex I, Section I.1 to Directive 2008/68/EC	Transporting dangerous goods that are prohibited for transport	X		
2.		Transporting dangerous goods in a prohibited or non-approved means of containment, thus endangering lives or the environment to such extent that it leads to a decision to immobilise the vehicle	X		
3.		Transporting dangerous goods without identifying them on the vehicle as dangerous goods, thus endangering lives or the environment to such extent that it leads to a decision to immobilise the vehicle	X		
4.		Leakage of dangerous substances		X	
5.		Carriage in bulk in a container which is not structurally serviceable		X	
6.		Carriage in a vehicle without an appropriate certificate of approval		X	
7.		Vehicle no longer complies with the approval standards and presents an immediate danger		X	
8.		The rules governing the securing and stowage of the load have not been complied with		X	
9.		The rules governing mixed loading of packages have not been complied with		X	
10.		The provisions limiting the quantities carried in one transport unit have not been complied with, including permissible degrees of filling tanks or packages;		X	
11.		Information relevant to the substance being carried enabling determination of level of seriousness of offence is missing ( <i>e.g. UN number, proper shipping name, packing group</i> )		X	
12.		Driver does not hold a valid vocational training certificate		X	
13.		Fire or an unprotected light is being used		X	
14.		The ban on smoking is not being observed.		X	
15.		The vehicle is not properly supervised or parked			X
16.		The transport unit comprises more than one trailer/semi-trailer			X
17.		Vehicle no longer complies with the approval standards but does not present an immediate danger			X
18.		The vehicle is not carrying operational fire extinguishers as required			X
19.		The vehicle does not carry the equipment required in the ADR or in the instructions in writing			X
20.		Packages with damaged packaging, IBCs or large packaging or damaged uncleaned empty packaging are being carried			X
21.		Carriage of packaged goods in a container which is not structurally serviceable			X

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No	LEGAL BASIS	TYPE OF INFRINGEMENTS	LEVEL OF SERIOUSNESS		
			MSI	VSI	SI
22.		Tanks/tank containers (including ones that are empty and uncleaned) have not been closed properly			X
23.		Incorrect labelling, marking or placarding on the vehicle and/or containment			X
24.		There are no instructions in writing conforming to the ADR, or the instructions in writing are not relevant to the goods carried			X

Commission Directive 2004/112/EC <sup>(1)</sup>, adapting Council Directive 95/50/EC <sup>(2)</sup> on uniform procedures for checks on the transport of dangerous goods by road, contains in its Annex II a detailed classification of infringements against the relevant provisions, divided, according to their level of severity, into three risk categories: risk category I, risk category II, risk category III.

The level of infringements against the provisions shall reflect the risk categories provided in Annex II to Directive 2004/112/EC, in such a way that **risk category I = VSI** (except those infringements which are already defined as MSI in Annex IV to Regulation (EC) No 1071/2009); **risk category II = SI**. Risk category III is equal to the level of minor infringement.

**This table covers only those infringements for which a carrier shall be held fully or partially liable. The level of liability of a carrier for the infringement shall be assessed in accordance with the Member State's national enforcement procedure.**

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**10. Groups of infringements against Regulation (EC) No 1072/2009 of the European Parliament and of the Council <sup>(3)</sup> (Access to the international road haulage market)**

No	LEGAL BASIS	TYPE OF INFRINGEMENT	LEVEL OF SERIOUSNESS		
			MSI	VSI	SI
<b>Community licence</b>					
1.	Article 3 and Article 8(1)	Carrying goods without holding a valid Community licence (i.e.: a licence is non-existent, falsified, withdrawn, expired, etc.)	X		

<sup>(1)</sup> Commission Directive 2004/112/EC of 13 December 2004 adapting to technical progress Council Directive 95/50/EC on uniform procedures for checks on the transport of dangerous goods by road (OJ L 367, 14.12.2004, p. 23).

<sup>(2)</sup> Council Directive 95/50/EC of 6 October 1995 on uniform procedures for checks on the transport of dangerous goods by road (OJ L 249, 17.10.1995, p.35).

<sup>(3)</sup> Regulation (EC) No 1072/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market (OJ L 300, 14.11.2009, p.72).

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No	LEGAL BASIS	TYPE OF INFRINGEMENT	LEVEL OF SERIOUSNESS		
			MSI	VSI	SI
2.	Article 4	The haulage undertaking or the driver unable to present a valid Community licence or a valid certified true copy of the Community licence to the inspecting officer (i.e.: Community licence or certified true copy of the Community licence lost, forgotten, damaged, etc.)		X	

**Driver attestation**

3.	Article 3 and Article 8(1)	Carrying goods without holding a valid driver attestation (i.e. driver's attestation is non-existent, falsified; withdrawn, expired, etc.)		X	
4.	Article 5	The driver or the haulage undertaking unable to present a valid driver attestation or a valid certified true copy of the driver attestation to the inspecting officer (i.e. driver attestation or certified true copy of the driver attestation lost, forgotten, damaged, etc.)			X

**Cabotage**

5.	Article 8(2)	Carrying out a cabotage operation not in compliance with the laws, regulations and administrative provisions in force in the host Member State		X	
6.	Article 8(2a)	Carrying out cabotage operations in the same Member State within 4 days following the end of the last legitimate cabotage operation in that Member State		X	
7.	Article 8(3) and (4)	The haulier being unable to produce clear evidence of the preceding international carriage and/or of each consecutive cabotage operation carried out, and/or of all operations carried out in cases where the vehicle is present in the host Member State within the period of 4 days preceding the international carriage, and to present these evidences within the duration of the roadside check.		X	

**11. Groups of infringements against Regulation (EC) No 1073/2009 of the European Parliament and of the Council <sup>(1)</sup> (Access to the market for coach and bus services)**

No	LEGAL BASIS	TYPE OF INFRINGEMENT	LEVEL OF SERIOUSNESS		
			MSI	VSI	SI
<b>Community licence</b>					
1.	Article 4	Carrying passengers without holding a valid Community licence (i.e.: a licence is non-existent, falsified, withdrawn, expired, etc.)	X		

<sup>(1)</sup> Regulation (EC) No 1073/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international market for coach and bus services, and amending Regulation (EC) No 561/2006 (OJ L 300, 14.11.2009, p. 88).

**▼ M1**

No	LEGAL BASIS	TYPE OF INFRINGEMENT	LEVEL OF SERIOUSNESS		
			MSI	VSI	SI
2.	Article 4(3)	The carrier or the driver unable to present a valid Community licence or a valid certified true copy of the Community licence to the inspecting officer (i.e. licence or certified true copy lost, forgotten, damaged, etc.)		X	

**Authorisation for regular services**

3.	Articles 5 and 6	Regular services without a valid authorisation (i.e.: authorisation is non-existent, falsified, withdrawn, expired, misused, etc.)		X	
4.	Article 19	The driver unable to present the authorisation to the inspecting officer (i.e. authorisation is lost, forgotten, damaged, etc.)			X
5.	Articles 5 and 6	Stops of regular services in a Member State do not correspond to the issued authorisation			X

**Journey form for occasional services and other services exempt from authorisation**

6.	Article 12	Driving without holding a required journey form (i.e. journey form is non-existent, falsified, not containing the required information, etc.)			X
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**Rules applicable to cabotage operations**

7.	Article 16	Carrying out a cabotage operation not in compliance with the laws, regulations and administrative provisions in force in the host Member State		X	
8.	Article 17	Not having on board the vehicle or not being able to present at the request of any authorised inspecting officer the control documents for cabotage operations (journey form for occasional services, or the contract concluded between the carrier and the transport organiser or a certified true copy thereof in the case of special regular services)		X	

**▼ B****12. Groups of infringements against Council Regulation (EC) No 1/2005<sup>(1)</sup>  
(Animal transport)**

No	LEGAL BASIS	TYPE OF INFRINGEMENTS	LEVEL OF SERIOUSNESS		
			MSI	VSI	SI
1.	Annex I, Chapter II,	Partitions are not strong enough to withstand the weight of animals		X	
2.	Annex I, Chapter III	Using loading or unloading ramps that has slippery surfaces, that lack lateral protections or that are too steep			X
3.		Using lifting platforms or upper floors that do not have safety barriers preventing animals from falling or escaping during loading and unloading operations			X

<sup>(1)</sup> Council Regulation (EC) No 1/2005 of 22 December 2004 on the protection of animals during transport and related operations and amending Directives 64/432/EEC and 93/119/EC and Regulation (EC) No 1255/97 (OJ L 3, 5.1.2005, p. 1).

**▼B**

No	LEGAL BASIS	TYPE OF INFRINGEMENTS	LEVEL OF SERIOUSNESS		
			MSI	VSI	SI
4.	Article 7	Means of transport not approved for long journeys, or not approved for the type of animals being transported.			X
5.	Article 4, 5 and 6	Transporting without valid required documentation, journey log or transporter authorisation or certificate of competence			X

**▼M1****13. Infringement against Regulation (EC) No 593/2008 of the European Parliament and of the Council<sup>(1)</sup> (Rome I) (law applicable to contractual obligations)**

No	LEGAL BASIS	TYPE OF INFRINGEMENT	LEVEL OF SERIOUSNESS		
			MSI	VSI	SI
1.	Rome I	Violation of the law applicable to contractual obligations		X	

**14. Groups of infringements against Directive (EU) No 2020/1057 of the European Parliament and of the Council<sup>(2)</sup> (posting of workers in road transport)**

No	LEGAL BASIS	TYPE OF INFRINGEMENT	LEVEL OF SERIOUSNESS		
			MSI	VSI	SI
1.	Article 1(11), point (a)	Incomplete information on the posting declaration			X
2.	Article 1(11), point (a)	Failure to submit a posting declaration to the Member State to which the driver is posted no later than at the commencement of the posting		X	
3.	Article 1(11), point (b)	Falsified posting declaration for drivers		X	
4.	Article 1(11), point (b)	Impossibility of the driver to present a valid posting declaration		X	
5.	Article 1(11), point (b)	Failure to put at the disposal of the driver a valid posting declaration		X	
6.	Article 1(11), point (c)	Failure to submit the requested documents to the host Member State within eight weeks from the date of the request		X	
7.	Article 1(12)	Failure of the operator to keep the posting declarations up to date in the public interface connected to IMI			X

<sup>(1)</sup> Regulation (EC) No 593/2008 of the European Parliament and of the Council of 17 June 2008 on the law applicable to contractual obligations (OJ L 177, 4.7.2008, p. 6).

<sup>(2)</sup> Directive (EU) 2020/1057 of the European Parliament and of the Council of 15 July 2020 laying down specific rules with respect to Directive 96/71/EC and Directive 2014/67/EU for posting drivers in the road transport sector and amending Directive 2006/22/EC as regards enforcement requirements and Regulation (EU) No 1024/2012 (OJ L 249, 31.7.2020, p. 49).

**▼ M1***ANNEX II***Frequency of occurrence of serious infringements**

1. The serious (SI) and very serious (VSI) infringements listed in Annex I, when committed repeatedly shall be regarded as more serious by the competent authority of a Member State of establishment. When calculating the frequency of occurrence of repeated infringements Member States shall take into account the following factors:

- (a) seriousness of infringement (SI or VSI);
- (b) time (at least one rolling year from the date of a control);
- (c) number of vehicles used for the transport activities managed by the transport manager (average per year)

2. Taking into account the potential of creating a risk to road safety the maximum frequency of serious infringements beyond which they should be considered as more serious shall be established as follows:

3 SI/per vehicle/per year = 1 VSI

3 VSI/per vehicle/per year = launch of a national procedure on good repute

3. The number of infringements per vehicle per year is an average figure calculated by dividing the total number of all infringements of the same level of seriousness (SI or VSI) by the average number of vehicles used during the year. The frequency formula provides for a maximum threshold for occurrence of serious infringements beyond which they shall be considered more serious. Member States may establish stricter thresholds if envisaged in their national administrative procedure for assessing good repute

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## ANNEX III

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

## 'ANNEX III

## 1. Groups of infringements against Regulation (EC) no 561/2006

No	LEGAL BASIS	TYPE OF INFRINGEMENT	LEVEL OF SERIOUSNESS (1)				
			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	Article 6.1	Exceed daily driving time of 9h if possibilities to extend to 10h not allowed	9h < ... < 10h			X	
B2			10h ≤ ... < 11h		X		
B3			11h ≤ ...	X			
B4		Exceed daily driving time of 9h by 50 % or more without taking a break or without any rest of at least 4,5 hours	13h30 ≤ ... and no break/rest	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 without taking a break of or without any rest of at least 4,5 hours	15h ≤ ... and no break/rest	X			
B9	Article 6.2		Exceed weekly driving time	56h < ... < 60h		X	
B10				60h ≤ ... < 65h		X	
B11				65h ≤ ... < 70h	X		
B12	Article 6.3	Exceed weekly driving time by 25 % or more	70h ≤ ...	X			
B13		Exceed maximum total driving time during 2 consecutive weeks	90h < ... < 100h			X	
B14			100h ≤ ... < 105h		X		
B15			105h ≤ ... < 112h30	X			
B16	Exceed maximum total driving time during 2 consecutive weeks by 25 % or more	112h30 ≤ ...	X				
<b>C</b>		<b>Breaks</b>					
C1		Article 7	Exceed uninterrupted driving time of 4,5 hours before taking the break	4h30 < ... < 5h			X
C2				5h ≤ ... < 6h		X	
C3	6h ≤ ...			X			

▼B

No	LEGAL BASIS	TYPE OF INFRINGEMENT	LEVEL OF SERIOUSNESS (1)				
			MSI	VSI	SI	MI	
<b>D</b>	<b>Rest Periods</b>						
D1	Article 8.2	Insufficient daily rest period of less than 11h if reduced daily rest period not allowed	$10h \leq \dots < 11h$				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	Article 8.5	Insufficient daily rest period of less than 9h for multi-manning	$8h \leq \dots < 9h$				X
D11			$7h \leq \dots < 8h$			X	
D12			$\dots < 7h$		X		
D13	Article 8.6	Insufficient reduced weekly resting period of less than 24 h	$22h \leq \dots < 24h$				X
D14			$20h \leq \dots < 22h$			X	
D15			$\dots < 20h$		X		
D16		Insufficient weekly resting period of less than 45 h if reduced weekly resting period not allowed	$42h \leq \dots < 45h$				X
D17			$36h \leq \dots < 42h$			X	
D18			$\dots < 36h$		X		
D19	Article 8.6	Exceeding 6 consecutive 24-hour periods following the previous weekly rest period	$\dots < 3h$				X
D20			$3h \leq \dots < 12h$			X	
D21			$12h \leq \dots$		X		
<b>E</b>	<b>12-day rule derogation</b>						
E1	Article 8.6a.	Exceeding 12 consecutive 24-hour periods following a previous regular weekly rest	$\dots < 3h$				X
E2			$3h \leq \dots < 12h$			X	
E3			$12h \leq \dots$		X		
E4	Article 8.6a. (b)(ii)	Weekly rest period taken following 12 consecutive 24-hour periods	$65h < \dots \leq 67h$			X	
E5			$\dots \leq 65h$		X		
E6	Article 8.6a. (d)	Driving period, between 22.00 and 6.00, of more than 3 hours before the break, if the vehicle is not multi-manned	$3h < \dots < 4,5 h$			X	
E7			$4,5 h \leq \dots$		X		

**▼B**

No	LEGAL BASIS	TYPE OF INFRINGEMENT	LEVEL OF SERIOUSNESS <sup>(1)</sup>			
			MSI	VSI	SI	MI
<b>F</b>	<b>Work organisation</b>					
F1	Article 10.1	Link between wage and distance travelled or amount of goods carried		X		
F2	Article 10.2	No or improper organisation of driver's work, no or improper instructions given to driver enabling him to comply with the law		X		

<sup>(1)</sup> MSI = most serious infringements/VSI = very serious infringement/SI = serious infringement/MI = minor infringement.

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

No	LEGAL BASIS	TYPE OF INFRINGEMENTS	LEVEL OF SERIOUSNESS			
			MSI	VSI	SI	MI
<b>G</b>	<b>Installation of tachograph</b>					
G1	Article 3.1 and Article 22.2	Not having type-approved tachograph installed and used ( <i>e.g.: not having a tachograph installed by fitters, workshops or vehicle manufacturers approved by the competent authorities of the Member States, using a tachograph without the necessary seals placed or replaced by an approved fitter, workshop or vehicle manufacturer or using a tachograph without the installation plaque</i> )	X			
<b>H</b>	<b>Use of tachograph, driver card or record sheet</b>					
H1	Article 23.1	Using a tachograph not inspected by an approved workshop		X		
H2	Article 27	Driver holding and/or using more than one own driver card		X		
H3		Driving with a driver card that has been falsified ( <i>considered as driving without driver card</i> )	X			
H4		Driving with a driver card of which the driver is not the holder ( <i>considered as driving without driver card</i> )	X			
H5		Driving with a driver card which has been obtained on the basis of false declarations and/or forged documents ( <i>considered as driving without driver card</i> )	X			
H6	Article 32.1	Tachograph not correctly functioning ( <i>e.g.: tachograph not properly inspected, calibrated and sealed</i> )		X		
H7	Article 32.1 and Article 33.1	Tachograph improperly used ( <i>e.g.: deliberate, voluntary or imposed misuse, lack of instructions on correct use, etc.</i> )		X		
H8	Article 32.3	Using a fraudulent device able to modify the records of the tachograph	X			
H9		Falsifying, concealing, suppressing or destroying data recorded on the record sheets or stored and downloaded from the tachograph and/or the driver card	X			

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

**▼B**

No	LEGAL BASIS	TYPE OF INFRINGEMENTS	LEVEL OF SERIOUSNESS			
			MSI	VSI	SI	MI
H10	Article 33.2	Undertaking not keeping record sheets, printouts and downloaded data		X		
H11		Recorded and stored data not available for at least a year		X		
H12	Art 34.1	Incorrect use of record sheets/driver card		X		
H13		Unauthorised withdrawal of record sheets or driver card which has an impact on the record of relevant data		X		
H14		Record sheet or driver card used to cover a period longer than that for which it is intended and data is lost		X		
H15	Article 34.2	Use dirty or damaged record sheets or drivers card and data not legible		X		
H16	Article 34.3	Not using manual input when required to do so		X		
H17	Article 34.4	Not using correct record sheet or driver card not in the correct slot (multi-manning)			X	
H18	Article 34.5	Incorrect use of switch mechanism		X		
<b>I</b>	<b>Producing information</b>					
I1	Article 36	Refusing to be checked		X		
I2	Article 36	Unable to produce records of current day and the previous 28 days		X		
I3		Unable to produce records of the driver card if the driver holds one		X		
I4	Article 36	Unable to produce manual records and printouts made during the current day and the previous 28 days		X		
I5	Article 36	Unable to produce a driver card, if the driver holds one		X		
<b>J</b>	<b>Malfunctioning</b>					
J1	Article 37.1 and Article 22.1	Tachograph not repaired by an approved fitter or workshop		X		
J2	Article 37.2	Driver not marking all required information for the periods of time, which are no longer recorded while tachograph is unserviceable or malfunctioning		X		