

ANNEX 31

TRANSPORT OF GOODS BY ROAD

PART A

REQUIREMENTS FOR ROAD HAULAGE OPERATORS IN ACCORDANCE WITH ARTICLE 463 OF THIS AGREEMENT

SECTION 1

ADMISSION TO, AND THE PURSUIT OF, THE OCCUPATION OF ROAD HAULAGE OPERATOR

ARTICLE 1

Scope

This Section governs admission to, and the pursuit of, the occupation of road haulage operator and shall apply to all road haulage operators of a Party engaged in the transport of goods within the scope of Article 462 of this Agreement.

ARTICLE 2

Definitions

For the purposes of this Section, the following definitions apply:

- (a) "authorisation to pursue the occupation of road haulage operator" means an administrative decision which authorises a natural or legal person who fulfils the conditions laid down in this Section to pursue the occupation of road haulage operator;
- (b) "competent authority" means a national, regional or local authority in a Party which, for the purpose of authorising the pursuit of the occupation of road haulage operator, verifies whether a natural or legal person fulfils the conditions laid down in this Section, and which is empowered to grant, suspend or withdraw an authorisation to pursue the occupation of road haulage operator; and
- (c) "normal residence" means the place where a person usually lives, that is for at least 185 days in each calendar year, because of personal ties which show close links between that person and the place where that person is living.

ARTICLE 3

Requirements for engagement in the occupation of road haulage operator

Natural or legal persons engaged in the occupation of road haulage operator shall:

- (a) have an effective and stable establishment in a Party as laid down in Article 5 of this Section;
- (b) be of good repute as laid down in Article 6 of this Section;
- (c) have appropriate financial standing as laid down in Article 7 of this Section; and
- (d) have the requisite professional competence as laid down in Article 8 of this Section.

ARTICLE 4

Transport manager

1. A road haulage operator shall designate at least one natural person to be the transport manager, who effectively and continuously manages its transport activities and fulfils the requirements set out in points (b) and (d) of Article 3 and who:
 - (a) has a genuine link to the road haulage operator, such as being an employee, director, owner or shareholder or administering it, or is that person; and

- (b) is resident in the Party in the territory of which the road haulage operator is established.
2. If a natural or legal person does not fulfil the requirement of professional competence, the competent authority may authorise the natural or legal person to engage in the occupation of road haulage operator without designating a transport manager in accordance with paragraph 1, provided that:
- (a) the natural or legal person designates a natural person residing in the Party of establishment of the road haulage operator who fulfils the requirements laid down in points (b) and (d) of Article 3 and who is entitled under contract to carry out duties as transport manager on behalf of the undertaking;
 - (b) the contract linking the natural or legal person with the person referred to in point (a) specifies the tasks to be performed on an effective and continuous basis by that person and indicates that person's responsibilities as transport manager. The tasks to be specified shall comprise, in particular, those relating to vehicle maintenance management, verification of transport contracts and documents, basic accounting, the assignment of loads or services to drivers and vehicles, and the verification of safety procedures;
 - (c) in his or her capacity as transport manager, the person referred to in point (a) may manage the transport activities of up to four different road haulage operators carried out with a combined maximum total fleet of 50 vehicles; and
 - (d) the person referred to in point (a) performs the specified tasks solely in the interests of the natural or legal person and that person's responsibilities are exercised independently of any natural or legal persons for which it carries out transport operations.

3. A Party may decide that a transport manager designated in accordance with paragraph 1 may not in addition be designated in accordance with paragraph 2, or may only be so designated in respect of a limited number of natural or legal persons or a fleet of vehicles that is smaller than that referred to in point (c) of paragraph 2.
4. The natural or legal person shall notify the competent authority of the transport manager or managers designated.

ARTICLE 5

Conditions relating to the requirement of establishment

In order to fulfil the requirement of effective and stable establishment in the Party of establishment, a natural or legal person shall:

- (a) have premises at which it is able to access the originals of its core business documents, whether in electronic or any other form in particular its transport contracts, documents relating to the vehicles at the disposal of the natural or legal person, accounting documents, personnel management documents, labour contracts, social security documents, documents containing data on the dispatching and posting of drivers, documents containing data relating to journeys, driving time and rest periods, and any other document to which the competent authority must have access in order to verify compliance with the conditions laid down in this Section;
- (b) be registered in the register of commercial companies of that Party or in a similar register whenever required under national law;

- (c) be subject to tax on revenues and, whenever required under national law, have assigned a VAT identification number;
- (d) once an authorisation has been granted, have at its disposal one or more vehicles which are registered or put into circulation and authorised to be used in conformity with the legislation of that Party, regardless of whether those vehicles are wholly owned or, for example, are held under a hire-purchase agreement or under a hire or leasing contract;
- (e) effectively and continuously conduct its administrative and commercial activities with the appropriate equipment and facilities at premises as referred to in point (a) situated in that Party and manage effectively and continuously its transport operations using the vehicles referred to in point (f) with the appropriate technical equipment situated in that Party; and
- (f) on an ongoing basis, have at its regular disposal a number of vehicles complying with the conditions laid down in point (d) and drivers normally based at an operational centre in that Party, proportionate to the volume of transport operations carried out by the undertaking.

ARTICLE 6

Conditions relating to the requirement of good repute

1. Subject to paragraph 2, the Parties shall determine the conditions to be met by natural or legal persons and transport managers in order to fulfil the requirement of good repute.

In determining whether a natural or legal person has fulfilled that requirement, the Parties shall consider the conduct of the natural or legal person, its transport managers, executive directors and any other relevant person as may be determined by the Party. Any reference in this Article to convictions, penalties or infringements shall include convictions, penalties or infringements of the natural or legal person itself, its transport managers, executive directors and any other relevant person as may be determined by the Party.

The conditions referred to in this paragraph shall include at least the following:

- (a) that there be no compelling grounds for doubting the good repute of the transport manager or the road haulage operator, such as convictions or penalties for any serious infringement of national rules in force in the fields of:
 - (i) commercial law;
 - (ii) insolvency law;
 - (iii) pay and employment conditions in the profession;
 - (iv) road traffic;
 - (v) professional liability;
 - (vi) trafficking in human beings or drugs;
 - (vii) tax law; and

- (b) that the transport manager or the road haulage operator have not in one or both Parties been convicted of a serious criminal offence or incurred a penalty for a serious infringement of the rules of Title I of Heading Three of Part Two of this Agreement or of national rules relating in particular to:
- (i) the driving time and rest periods of drivers, working time and the installation and use of recording equipment;
 - (ii) the maximum weights and dimensions of commercial vehicles used in international traffic;
 - (iii) the initial qualification and continuous training of drivers;
 - (iv) the roadworthiness of commercial vehicles, including the compulsory technical inspection of motor vehicles;
 - (v) access to the market in international road haulage;
 - (vi) safety in the carriage of dangerous goods by road;
 - (vii) the installation and use of speed-limiting devices in certain categories of vehicle;
 - (viii) driving licences;
 - (ix) admission to the occupation;

- (x) animal transport;
 - (xi) the posting of workers in road transport;
 - (xii) the law applicable to contractual obligations; and
 - (xiii) journeys whose points of loading and unloading are situated in the other Party.
2. For the purposes of point (b) of the third subparagraph of paragraph 1 of this Article, where the transport manager or the road haulage operator has been convicted of a serious criminal offence or has incurred a penalty for one of the most serious infringements as set out in Appendix 31-A-1-1 in one or both Parties, the competent authority in the Party of establishment shall carry out and complete in an appropriate and timely manner an administrative procedure, which shall include, if appropriate, an on-site inspection at the premises of the natural or legal person concerned.

During the administrative procedure, the competent authority shall assess whether, due to specific circumstances, the loss of good reputation would constitute a disproportionate response in the individual case. In that assessment, the competent authority shall take into account the number of serious infringements of the rules as referred to in the third subparagraph of paragraph 1 of this Article, as well as the number of most serious infringements as set out in Appendix 31-A-1-1 for which the transport manager or the road haulage operator have been convicted or had penalties imposed on them. Any such finding shall be duly reasoned and justified.

Where the competent authority finds that the loss of good repute would be disproportionate, it shall decide that the natural or legal person concerned continues to be of good repute. Where the competent authority does not find that the loss of good repute would be disproportionate, the conviction or penalty shall lead to the loss of good repute.

3. The Specialised Committee on Road Transport shall draw up a list of categories, types and degrees of seriousness of serious infringements which, in addition to those set out in Appendix 31-A-1-1, may lead to the loss of good repute.
4. The requirement of good repute shall not be fulfilled until a rehabilitation measure or any other measure having an equivalent effect has been taken pursuant to the relevant provisions of national law of the Parties.

ARTICLE 7

Conditions relating to the requirement of financial standing

1. In order to fulfil the requirement of financial standing, a natural or legal person shall, on a permanent basis, be able to meet its financial obligations in the course of the annual accounting year. The natural or legal person shall demonstrate, on the basis of annual accounts certified by an auditor or a duly accredited person, that, every year, it has at its disposal capital and reserves:
 - (a) totalling at least EUR 9 000 / GBP 8 000 when only one motor vehicle is used, EUR 5 000 / GBP 4 500 for each additional motor vehicle or combination of vehicles used that has a permissible laden mass exceeding 3.5 tonnes and EUR 900 / GBP 800 for each additional motor vehicle or combination of vehicles that has a permissible laden mass, exceeding 2.5 tonnes but not 3.5 tonnes;

- (b) natural or legal persons engaged in the occupation of road haulage operator solely by means of motor vehicles or combinations of vehicles that have a permissible laden mass exceeding 2.5 tonnes but not 3.5 tonnes shall demonstrate, on the basis of annual accounts certified by an auditor or a duly accredited person, that, every year, they have at their disposal capital and reserves totalling at least EUR 1 800 / GBP 1 600 when only one vehicle is used and EUR 900 / GBP 800 for each additional vehicle used.
2. By way of derogation from paragraph 1, the competent authority may agree or require that an undertaking demonstrate its financial standing by means of a certificate determined by the competent authority, such as a bank guarantee or an insurance, including a professional liability insurance from one or more banks or other financial institutions including insurance companies or another binding document providing a joint and several guarantee for the undertaking in respect of the amounts specified in point (a) of paragraph 1.
3. By way of derogation from paragraph 1, in the absence of certified annual accounts for the year of an undertaking's registration, the competent authority shall agree that an undertaking is to demonstrate its financial standing by means of a certificate, such as a bank guarantee, a document issued by a financial institution establishing access to credit in the name of the undertaking, or another binding document as determined by the competent authority proving that the undertaking has at its disposal the amounts specified in point (a) of paragraph 1.
4. The annual accounts referred to in paragraph 1, and the guarantee referred to in paragraph 2, which are to be verified, are those of the economic entity established in the Party in which an authorisation has been applied for and not those of any other entity established in the other Party.

ARTICLE 8

Conditions relating to the requirement of professional competence

1. In order to satisfy the requirement of professional competence, the person or persons concerned shall possess knowledge corresponding to the level provided for in Part I of Appendix 31-A-1-2 in the subjects listed therein. That knowledge shall be demonstrated by means of a compulsory written examination which, if a Party so decides, may be supplemented by an oral examination. Those examinations shall be organised in accordance with Part II of Appendix 31-A-1-2. To this end, a Party may decide to impose training prior to the examination.
2. The persons concerned shall sit the examination in the Party in which they have their normal residence.
3. Only the authorities or bodies duly authorised for this purpose by a Party, in accordance with criteria defined by it, may organise and certify the written and oral examinations referred to in paragraph 1 of this Article. The Parties shall regularly verify that the conditions under which those authorities or bodies organise the examinations are in accordance with Appendix 31-A-1-2.
4. A Party may exempt the holders of certain higher education qualifications or technical education qualifications issued in that Party, specifically designated to this end and entailing knowledge of all the subjects listed in Appendix 31-A-1-2 from the examination in the subjects covered by those qualifications. The exemption shall only apply to those Sections of Part I of Appendix 31-A-1-2 for which the qualification covers all subjects listed under the heading of each Section.

A Party may exempt from specified parts of the examinations holders of certificates of professional competence valid for national transport operations in that Party.

ARTICLE 9

Exemption from examination

For the purpose of granting a licence to a road haulage operator which only operates motor vehicles or combinations of vehicles the permissible laden mass of which does not exceed 3.5 tonnes, a Party may decide to exempt from the examinations referred to in Article 8(1) persons who provide proof that they have continuously managed, for the period of ten years before 20 August 2020, a natural or legal person of the same type.

ARTICLE 10

Procedure for the suspension and withdrawal of authorisations

1. Where a competent authority establishes that a natural or legal person runs the risk of no longer fulfilling the requirements laid down in Article 3, it shall notify the natural or legal person thereof. Where a competent authority establishes that one or more of those requirements is no longer satisfied, it may set one of the following time limits for the natural or legal person to rectify the situation:
 - (a) a time limit not exceeding 6 months, which may be extended by 3 months in the event of the death or physical incapacity of the transport manager, for the recruitment of a replacement transport manager where the transport manager no longer satisfies the requirement as to good repute or professional competence;

- (b) a time limit not exceeding 6 months where the natural or legal person has to rectify the situation by demonstrating that the natural or legal person has an effective and stable establishment; or
 - (c) a time limit not exceeding 6 months where the requirement of financial standing is not satisfied, in order to demonstrate that that requirement is again satisfied on a permanent basis.
- 2. The competent authority may require a natural or legal person whose authorisation has been suspended or withdrawn to ensure that its transport managers have passed the examinations referred to in Article 8(1) prior to any rehabilitation measure being taken.
- 3. If the competent authority establishes that the natural or legal person no longer satisfies one or more of the requirements laid down in Article 3, it shall suspend or withdraw the authorisation to engage in the occupation of road haulage operator within the time limits referred to in paragraph 1 of this Article.

ARTICLE 11

Declaration of unfitness of the transport manager

1. Where a transport manager loses good repute in accordance with Article 6, the competent authority shall declare that transport manager unfit to manage the transport activities of a road haulage operator.

The competent authority shall not rehabilitate the transport manager earlier than one year from the date of the loss of good repute and before the transport manager has demonstrated to have followed appropriate training for a period of at least 3 months or an exam on the subjects listed in Part I of Appendix 31-A-1-2.

2. Where a transport manager loses good repute in accordance with Article 6, an application for rehabilitation may be introduced after no less than one year from the date of the loss of good repute.

ARTICLE 12

Examination and registration of applications

1. The competent authorities in each Party shall record in the national electronic registers referred to in Article 13(1) the data relating to undertakings which they authorise.
2. When assessing the good repute of an undertaking, the competent authorities shall verify, whether at the time of the application the designated transport manager or managers are declared, in one of the Parties, unfit to manage the transport activities of an undertaking pursuant to Article 11.
3. The competent authorities shall regularly monitor whether undertakings which they have authorised to engage in the occupation of road haulage operators continue to fulfil the requirements referred to in Article 3. To that end, the competent authorities shall carry out checks, including, where appropriate, on-site inspections at the premises of the undertaking concerned, targeting those undertakings which are classed as posing an increased risk.

ARTICLE 13

National electronic registers

1. The competent authorities shall keep a national electronic register of road transport undertakings which have been authorised to engage in the occupation of road haulage operator.
2. The Specialised Committee on Road Transport shall establish the data contained in the national registers of road transport undertakings and the conditions of access to this data.

ARTICLE 14

Administrative cooperation between the competent authorities

1. The competent authorities in each Party shall designate a national contact point responsible for the exchange of information with the competent authorities of the other Party with regard to the application of this Section.
2. The competent authorities in each Party shall cooperate closely and shall swiftly provide one another with mutual assistance and with any other relevant information in order to facilitate the implementation and enforcement of this Section.

3. The competent authorities in each Party shall carry out individual checks to verify whether an undertaking meets the conditions governing admission to the occupation of road haulage operator whenever a competent authority in the other Party so requests in duly justified cases. It shall inform the competent authority in the other Party of the results of such checks and of the measures taken if it is established that the undertaking no longer fulfils the requirements laid down in this Section.
4. The competent authorities in each Party shall exchange information on convictions and penalties for any serious infringements referred to in Article 6(2).
5. The Specialised Committee on Road Transport shall establish detailed rules on the modalities of the exchange of information referred to in paragraphs 3 and 4.

Appendix 31-A-1-1

MOST SERIOUS INFRINGEMENTS FOR THE PURPOSE
OF ARTICLE 6(2) OF SECTION 1 OF PART A OF ANNEX 31

1. Exceeding time limits as follows:
 - (a) exceeding the maximum 6-day or fortnightly driving time limits by margins of 25 % or more;
 - (b) exceeding, during a daily working period, the maximum daily driving time limit by a margin of 50 % or more.
2. Not having a tachograph and/or speed limiter, or having in the vehicle and/or using a fraudulent device able to modify the records of the recording equipment and/or the speed limiter or falsifying record sheets or data downloaded from the tachograph and/or the driver card.
3. Driving without a valid roadworthiness certificate and/or driving with a very serious deficiency of, inter alia, the braking system, the steering linkages, the wheels/tyres, the suspension or chassis that would create such an immediate risk to road safety that it leads to a decision to immobilise the vehicle.

4. Transporting dangerous goods that are prohibited for transport or transporting such goods in a prohibited or non-approved means of containment or 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.
5. Carrying goods without holding a valid driving licence or carrying by an undertaking not holding a valid operator's licence as referred to in Article 463 of this Agreement.
6. Driving with a driver card that has been falsified, or with a card of which the driver is not the holder, or which has been obtained on the basis of false declarations and/or forged documents.
7. Carrying goods exceeding the maximum permissible laden mass by 20 % or more for vehicles the permissible laden weight of which exceeds 12 tonnes, and by 25 % or more for vehicles the permissible laden weight of which does not exceed 12 tonnes.

Appendix 31-A-1-2**PART I****LIST OF SUBJECTS REFERRED TO IN ARTICLE 8 OF SECTION 1
OF PART A OF ANNEX 31**

The knowledge to be taken into consideration for the official recognition of professional competence by the Parties must cover at least the subjects listed below. In relation to those subjects, applicant road haulage operators must have the levels of knowledge and practical aptitude necessary for the management of a transport undertaking.

The minimum level of knowledge, as indicated below, must correspond at least to the level of knowledge acquired during the course of compulsory education, which is supplemented either by vocational training and supplementary technical training or by secondary school or other technical training.

A. Civil law

The applicant must, in particular:

- (a) be familiar with the main types of contract used in road transport and with the rights and obligations arising therefrom;

- (b) be capable of negotiating a legally valid transport contract, notably with regard to conditions of carriage;
- (c) be able to consider a claim by the applicant's principal regarding compensation for loss of or damage to goods during transportation or for their late delivery, and to understand how such a claim affects the applicant's contractual liability; and
- (d) be familiar with the rules and obligations arising from the CMR Convention on the Contract for the International Carriage of Goods by Road, done in Geneva on 19 May 1956.

B. Commercial law

The applicant must, in particular:

- (a) be familiar with the conditions and formalities laid down for plying the trade, the general obligations incumbent upon transport operators (registration, record keeping, etc.) and the consequences of bankruptcy; and
- (b) have appropriate knowledge of the various forms of commercial companies and the rules governing their constitution and operation.

C. Social law

The applicant must, in particular, be familiar with the following:

- (a) the role and function of the various social institutions which are concerned with road transport (trade unions, works councils, shop stewards, labour inspectors, etc.);

- (b) the employers' social security obligations;
- (c) the rules governing work contracts for the various categories of worker employed by road transport undertakings (form of the contracts, obligations of the parties, working conditions and working hours, paid leave, remuneration, breach of contract, etc.);
- (d) the rules applicable to driving time, rest periods and working time, and the practical measures for applying those provisions; and
- (e) the rules applicable to the initial qualification and continuous training of drivers laid down in Section 1 of Part B of this Annex.

D. Fiscal law

The applicant must, in particular, be familiar with the rules governing:

- (a) value added tax (VAT) on transport services;
- (b) motor-vehicle tax;
- (c) the taxes on certain road haulage vehicles and tolls and infrastructure user charges; and
- (d) income tax.

E. Business and financial management

The applicant must, in particular:

- (a) be familiar with the laws and practices regarding the use of cheques, bills of exchange, promissory notes, credit cards and other means or methods of payment;
- (b) be familiar with the various forms of credit (bank credit, documentary credit, guarantee deposits, mortgages, leasing, renting, factoring, etc.) and the charges and obligations arising therefrom;
- (c) know what a balance sheet is, how it is set out and how to interpret it;
- (d) be able to read and interpret a profit and loss account;
- (e) be able to assess the undertaking's profitability and financial position, in particular on the basis of financial ratios;
- (f) be able to prepare a budget;
- (g) be familiar with the cost elements of the undertaking (fixed costs, variable costs, working capital, depreciation, etc.), and be able to calculate costs per vehicle, per kilometre, per journey or per tonne;
- (h) be able to draw up an organisation chart relating to the undertaking's personnel as a whole and to organise work plans, etc.;

- (i) be familiar with the principles of marketing, publicity and public relations, including transport services, sales promotion and the preparation of customer files, etc.;
- (j) be familiar with the different types of insurance relating to road transport (liability, accidental injury/life insurance, non-life and luggage insurance) and the guarantees and obligations arising therefrom;
- (k) be familiar with the applications of electronic data transmission in road transport;
- (l) be able to apply the rules governing the invoicing of road haulage services and know the meaning and implications of Incoterms; and
- (m) be familiar with the different categories of transport auxiliaries, their role, their functions and, where appropriate, their status.

F. Access to the market

The applicant must, in particular, be familiar with the following:

- (a) the occupational regulations governing road transport, industrial vehicle rental and subcontracting, and in particular the rules governing the official organisation of the occupation, admission to the occupation, authorisations for road transport operations, inspections and penalties;
- (b) the rules for setting up a road transport undertaking;

- (c) the various documents required for operating road transport services and the introduction of checking procedures to ensure that the approved documents relating to each transport operation, and in particular those relating to the vehicle, the driver, the goods and luggage are kept both in the vehicle and on the premises of the undertaking;
- (d) the rules on the organisation of the market in road haulage services, as well as the rules on freight handling and logistics; and
- (e) border formalities, the role and scope of T documents and TIR carnets, and the obligations and responsibilities arising from their use.

G. Technical standards and technical aspects of operation

The applicant must, in particular:

- (a) be familiar with the rules concerning the weights and dimensions of vehicles in the Parties and the procedures to be followed in the case of abnormal loads which constitute an exception to these rules;
- (b) be able to choose vehicles and their components (chassis, engine, transmission system, braking system, etc.) in accordance with the needs of the undertaking;
- (c) be familiar with the formalities relating to the type approval, registration and technical inspection of these vehicles;
- (d) understand what measures must be taken to reduce noise and to combat air pollution by motor vehicle exhaust emissions;

- (e) be able to draw up periodic maintenance plans for the vehicles and their equipment;
- (f) be familiar with the different types of cargo-handling and loading devices (tailboards, containers, pallets, etc.) and be able to introduce procedures and issue instructions for loading and unloading goods (load distribution, stacking, stowing, blocking and chocking, etc.);
- (g) be familiar with the various techniques of "piggy-back" and roll-on roll-off combined transport;
- (h) be able to implement procedures to comply with the rules on the carriage of dangerous goods and waste;
- (i) be able to implement procedures to comply with the rules on the carriage of perishable foodstuffs, notably those arising from the Agreement on the International Carriage of Perishable Foodstuffs and on the Special Equipment to be used for such Carriage (ATP); and
- (j) be able to implement procedures to comply with the rules on the transport of live animals.

H. Road safety

The applicant must, in particular:

- (a) know what qualifications are required for drivers (driving licence, medical certificates, certificates of fitness, etc.);

- (b) be able to take the necessary steps to ensure that drivers comply with the traffic rules, prohibitions and restrictions in force in the Parties (speed limits, priorities, waiting and parking restrictions, use of lights, road signs, etc.);
- (c) be able to draw up instructions for drivers to check their compliance with the safety requirements concerning the condition of the vehicles, their equipment and cargo, and concerning preventive measures to be taken;
- (d) be able to lay down procedures to be followed in the event of an accident and to implement appropriate procedures to prevent the recurrence of accidents or serious traffic offences; and
- (e) be able to implement procedures to properly secure goods and be familiar with the corresponding techniques.

PART II

ORGANISATION OF THE EXAMINATION

1. The Parties will organise a compulsory written examination which they may supplement by an optional oral examination to establish whether applicant road haulage operators have achieved the required level of knowledge in the subjects listed in Part I and in particular their capacity to use the instruments and techniques relating to those subjects and to fulfil the corresponding executive and coordination duties.

- (a) The compulsory written examination will involve two tests, namely:
- (i) written questions consisting of either multiple choice questions (each with four possible answers), questions requiring direct answers or a combination of both systems; and
 - (ii) written exercises/case studies.

The minimum duration of each test will be two hours.

- (b) Where an oral examination is organised, the Parties may stipulate that participation is subject to the successful completion of the written examination.
2. Where the Parties also organise an oral examination, they must provide, in respect of each of the three tests, for a weighting of marks of a minimum of 25 % and a maximum of 40 % of the total number of marks to be given.

Where the Parties organise only a written examination, they must provide, in respect of each test, for a weighting of marks of a minimum of 40 % and a maximum of 60 % of the total number of marks to be given.

3. With regard to all the tests, applicants must obtain an average of at least 60 % of the total number of marks to be given, achieving in any given test not less than 50 % of the total number of marks possible. In one test only, a Party may reduce that mark from 50 % to 40 %.

Appendix 31-A-1-3

PART A

LICENCE MODEL FOR THE UNION

EUROPEAN COMMUNITY

(a)

(Colour Pantone light blue 290, or as close as possible to this colour,
format DIN A4 cellulose paper 100 g/m² or more)

(First page of the licence)

(Text in (one of) the official language(s) of the Member State issuing the licence)

Distinguishing sign of the
Member State⁽¹⁾ issuing the licence

Name of the competent authority or
body

LICENCE No ...

or

CERTIFIED TRUE COPY No ...

for the international carriage of goods by road for hire or reward

This licence entitles⁽²⁾
.....
.....

to engage in the international carriage of goods by road for hire or reward by any route, for journeys or parts of journeys carried out for hire or reward within the territory of the Community, as laid down in Regulation (EC) No 1072/2009 of the European Parliament and of the Council of 21 October 2009 (OJ EU L 300, 14.11.2009, p. 72) on common rules for access to the international road haulage market and in accordance with the general provisions of this licence.

Particular remarks:

.....

.....
..

This licence is valid from

.....

to

Issued in

.....,

on

.....⁽³⁾

⁽¹⁾ The distinguishing signs of the Member States are: (B) Belgium, (BG) Bulgaria, (CZ) Czech Republic, (DK) Denmark, (D) Germany, (EST) Estonia, (IRL) Ireland, (GR) Greece, (E) Spain, (F) France, (HR) Croatia, (I) Italy, (CY) Cyprus, (LV) Latvia, (LT) Lithuania, (L) Luxembourg, (H) Hungary, (MT) Malta, (NL) Netherlands, (A) Austria, (PL) Poland, (P) Portugal, (RO) Romania, (SLO) Slovenia, (SK) Slovakia, (FIN) Finland, (S) Sweden.

⁽²⁾ Name or business name and full address of the haulier.

⁽³⁾ Signature and seal of the issuing competent authority or body.

(b)

(Second page of the licence)

(Text in (one of) the official language(s) of the Member State issuing the licence)

GENERAL PROVISIONS

This licence is issued under Regulation (EC) No 1072/2009.

It entitles the holder to engage in the international carriage of goods by road for hire or reward by any route for journeys or parts of journeys carried out within the territory of the Community and, where appropriate, subject to the conditions laid down herein:

- where the point of departure and the point of arrival are situated in two different Member States, with or without transit through one or more Member States or third countries,
- from a Member State to a third country or vice versa, with or without transit through one or more Member States or third countries,
- between third countries with transit through the territory of one or more Member States, and unladen journeys in connection with such carriage.

In the case of carriage from a Member State to a third country or vice versa, this licence is valid for that part of the journey carried out within the territory of the Community. It shall be valid in the Member State of loading or unloading only after the conclusion of the necessary agreement between the Community and the third country in question in accordance with Regulation (EC)

No 1072/2009.

The licence is personal to the holder and is non-transferable.

It may be withdrawn by the competent authority of the Member State which issued it, notably where the holder has:

- not complied with all the conditions for using the licence,
- supplied incorrect information with regard to the data needed for the issue or extension of the licence.

The original of the licence must be kept by the haulage undertaking.

A certified copy of the licence must be kept in the vehicle⁽¹⁾. In the case of a coupled combination of vehicles it must accompany the motor vehicle. It covers the coupled combination of vehicles even if the trailer or semi-trailer is not registered or authorised to use the roads in the name of the licence holder or if it is registered or authorised to use the roads in another State.

The licence must be presented at the request of any authorised inspecting officer.

Within the territory of each Member State, the holder must comply with the laws, regulations and administrative provisions in force in that State, in particular with regard to transport and traffic.

⁽¹⁾ "Vehicle" means a motor vehicle registered in a Member State, or a coupled combination of vehicles the motor vehicle of which at least is registered in a Member State, used exclusively for the carriage of goods.

PART B

Licence model for the United Kingdom

UK Licence for the Community

(a)

(Colour Pantone light blue, format DIN A4 cellulose paper 100 g/m² or more)

(First page of the licence)

(Text in English or Welsh)

UK

NAME OF THE UK COMPETENT AUTHORITY

(1)

LICENCE No:

Or

CERTIFIED TRUE COPY No:

for the international carriage of goods by road for hire or reward

This licence entitles⁽²⁾

to engage in the international carriage of goods by road for hire or reward by any route, for journeys or parts of journeys carried out for hire or reward within the territory of a Member State as laid down in Regulation (EC) No 1072/2009⁽³⁾.

Particular remarks:	
.....	
This licence is valid from	to
Issued in	on
	

(1) Competent authority for the relevant region for which the certificate is issued.

(2) Name or business name and full address of the haulier.

(3) Regulation (EC) No 1072/2009 as retained in UK law by Section 3 of the European Union (Withdrawal) Act 2018 and as amended by regulations made under Section 8 of that Act.

(b)

(Second page of the licence)

(Text in English or Welsh)

GENERAL PROVISIONS

This licence is issued under Regulation (EC) No 1072/2009⁽¹⁾.

It entitles the holder to engage in the international carriage of goods by road for hire or reward by any route for journeys or parts of journeys carried out within the territory of a Member State permitted by any international agreement between the United Kingdom and the European Union or a Member State.

In the case of carriage from the United Kingdom to a third country or vice versa, this licence is valid for that part of the journey carried out within the territory of any Member State.

The licence is personal to the holder and is non-transferable.

It may be withdrawn by a traffic commissioner or the Department for Infrastructure (Northern Ireland), for example, where the holder has:

- not complied with all the conditions for using the licence,
- supplied incorrect information with regard to the data needed for the issue or extension of the licence.

The original of the licence must be kept by the haulage undertaking.

A certified copy of the licence must be kept in the vehicle⁽²⁾. In the case of a coupled combination of vehicles must accompany the motor vehicle. It covers the coupled combination of vehicles even if the trailer or semi-trailer is not registered or authorised to use the roads in the name of the licence holder or if it is registered or authorised to use the roads in another State.

The licence must be presented at the request of any authorised inspecting officer.

Within the territory of the United Kingdom or each Member State, the holder must comply with the laws, regulations and administrative provisions in force in that State, in particular with regard to transport and traffic.

⁽¹⁾ Regulation (EC) No 1072/2009 as retained in UK law by Section 3 of the European Union (Withdrawal) Act 2018 and as amended by regulations made under Section 8 of that Act.

⁽²⁾ "Vehicle" means a motor vehicle registered in the United Kingdom or a Member State, or a coupled combination of motor vehicles the motor vehicle of which at least is registered in the United Kingdom or a Member State, used exclusively for the carriage of goods.

Appendix 31-A-1-4**SECURITY FEATURES OF THE LICENCE**

The licence must have at least two of the following security features:

- a hologram;
- special fibres in the paper which become visible under UV-light;
- at least one microprint line (printing visible only with a magnifying glass and not reproduced by photocopying machines);
- tactile characters, symbols or patterns;
- double numbering: serial number of the licence, of the certified copy thereof as well as, in each case, the issue number;
- a security design background with fine guilloche patterns and rainbow printing.

SECTION 2

POSTING OF DRIVERS

ARTICLE 1

Subject matter

This Section lays down requirements for road haulage operators established in one of the Parties which, in the framework of the transport of goods, post drivers to the territory of the other Party in accordance with Article 3 of this Section.

Nothing in this Section shall prevent a Party from applying measures to regulate the entry of natural persons into, or their temporary stay in, its territory, including measures necessary to protect the integrity of its borders and to ensure the orderly movement of natural persons across them, provided that such measures are not applied in such a manner as to nullify or impair the benefits accruing to the other Party under the terms of this Section. The sole fact of requiring a visa for natural persons of certain countries and not for those of others shall not be regarded as nullifying or impairing benefits under this Section.

Nothing in this Section shall affect the application on the Union territory of the Union rules on the posting of drivers in road transport to Union road haulage operators.

ARTICLE 2

Definitions

For the purposes of this Section, "posted driver" means a driver who, for a limited period, carries out his or her work in the territory of a Party other than the Party in which the driver normally works.

ARTICLE 3

Principles

1. The provisions of this Section apply to the extent that the road haulage operator posts drivers to the territory of the other Party on its account and under its direction, under a contract concluded between the road haulage operator making the posting and the party for whom the transport services are intended, and those drivers operate in the territory of that Party, provided that there is an employment relationship between the road haulage operator making the posting and the driver during the period of posting.
2. For the purposes of paragraph 1, a posting shall be considered to start when the driver enters the territory of the other Party for the loading and/or unloading of goods and to end when the driver leaves the territory of that Party.

For the purposes of paragraph 1, in the case of posting in the Union, a posting shall, be considered to start when the driver enters the territory of a Member State for the loading and/or unloading of goods in that Member State and to end when the driver leaves the territory of that Member State.

3. Notwithstanding the paragraphs 1 and 2, a driver shall not be considered to be posted when performing transport operations, based on a transport contract, as defined in point (a) of Article 462(1) of this Agreement.
4. A driver shall not be considered to be posted in the United Kingdom where the driver transits through the territory of the United Kingdom without loading or unloading of goods. For the Union, a driver shall not be considered to be posted in a Member State when the driver transits through the territory of that Member State without loading or unloading of goods.

ARTICLE 4

Terms and conditions of employment

1. Each Party shall ensure, irrespective of which law applies to the employment relationship, that road haulage operators guarantee, on the basis of equality of treatment, to drivers who are posted to their territory the terms and conditions of employment covering the following matters which, in the Party or, in the case of the Union, in the Member State where the work is carried out, are laid down:
 - by law, regulation or administrative provision, and/or

- by collective agreements or arbitration awards which have been declared universally applicable or otherwise apply in accordance with paragraph 4:
 - (a) maximum work periods and minimum rest periods;
 - (b) minimum paid annual leave;
 - (c) remuneration, including overtime rates; this point does not apply to supplementary occupational retirement pension schemes;
 - (d) health, safety and hygiene at work;
 - (e) protective measures with regard to the terms and conditions of employment of pregnant women or women who have recently given birth, of children and of young people; and
 - (f) equality of treatment between men and women and other provisions on non-discrimination.
- 2. For the purposes of this Section, the concept of remuneration shall be determined by the national law and/or practice of the Party and, in the case of the Union, by the national law and/or practice of the Member State, to whose territory the driver is posted and means all the constituent elements of remuneration rendered mandatory by national law, regulation or administrative provision, or by collective agreements or arbitration awards which, in that Party or in that Member State, have been declared universally applicable or otherwise apply in accordance with paragraph 4.

3. Allowances specific to the posting shall be considered to be part of remuneration, unless they are paid in reimbursement of expenditure actually incurred on account of the posting, such as expenditure on travel, board and lodging. The road haulage operator shall reimburse the posted driver for such expenditure in accordance with the law and/or practice applicable to the employment relationship.

Where the terms and conditions of employment applicable to the employment relationship do not determine which elements of the allowance specific to the posting are paid in reimbursement of expenditure actually incurred on account of the posting or which are part of remuneration, then the entire allowance shall be considered to be paid in reimbursement of expenditure.

4. For the purpose of this Section, "collective agreements or arbitration awards which have been declared universally applicable" means collective agreements or arbitration awards which must be observed by all undertakings in the geographical area and in the profession or industry concerned.

In the absence of, or in addition to, a system for declaring collective agreements or arbitration awards to be of universal application within the meaning of the first subparagraph, each Party, or each Member State in the case of the Union, may, if they so decide, base themselves on:

- collective agreements or arbitration awards which are generally applicable to all similar undertakings in the geographical area and in the profession or industry concerned;
and/or

- collective agreements which have been concluded by the most representative employers' and labour organisations at national level and which are applied throughout national territory.

Equality of treatment, within the meaning of paragraph 1, shall be deemed to exist where national undertakings in a similar position:

- (i) are subject, in the place in question or in the sector concerned, to the same obligations as posting undertakings as regards the matters listed in the first subparagraph of paragraph 1; and
- (ii) are required to fulfil such obligations with the same effects.

ARTICLE 5

Improved access to information

1. Each Party or, in the case of the Union, each Member State shall publish the information on the terms and conditions of employment, in accordance with national law and/or practice, without undue delay and in a transparent manner, on a single official national website, including the constituent elements of remuneration as referred to in Article 4(2) and all the terms and conditions of employment in accordance with Article 4(1).

Each Party or, in the case of the Union, each Member State shall ensure that the information provided on the single official national website is accurate and up to date.

2. Each Party or, in the case of the Union, each Member State shall take the appropriate measures to ensure that the information mentioned in paragraph 1 is made generally available free of charge in a clear, transparent, comprehensive and easily accessible way at a distance and by electronic means, in formats and in accordance with web accessibility standards that ensure access to persons with disabilities and to ensure that competent national bodies are in a position to carry out their tasks effectively.
3. Where, in accordance with national law, traditions and practice, including respect for the autonomy of social partners, the terms and conditions of employment referred to in Article 4 are laid down in collective agreements in accordance with Article 4(1), each Party or, in the case of the Union, each Member State shall ensure that those terms and conditions are made available in an accessible and transparent way to service providers from the other Party and to posted drivers, and shall seek the involvement of the social partners in that respect. The relevant information should, in particular, cover the different minimum rates of pay and their constituent elements, the method used to calculate the remuneration due and, where relevant, the qualifying criteria for classification in the different wage categories.
4. Where, contrary to paragraph 1, the information on the single official national website does not indicate which terms and conditions of employment are to be applied, that circumstance shall be taken into account in accordance with national law and/or practice in determining penalties in the event of infringements to this Section, to the extent necessary to ensure the proportionality of those penalties.
5. Each Party or, in the case of the Union, each Member State shall indicate the bodies and authorities to which drivers and road haulage operators can turn for general information on national law and practice applicable to them concerning their rights and obligations within their territory.

ARTICLE 6

Administrative requirements, control and enforcement

1. Each Party or, in the case of the Union, each Member State may only impose the following administrative requirements and control measures with respect to the posting of drivers:
 - (a) an obligation for the operator established in the other Party to submit a posting declaration to the national competent authorities of the Party or, in the case of the Union, of the Member State to which the driver is posted at the latest at the commencement of the posting, using from 2 February 2022 a multilingual standard form of the public interface connected to the EU Internal Market Information System¹ for administrative cooperation (IMI); that posting declaration shall consist of the following information:
 - (i) the identity of the operator, at least in the form of the number of the valid licence where this number is available;
 - (ii) the contact details of a transport manager or other contact person in the Party of establishment or, in the case of the Union, in the Member State of establishment to liaise with the competent authorities of the host Party or in, the case of the Union, of the Member State in which the services are provided and to send out and receive documents or notices;

¹ Established by Regulation (EU) No 1024/2012 of the European Parliament and of the Council of 25 October 2012 on administrative cooperation through the Internal Market Information System and repealing Commission Decision 2008/49/EC ("the IMI Regulation") (OJ EU L 316, 14.11.2012, p. 1).

- (iii) the identity, the address of the residence and the number of the driving licence of the driver;
 - (iv) the start date of the driver's contract of employment, and the law applicable to it;
 - (v) the envisaged start and end date of the posting; and
 - (vi) the number plates of the motor vehicles;
- (b) an obligation for the operator to ensure that the driver has at his or her disposal in paper or electronic form and an obligation for the driver to keep and make available when requested at the roadside:
- (i) a copy of the posting declaration submitted, via the IMI system from 2 February 2022;
 - (ii) evidence of the transport operations taking place in the host Party, such as an electronic consignment note (e-CMR); and
 - (iii) the tachograph records and in particular the country symbols of the Party or, in the case of the Union, of the Member State in which the driver was present when carrying out transport operations, in accordance with registration and record-keeping requirements under Section 2 of Part B and Section 4 of Part B;

- (c) an obligation for the operator to send, from 2 February 2022 via the public interface connected to the IMI system, after the period of posting, at the direct request of the competent authorities of the other Party or, in the case of the Union, of a Member State where the posting took place, copies of documents referred to in point (b)(ii) and (iii) of this paragraph as well as documentation relating to the remuneration of the driver in respect of the period of posting, the employment contract or an equivalent document, time-sheets relating to the driver's work, and proof of payments.

The operator shall send the documentation, from 2 February 2022 via the public interface connected to the IMI system, no later than eight weeks from the date of the request. If the operator fails to submit the requested documentation within that time period, the competent authorities of the Party or, in the case of the Union, the Member State where the posting took place may request, from 2 February 2022 via the IMI system, the assistance of the competent authorities of the Party of establishment or, in the case of the Union, the Member State of establishment. When such a request for mutual assistance is made, the competent authorities of the Party of establishment or, in the case of the Union, the Member State of establishment of the operator shall have access to the posting declaration and other relevant information submitted by the operator, from 2 February 2022 via the public interface connected to the IMI system.

The competent authorities of the Party of establishment or, in the case of the Union, of the Member State of establishment shall ensure that they provide the requested documentation to the competent authorities of the Party or, in the case of the Union, to the competent authorities of the Member State where the posting took place, from 2 February 2022 via the IMI system, within 25 working days from the day of the request for mutual assistance.

Each Party shall ensure that the information exchanged by the competent national authorities or transmitted to them shall be used only in respect of the matter or matters for which it was requested.

Mutual administrative cooperation and assistance shall be provided free of charge.

A request for information shall not preclude the competent authorities from taking measures to investigate and prevent alleged breaches of this Section.

3. For the purpose of ascertaining whether a driver is not to be considered to be posted pursuant to Article 1, each Party may only impose as a control measure an obligation for the driver to keep and make available, where requested at the roadside check, in paper or electronic form, the evidence of the relevant transport operations, such as an electronic consignment note (e-CMR), and tachograph records, as referred to in point (b)(iii) of paragraph 2 of this Article.
4. For the purposes of control, the operator shall keep the posting declarations referred to in point (a) of paragraph 2 up to date, from 2 February 2022 in the public interface connected to IMI.
5. The information from the posting declarations shall be saved, from 2 February 2022, in the IMI repository for the purpose of checks for a period of 24 months.
6. The Party or, in the case of the Union, the Member State to whose territory the driver is posted and the Party or, in the case of the Union, the Member State from which the driver is posted shall be responsible for the monitoring, control and enforcement of the obligations laid down in this Section and shall take appropriate measures in the event of failure to comply with this Section.

7. Each Party or, in the case of the Union, the Member States shall ensure that inspections and controls of compliance under this Article are not discriminatory and/or disproportionate, whilst taking into account the relevant provisions of this Section.
8. For the enforcement of the obligations under this Section, each Party or, in the case of the Union, the Member States shall ensure that there are effective mechanisms for posted drivers to lodge complaints against their employers directly, as well as the right to institute judicial or administrative proceedings, also in the Party in whose territory the drivers are or were posted, where such drivers consider they have sustained loss or damage as a result of a failure to apply the applicable rules, even after the relationship in which the failure is alleged to have occurred has ended.
9. Paragraph 8 shall apply without prejudice to the jurisdiction of the courts of each Party or, in case of the Union, the Member States as laid down, in particular, in the relevant instruments of Union law and/or international conventions.
10. Each Party or, in the case of the Union, the Member States shall lay down the rules on penalties applicable to infringements of national provisions adopted pursuant to this Section and shall take all measures necessary to ensure that they are implemented and complied with. The penalties provided for shall be effective, proportionate and dissuasive.

Each Party shall notify those provisions to the other Party by 30 June 2021. They shall notify without delay any subsequent amendments to them.

ARTICLE 7

Use of the IMI system

1. As from 2 February 2022, information, including personal data, referred to in Article 6 shall be exchanged and processed in the IMI system, provided that the following conditions are fulfilled:
 - (a) the Parties provide safeguards that data processed in the IMI system are only used for the purpose for which they were initially exchanged;
 - (b) any transfer of personal data to the United Kingdom under this Article may only take place in accordance with point (c) of Article 23(1) of Regulation (EU) No 1024/2012 of the European Parliament and of the Council¹; and
 - (c) any transfer of personal data to the Union under this Article may only take place in accordance with the data protection rules on international transfers of the United Kingdom.
2. The competent authorities in each Party shall grant and revoke appropriate access rights to IMI users.

¹ Regulation (EU) No 1024/2012 of the European Parliament and of the Council of 25 October 2012 on administrative cooperation through the Internal Market Information System and repealing Commission Decision 2008/49/EC ("the IMI Regulation") (OJ EU L 316, 14.11.2012, p. 1).

3. IMI users are allowed to access personal data processed in the IMI system only on a need-to-know basis and exclusively for the purpose of implementation and enforcement of this Section.
4. Each Party or, in the case of the Union, each Member State, may allow the competent authority to provide national social partners by other means than the IMI system with relevant information available in the IMI system to the extent necessary for the purpose of checking compliance with posting rules and in accordance with national law and practices, provided that:
 - (a) the information relates to a posting to the territory of the Party or, in the case of the Union, of the Member State, concerned; and
 - (b) the information is used exclusively for the purpose of enforcing the posting rules.
5. The Specialised Committee on Road Transport shall set the technical and procedural specifications of the use of the IMI system by the United Kingdom.
6. Each Party shall participate in the operating costs of the IMI system. The Specialised Committee on Road Transport shall determine the costs to be borne by each Party.

PART B

REQUIREMENTS FOR DRIVERS INVOLVED IN THE TRANSPORT OF GOODS IN ACCORDANCE WITH ARTICLE 465 OF THIS AGREEMENT

SECTION 1

CERTIFICATE OF PROFESSIONAL COMPETENCE

ARTICLE 1

Scope

This Section applies to the activity of driving by anyone employed or used by a road haulage operator of a Party undertaking journeys referred to in Article 462 of this Agreement and using vehicles for which a driving licence of category C1, C1+E, C or C+E, or a driving licence recognised as equivalent by the Specialised Committee on Road Transport, is required.

ARTICLE 2

Exemptions

A certificate of professional competence (CPC) is not required for drivers of vehicles:

- (a) with a maximum authorised speed not exceeding 45 km/h;
- (b) used by, or under the control of, the armed forces, civil defence, the fire service, forces responsible for maintaining public order, and emergency ambulance services, when the carriage is undertaken as a consequence of the tasks assigned to those services;
- (c) undergoing road tests for technical development, repair or maintenance purposes, or the drivers of new or rebuilt vehicles which have not yet been put into service;
- (d) used in states of emergency or assigned to rescue missions;
- (e) carrying material, equipment or machinery to be used by the drivers in the course of their work, provided that driving the vehicles is not the drivers' principal activity; or
- (f) used, or hired without a driver, by agricultural, horticultural, forestry, farming or fishery undertakings for carrying goods as part of their own entrepreneurial activity, except if driving is part of the driver's principal activity or the driving exceeds a distance set in national law from the base of the undertaking which owns, hires or leases the vehicle.

ARTICLE 3

Qualification and training

1. The activity of driving as defined in Article 1 shall be subject to a compulsory initial qualification and to compulsory periodic training. To that end the Parties shall provide for:

(a) a system of initial qualification corresponding to one of the following two options:

- (i) option combining both course attendance and a test

In accordance with Section 2(2.1) of Appendix 31-B-1-1, this type of initial qualification involves compulsory course attendance for a specific period. It shall conclude with a test. Upon successful completion of the test, the qualification shall be certified by a CPC as provided for in point (a) of Article 6(1);

- (ii) option involving only tests

In accordance with Section 2(2.2) of Appendix 31-B-1-1, this type of initial qualification does not involve compulsory course attendance but only theoretical and practical tests. Upon successful completion of the tests, the qualification shall be certified by a CPC as provided for in point (b) of Article 6(1).

However, a Party may authorise a driver to drive within its territory before obtaining a CPC, where the driver is undergoing a national vocational training course of at least six months, for a maximum period of three years. In the context of that vocational training course, the tests referred to in points (i) and (ii) of this point may be completed in stages;

(b) a system of periodic training

In accordance with Section 4 of Appendix 31-B-1-1, periodic training involves compulsory course attendance. It shall be certified by a CPC as provided for in Article 8(1).

2. A Party may also provide for a system of accelerated initial qualification so that a driver may drive in the cases referred to in points (a)(ii) and (b) of Article 5(2).

In accordance with Section 3 of Appendix 31-B-1-1, the accelerated initial qualification shall involve compulsory course attendance. It shall conclude with a test. Upon successful completion of the test, the qualification shall be certified by a CPC as provided for in Article 6(2).

3. A Party may exempt drivers who have obtained the certificate of professional competence provided for in Article 8 of Section 1 of Part A from the tests referred to in points (a)(i) and (ii) of paragraph 1 and in paragraph 2 of this Article in the subjects covered by the test provided for in that part of this Annex and, where appropriate, from attending the part of the course corresponding thereto.

ARTICLE 4

Acquired rights

Drivers who hold a category C1, C1+E, C or C+E licence, or a licence recognised as equivalent by the Specialised Committee on Road Transport, issued no later than 10 September 2009, shall be exempted from the need to obtain an initial qualification.

ARTICLE 5

Initial qualification

1. Access to an initial qualification shall not require the corresponding driving licence to be obtained beforehand.
2. Drivers of a vehicle intended for the carriage of goods may drive:
 - (a) from the age of 18:
 - (i) a vehicle in licence categories C and C+E, provided they hold a CPC as referred to in Article 6(1); and
 - (ii) a vehicle in licence categories C1 and C1+E, provided they hold a CPC as referred to in Article 6(2);

- (b) from the age of 21, a vehicle in licence categories C and C+E, provided they hold a CPC as referred to in Article 6(2).
- 3. Without prejudice to the age limits specified in paragraph 2, drivers undertaking carriage of goods who hold a CPC as provided for in Article 6 for one of the categories provided for in paragraph 2 of this Article shall be exempted from obtaining such a CPC for any other of the categories of vehicles referred to in that paragraph.
- 4. Drivers undertaking carriage of goods who broaden or modify their activities in order to carry passengers, or vice versa, and who hold a CPC as provided for in Article 6, shall not be required to repeat the common parts of the initial qualification, but rather only the parts specific to the new qualification.

ARTICLE 6

CPC certifying the initial qualification

- 1. CPC certifying an initial qualification
 - (a) CPC awarded on the basis of course attendance and a test

In accordance with point (a)(i) of Article 3(1), the Parties shall require trainee drivers to attend courses in a training centre approved by the competent authorities in accordance with Section 5 of Appendix 31-B-1-1, hereinafter referred to as "approved training centre". Those courses shall cover all the subjects referred to in Section 1 of Appendix 31-B-1-1.

That training shall conclude with successful completion of the test provided for in Section 2(2.1) of Appendix 31-B-1-1. That test shall be organised by the competent authorities in the Parties or an entity designated by them and shall serve to check whether, for the aforementioned subjects, the trainee driver has the level of knowledge required in Section 1 of Appendix 31-B-1-1. The said authorities or entities shall supervise the test and, upon successful completion, issue the drivers with a CPC certifying an initial qualification.

(b) CPC awarded on the basis of tests

In accordance with point (a)(ii) of Article 3(1), the Parties shall require trainee drivers to pass the theoretical and practical tests referred to in Section 2(2.2) of Appendix 31-B-1-1. Those tests shall be organised by the competent authorities in the Parties or an entity designated by them and shall serve to check whether, for all the aforementioned subjects, the trainee driver has the level of knowledge required in Section 1 of Appendix 31-B-1-1. The said authorities or entities shall supervise the tests and, upon successful completion, issue the drivers with a CPC certifying an initial qualification.

2. CPC certifying an accelerated initial qualification

In accordance with Article 3(2), the Parties shall require trainee drivers to attend courses in an approved training centre. Those courses shall cover all the subjects referred to in Section 1 of Appendix 31-B-1-1.

That training shall conclude with the test provided for in Section 3 of Appendix 31-B-1-1. That test shall be organised by the competent authorities in the Parties or an entity designated by them and shall serve to check whether, for the aforementioned subjects, the trainee driver has the level of knowledge required in Section 1 of Appendix 31-B-1-1. The said authorities or entities shall supervise the test and, upon successful completion, issue the drivers with a CPC certifying an accelerated initial qualification.

ARTICLE 7

Periodic training

Periodic training shall consist of training to enable holders of a CPC to update the knowledge which is essential for their work, with specific emphasis on road safety, health and safety at work, and the reduction of the environmental impact of driving.

That training shall be organised by an approved training centre, in accordance with Section 5 of Appendix 31-B-1-1. Training shall consist of classroom teaching, practical training and, if available, training by means of information and communication technology (ICT) tools or on top-of-the-range simulators. If a driver moves to another undertaking, the periodic training already undergone must be taken into account.

Periodic training shall be designed to expand on, and to revise, some of the subjects referred in Section 1 of Appendix 31-B-1-1. It shall cover a variety of subjects and shall always include at least one road safety related subject. The training subjects shall take into account developments in the relevant legislation and technology, and shall, as far as possible, take into account the specific training needs of the driver.

ARTICLE 8

CPC certifying periodic training

1. When a driver has completed the periodic training referred to in Article 7, the competent authorities in the Parties or the approved training centre shall issue him or her with a CPC certifying periodic training.
2. The following drivers shall undergo a first course of periodic training:
 - (a) holders of a CPC as referred to in Article 6, within five years of the issue of that CPC;
and
 - (b) the drivers referred to in Article 4, within five years of 10 September 2009.

A Party may reduce or extend the periods of time referred to in point (a) or (b) by a maximum of two years.

3. A driver who has completed a first course of periodic training as referred to in paragraph 2 of this Article shall undergo periodic training every five years, before the end of the period of validity of the CPC certifying periodic training.
4. Holders of the CPC as referred to in Article 6 or the CPC as referred to in paragraph 1 of this Article and the drivers referred to in Article 4 who have ceased pursuit of the occupation and do not meet the requirements of paragraphs 1, 2 and 3 of this Article, shall undergo a course of periodic training before resuming pursuit of the occupation.

5. Drivers undertaking the carriage of goods by road who have completed courses of periodic training for one of the licence categories provided for in Article 5(2) shall be exempt from the obligation to undergo further periodic training for another of the categories provided for in that paragraph.

ARTICLE 9

Enforcement

The competent authorities in a Party shall either affix directly on the driver's driving permit (licence), beside the corresponding categories of licence, a distinguishing sign attesting to the possession of a CPC and indicating the date of expiry, or introduce a special driver qualification card which should be drawn up in accordance with the model reproduced in Appendix 31-B-1-2. Any other model may be acceptable provided that it is recognised as equivalent by the Specialised Committee on Road Transport. The driver qualification card or any equivalent document as specified above issued by the competent authorities in a Party shall be recognised by the other Party for the purposes of this Section.

Drivers must be able to present, at the request of any authorised inspecting officer, a driving permit (licence) or a specific driver qualification card or equivalent document bearing the distinguishing sign confirming possession of a CPC.

Appendix 31-B-1-1**MINIMUM QUALIFICATION AND TRAINING REQUIREMENTS**

To ensure that the rules governing the transport of goods by road covered by Title I of Heading Three of Part Two of this Agreement are as harmonised as possible, the minimum requirements for driver qualification and training as well as the approval of training centres are set out in Sections 1 to 5 of this Appendix. Any other content for this qualification or training may be acceptable provided that it is considered as equivalent by the Specialised Committee on Road Transport.

SECTION 1**LIST OF SUBJECTS**

The knowledge to be taken into account by the Parties when establishing the driver's initial qualification and periodic training must include at least the subjects in this list. Trainee drivers must reach the level of knowledge and practical competence necessary to drive in all safety vehicles of the relevant licence category. The minimum level of knowledge may not be less than the level reached during compulsory education, supplemented by professional training.

1. Advanced training in rational driving based on safety regulations

- 1.1 Objective: to know the characteristics of the transmission system in order to make the best possible use of it:

curves relating to torque, power, and specific consumption of an engine, area of optimum use of revolution counter, gearbox-ratio cover diagrams.

- 1.2 Objective: to know the technical characteristics and operation of the safety controls in order to control the vehicle, minimise wear and tear, and prevent disfunctioning:

limits to the use of brakes and retarder, combined use of brakes and retarder, making better use of speed and gear ratio, making use of vehicle inertia, using ways of slowing down and braking on downhill stretches, action in the event of failure, use of electronic and mechanical devices such as Electronic Stability Program (ESP), Advanced Emergency Braking Systems (AEBS), Anti-Lock Braking System (ABS), traction control systems (TCS) and in vehicle monitoring systems (IVMS) and other, approved for use, driver assistance or automation devices.

- 1.3 Objective: ability to optimise fuel consumption:

optimisation of fuel consumption by applying know-how as regards points 1.1 and 1.2, importance of anticipating traffic flow, appropriate distance to other vehicles and use of the vehicle's momentum, steady speed, smooth driving style and appropriate tyre pressure, and familiarity with intelligent transport systems that improve driving efficiency and assist in route planning.

1.4 Objective: ability to anticipate, assess and adapt to risks in traffic:

to be aware of and adapt to different road, traffic and weather conditions, anticipate forthcoming events; to understand how to prepare and plan a journey during abnormal weather conditions; to be familiar with the use of related safety equipment and to understand when a journey has to be postponed or cancelled due to extreme weather conditions; to adapt to the risks of traffic, including dangerous behaviour in traffic or distracted driving (through the use of electronic devices, eating, drinking, etc.); to recognise and adapt to dangerous situations and to be able to cope with stress deriving therefrom, in particular related to size and weight of the vehicles and vulnerable road users, such as pedestrians, cyclists and powered two wheelers;

to identify possible hazardous situations and properly interpret how those potentially hazardous situations may turn into situations where crashes can no longer be averted and selecting and implementing actions that increase the safety margins to such an extent that a crash can still be averted in case the potential hazards should occur.

1.5 Objective: ability to load the vehicle with due regard for safety rules and proper vehicle use:

forces affecting vehicles in motion, use of gearbox ratios according to vehicle load and road profile, use of automatic transmission systems, calculation of payload of vehicle or assembly, calculation of total volume, load distribution, consequences of overloading the axle, vehicle stability and centre of gravity, types of packaging and pallets;

main categories of goods needing securing, clamping and securing techniques, use of securing straps, checking of securing devices, use of handling equipment, placing and removal of tarpaulins.

2. Application of regulations

2.1 Objective: to know the social environment of road transport and the rules governing it:

maximum working periods specific to the transport industry; principles, application and consequences of the rules related to the driving times and rest periods and those related to the tachograph; penalties for failure to use, improper use of and tampering with the tachograph; knowledge of the social environment of road transport: rights and duties of drivers as regards initial qualification and periodic training.

2.2 Objective: to know the regulations governing the carriage of goods:

transport operating licences, documents to be carried in the vehicle, bans on using certain roads, road-use fees, obligations under standard contracts for the carriage of goods, drafting of documents which form the transport contract, international transport permits, obligations under the CMR Convention on the Contract for the International Carriage of Goods by Road, done in Geneva on 19 May 1956, drafting of the international consignment note, crossing borders, freight forwarders, special documents accompanying goods.

3. Health, road and environmental safety, service, logistics

3.1 Objective: to make drivers aware of the risks of the road and of accidents at work:

types of accidents at work in the transport sector, road accident statistics, involvement of lorries/coaches, human, material and financial consequences.

3.2 Objective: ability to prevent criminality and trafficking in illegal immigrants:

general information, implications for drivers, preventive measures, check list, legislation on transport operator liability.

3.3 Objective: ability to prevent physical risks:

ergonomic principles; movements and postures which pose a risk, physical fitness, handling exercises, personal protection.

3.4 Objective: awareness of the importance of physical and mental ability:

principles of healthy, balanced eating, effects of alcohol, drugs or any other substance likely to affect behaviour, symptoms, causes, effects of fatigue and stress, fundamental role of the basic work/rest cycle.

3.5 Objective: ability to assess emergency situations:

behaviour in an emergency situation: assessment of the situation, avoiding complications of an accident, summoning assistance, assisting casualties and giving first aid, reaction in the event of fire, evacuation of occupants of a lorry, reaction in the event of aggression; basic principles for the drafting of an accident report.

3.6 Objective: ability to adopt behaviour to help enhance the image of the company:

behaviour of the driver and company image: importance for the company of the standard of service provided by the driver, the roles of the driver, people with whom the driver will be dealing, vehicle maintenance, work organisation, commercial and financial effects of a dispute.

3.7 Objective: to know the economic environment of road haulage and the organisation of the market:

road transport in relation to other modes of transport (competition, shippers), different road transport activities (transport for hire or reward, own account, auxiliary transport activities), organisation of the main types of transport company and auxiliary transport activities, different transport specialisations (road tanker, controlled temperature, dangerous goods, animal transport, etc.), changes in the industry (diversification of services provided, rail-road, subcontracting, etc.).

SECTION 2

COMPULSORY INITIAL QUALIFICATION PROVIDED FOR IN POINT (a) OF ARTICLE 3(1) OF SECTION 1 OF PART B

A Party may count specific other training related to the transport of goods by road required under its legislation as part of the training under this Section and under Section 3 of this Appendix.

2.1. Option combining both course attendance and a test

Initial qualification must include the teaching of all subjects in the list under Section 1 of this Appendix. The duration of that initial qualification must be 280 hours.

Each trainee driver must drive for at least 20 hours individually in a vehicle of the category concerned which meets at least the requirements for test vehicles.

When driving individually, the trainee driver must be accompanied by an instructor, employed by an approved training centre. Each trainee driver may drive for a maximum of eight hours of the 20 hours of individual driving on special terrain or on a top-of-the-range simulator so as to assess training in rational driving based on safety regulations, in particular with regard to vehicle handling in different road conditions and the way they change with different atmospheric conditions, the time of day or night, and the ability to optimise fuel consumption.

A Party and, in the case of the Union, a Member State may allow part of the training to be delivered by the approved training centre by means of ICT tools, such as e-learning, while ensuring that the high quality and the effectiveness of the training are maintained, and by selecting the subjects where ICT tools can most effectively be deployed. Reliable user identification and appropriate means of control shall be required in such a case.

For the drivers referred to in Article 5(4) of Section 1 of Part B the length of the initial qualification must be 70 hours, including five hours of individual driving.

At the end of that training, the competent authorities in the Parties or the entity designated by them shall give the driver a written or oral test. The test must include at least one question on each of the objectives in the list of subjects under Section 1 of this Appendix.

2.2 Option involving a test

The competent authorities in the Parties or the entity designated by them shall organise the aforementioned theoretical and practical tests to check whether the trainee driver has the level of knowledge required in Section 1 of this Appendix for the subjects and objectives listed there.

- (a) The theoretical test shall consist of at least two parts:
 - (i) questions including multiple-choice questions, questions requiring a direct answer, or a combination of both; and

- (ii) case studies.

The minimum duration of the theoretical test must be four hours.

- (b) The practical test shall consist of two parts:

- (i) a driving test aimed at assessing training in rational driving based on safety regulations. The test must take place, whenever possible, on roads outside built-up areas, on fast roads and on motorways (or similar), and on all kinds of urban highways presenting the different types of difficulties that a driver is liable to encounter. It would be desirable for that test to take place in different traffic density conditions. The driving time on the road must be used optimally in order to assess the candidate in all traffic areas likely to be encountered. The minimum duration of that test must be 90 minutes;
- (ii) a practical test covering at least points 1.5, 3.2, 3.3 and 3.5 of Section 1 of this Appendix.

The minimum duration of that test must be 30 minutes.

The vehicle used for the practical test must meet at least the requirements for test vehicles.

The practical test may be supplemented by a third test taking place on special terrain or on a top-of-the-range simulator so as to assess training in rational driving based on safety regulations, in particular with regard to vehicle handling in different road conditions and the way they change with different atmospheric conditions and the time of day or night.

The duration of that optional test is not fixed. Should the driver undergo such a test, its duration may be deducted from the 90 minutes of the driving test referred to under point (i), but the time deducted may not exceed 30 minutes.

For the drivers referred to in Article 5(4) of Section 1 of Part B, the theoretical test must be limited to the subjects, referred to in Section 1 of this Appendix, which are relevant to the vehicles to which the new initial qualification applies. However, such drivers must undergo the whole practical test.

SECTION 3

ACCELERATED INITIAL QUALIFICATION PROVIDED FOR IN ARTICLE 3(2) OF SECTION 1 OF PART B OF ANNEX 31

Accelerated initial qualification must include the teaching of all subjects in the list in Section 1 of this Appendix. Its duration must be 140 hours.

Each trainee driver must drive for at least 10 hours individually in a vehicle of the category concerned which meets at least the requirements for test vehicles.

When driving individually, the trainee driver must be accompanied by an instructor, employed by an approved training centre. Each trainee driver may drive for a maximum of four hours of the 10 hours of individual driving on special terrain or on a top-of-the-range simulator so as to assess training in rational driving based on safety regulations, in particular with regard to vehicle handling in different road conditions and the way those road conditions change with different atmospheric conditions, the time of day or night, and the ability to optimise fuel consumption.

The provisions of the fourth paragraph of point 2.1 of Section 2 of this Appendix shall also apply to the accelerated initial qualification.

For the drivers referred to in Article 5(4) of Section 1 of Part B, the length of the accelerated initial qualification must be 35 hours, including two-and-a-half hours of individual driving.

At the end of that training, the competent authorities in the Parties or the entity designated by them shall give the driver a written or oral test. The test must include at least one question on each of the objectives in the list of subjects under Section 1 of this Appendix.

A Party may count specific other training related to the transport of goods by road required under its legislation as part of the training under this Section.

SECTION 4

COMPULSORY PERIODIC TRAINING PROVIDED FOR IN POINT (b) OF ARTICLE 3(1) OF SECTION 1 OF PART B OF ANNEX 31

Compulsory periodic training courses must be organised by an approved training centre. Their duration must be of 35 hours every five years, given in periods of at least seven hours, which may be split over two consecutive days. Whenever e- learning is used, the approved training centre shall ensure that the proper quality of the training is maintained, including by selecting the subjects where ICT tools can most effectively be deployed. In particular, the Parties shall require reliable user identification and appropriate means of control. The maximum duration of the e-learning training shall not exceed 12 hours. At least one of the training course periods shall cover a road safety related subject. The content of the training shall take into account training needs specific to the transport operations carried out by the driver and relevant legal and technological developments and should, as far as possible, take into account specific training needs of the driver. A range of different subjects should be covered over the 35 hours, including repeat training where it is shown that the driver needs specific remedial training.

A Party and, in the case of the Union, a Member State may count specific other training related to the transport of goods by road required under its legislation as part of the training under this Section.

SECTION 5

APPROVAL OF THE INITIAL QUALIFICATION AND PERIODIC TRAINING

- 5.1. The training centres taking part in the initial qualification and periodic training must be approved by the competent authorities in the Parties. Approval may be given only in response to a written application. The application must be accompanied by documents including:
 - 5.1.1. a suitable qualification and training programme specifying the subjects taught and setting out the proposed implementing plan and teaching methods;
 - 5.1.2. the instructors' qualifications and fields of activity;
 - 5.1.3. information about the premises where the courses are given, the teaching materials, the resources made available for the practical work, and the vehicle fleet used;
 - 5.1.4. the conditions regarding participation in the courses (number of participants).
- 5.2. The competent authority must give approval in writing subject to the following conditions:
 - 5.2.1. the training must be given in accordance with the documents accompanying the application;

5.2.2. the competent authority must be entitled to send authorised persons to assist in the training courses of the approved centres, and must be entitled to monitor such centres, with regard to the resources used and the proper running of the training courses and tests;

5.2.3. the approval may be withdrawn or suspended if the conditions of approval are no longer complied with.

The approved centre must guarantee that the instructors have a sound knowledge of the most recent regulations and training requirements. As part of a specific selection procedure, the instructors must provide certification showing a knowledge of both the subject material and teaching methods. As regards the practical part of the training, instructors must provide certification of experience as professional drivers or similar driving experience, such as that of driving instructors for heavy vehicles.

The programme of instruction must be in accordance with the approval and must cover the subjects in the list in Section 1.

Appendix 31-B-1-2

MODEL OF A DRIVER QUALIFICATION CARD
REFERRED TO IN ARTICLE 9 OF SECTION 1 OF PART B OF THIS ANNEX

Side 1

DRIVER QUALIFICATION CARD (MEMBER STATE/UK)	
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9.	

Side 2

11. 1. Surname 2. First name 3. Date and place of birth 4a. Date of issue 4b. Administrative expiry date 4c. Issued by 5a. Licence No 5b. Serial No 10. Union code¹	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 30%;">9.</th> <th style="width: 70%;">10.</th> </tr> </thead> <tbody> <tr><td>C1</td><td></td></tr> <tr><td>C</td><td></td></tr> <tr><td>D1</td><td></td></tr> <tr><td>D</td><td></td></tr> <tr><td>C1E</td><td></td></tr> <tr><td>CE</td><td></td></tr> <tr><td>D1E</td><td></td></tr> <tr><td>DE</td><td></td></tr> </tbody> </table>	9.	10.	C1		C		D1		D		C1E		CE		D1E		DE	
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¹ If applicable

SECTION 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 point (b) of Article 465(1) of this Agreement undertaking journeys referred to in Article 462 of this Agreement.
2. Where a driver undertakes a journey referred to in Article 462 of this Agreement, the rules in this Section apply to any road transport operation undertaken by that driver between the territories of the Parties and between Member States.
3. This Section applies:
 - (a) where the maximum permissible mass of the vehicle, including any trailer, or semitrailer, 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.

4. This Section does 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 km/h;
- (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 those 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, the following definitions apply:

- (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 point (a) of Article 2(1) of Section 3 of Part B 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 or her time;
- (e) "daily rest period" means the daily period during which a driver may freely dispose of his or her time and covers a "regular daily rest period" and a "reduced daily rest period":
 - (i) "regular daily rest period" means any period of rest of at least 11 hours, which 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; and
 - (ii) "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 or her time and covers a "regular weekly rest period" and a "reduced weekly rest period":
 - (i) "regular weekly rest period" means any period of rest of at least 45 hours; and
 - (ii) "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) and 6(7), 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:
 - (i) automatically or semi-automatically by the tachograph as defined in points (e), (f), (g) and (h) of Article 2 of Section 4 of Part B of this Annex; or
 - (ii) manually as required by Article 9(2) and Article 11 of 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 multimanning 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 the driver takes a rest period or a break; the driving period may be continuous or broken.

ARTICLE 3

Requirement for drivers' mates

The minimum age for drivers' mates shall be 18 years. However, each Party and, in the case of the Union, a Member State may reduce the minimum age for drivers' mates to 16 years, provided that the reduction is for the purposes of vocational training and there is compliance with the limits imposed by the United Kingdom and, for the Union, the Member State's national rules on employment matters.

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 of this Section as well as any time spent driving a vehicle used for commercial operations where a driver is not required to record driving time, and shall record any periods of availability, as defined in point (2) of Article 2 of Section 3 of Part B, in accordance with point (b)(iii) of Article 6(5) of Section 4 of Part B. 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 the driver takes a rest period.

That 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.

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. By way of derogation from paragraph 6, a driver engaged in international transport of goods may, outside the territory of the Party of the road haulage operator or, for drivers of Union road haulage operators, outside the territory of the Member State of the road haulage operator, take two consecutive reduced weekly rest periods provided that the driver in any four consecutive weeks takes at least four weekly rest periods, of which at least two shall be regular weekly rest periods.

For the purpose of this paragraph, a driver shall be considered to be engaged in international transport where the driver starts the two consecutive reduced weekly rest periods outside the territory of the Party of the road haulage operator and drivers' place of residence or, for the Union, outside the territory of the Member State of the road haulage operator and the country of the drivers' place of residence.

Any reduction in weekly rest period shall be compensated by an equivalent period of rest taken *en bloc* before the end of the third week following the week in question.

Where two reduced weekly rest periods have been taken consecutively in accordance with the third subparagraph, the next weekly rest period shall be preceded by a rest period taken as compensation for those two reduced weekly rest periods.

8. Any rest taken as compensation for a reduced weekly rest period shall be attached to another rest period of at least nine hours.
9. 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.

10. Transport undertakings shall organise the work of drivers in such a way that the drivers are able to return to the employer's operational centre where the driver is normally based and where the driver's weekly rest period begins, in the United Kingdom and, in the case of the Union, the Member State of the employer's establishment, or to return to the drivers' place of residence, within each period of four consecutive weeks, in order to spend at least one regular weekly rest period or a weekly rest period of more than 45 hours taken in compensation for reduced weekly rest period.

However, where the driver has taken two consecutive reduced weekly rest periods in accordance with paragraph 7, the transport undertaking shall organise the work of the driver in such a way that the driver is able to return before the start of the regular weekly rest period of more than 45 hours taken in compensation.

The undertaking shall document how it fulfils that obligation and shall keep the documentation at its premises in order to present it at the request of control authorities.

11. A weekly rest period that falls in two weeks may be counted in either week, but not in both.
12. By way of derogation, 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.
13. 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.

14. 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 point (f), (g) or (h) of Article 2 of Section 4 of Part B 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; and
 - (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 point (h) of Article 2(2) of Section 2 of Part C.

The maximum period within which the relevant data shall be downloaded under point (i) of this paragraph 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, 5 and 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 from 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 that road safety is not thereby jeopardised, each Party and, in the case of the 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. Those 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; and
 - (p) vehicles used for the delivery of ready-mixed concrete.
4. Provided that working conditions of drivers and road safety are not thereby jeopardised and that the limits set out in Article 3 of Section 3 of Part B are complied with, a Party, and in the case of the Union, a Member State, may grant temporary exceptions from the application of Articles 4, 5 and 6 of this Section to transport operations carried out in exceptional circumstances, in accordance with the procedure applicable in the Party.

The temporary exceptions shall be duly reasoned and notified immediately to the other Party. The Specialised Committee on Road Transport shall specify the modalities of that notification. Each Party shall immediately publish that information on a public website and shall ensure that its enforcement activities take into account an exception granted by the other Party.

SECTION 3

WORKING TIME OF MOBILE WORKERS

ARTICLE 1

Scope

1. This Section applies to mobile workers employed by road haulage operators of the Parties, undertaking journeys referred to in Article 462 of this Agreement.

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 387 of this Agreement.
3. This Section shall supplement the provisions of Section 2 of Part B which take precedence over the provisions of this Section.
4. A Party may disapply the application of this Section for mobile workers and self-employed drivers undertaking no more than two return journeys in accordance with Article 462 of this Agreement in a calendar month.
5. Where a Party disapplies the application of this Section under paragraph 4, that Party shall notify the other Party.

ARTICLE 2

Definitions

For the purposes of this Section, the following definitions apply:

(1) "working time" means:

- (a) in the case of mobile workers: the time from the beginning to the end of work, during which the mobile worker is at his or her workstation, at the disposal of the employer and exercising his or her functions or activities, that is to say:
 - the time devoted to all road transport activities, in particular, the following:
 - (i) driving;
 - (ii) loading and unloading;
 - (iii) assisting passengers boarding and disembarking from the vehicle;
 - (iv) cleaning and technical maintenance; and
 - (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 driver cannot dispose freely of his or her time and is required to be at his or her 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;
- (b) in the case of self-employed drivers, the same definition applies to the time from the beginning to the end of work, during which the self-employed driver is at his or her workstation, at the disposal of the client and exercising his or her 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 point (2) of this Article, shall be excluded from working time;

(2) "periods of availability" means:

- periods other than those relating to break times and rest times during which the mobile worker is not required to remain at his or her 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.

- Those 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;

(3) "workstation" means:

- 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 that person carries out duties, and
- any other place in which activities connected with transportation are carried out;

(4) "mobile worker" means, for the purpose of this Section, 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 on the territory of the other Party;

- (5) "self-employed driver" means anyone whose main occupation is to transport of goods by road for hire or reward, 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 those criteria shall be subject to the same obligations and benefit from the same rights as those provided for mobile workers by this Section;

- (6) "person performing mobile road transport activities" means any mobile worker or self-employed driver who performs such activities;
- (7) "week" means the period between 00.00 hours on Monday and 24.00 hours on Sunday;
- (8) "night time" means a period of at least four hours, as defined by national law, between 00.00 hours and 07.00 hours; and
- (9) "night work" means any work performed during night time.

ARTICLE 3

Maximum weekly working time

1. Each Party shall take the measures necessary to ensure that 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.
2. Each Party shall take the measures necessary to ensure that 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

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.

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 who are in the service of an undertaking which operates transport services for passengers or goods by road journeys on the territory of the other Party shall be covered by the same provisions on rest time as other mobile workers pursuant to Section 2 of Part B of this Annex.

ARTICLE 6

Night work

Each Party shall take the measures necessary to ensure that:

- (a) if night work is performed, the daily working time does not exceed ten hours in each 24 period, and
- (b) 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 that is not possible, by laws, regulations or administrative provisions provided that 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 on Road Transport shall be informed of the derogations applied by a Party in accordance with 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; and
- (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. Those rules shall be applied in a non-discriminatory manner.

SECTION 4

USE OF TACHOGRAPHS BY DRIVERS

ARTICLE 1

Subject matter and principles

This Section lays down requirements for drivers falling within the scope of Section 2 of Part B regarding the use of tachographs referred to in point (b) of Article 465(1) of this Agreement.

ARTICLE 2

Definitions

1. For the purposes of this Section, the definitions set out in Article 2 of Section 2 of Part B apply.
2. In addition to the definitions referred to in paragraph 1, for the purposes of this Section the following definitions 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 competent authorities in 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 Regulation (EU) No 165/2014 of the European Parliament and of the Council¹, as adapted by Appendix 31-B-4-1;

¹ 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 EU L 60, 28.2.2014, p. 1).

- (f) "digital tachograph" means a tachograph complying with one of the following set of specifications, as adapted by Appendix 31-B-4-2:
- Annex IB to Regulation (EEC) No 3821/85 applicable until 30 September 2011;
 - Annex IB to Regulation (EEC) No 3821/85 applicable from 1 October 2011; or
 - Annex IB to 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) 2016/799¹ applicable from 15 June 2019, as adapted by Appendix 31-B-4-3;
- (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

¹ Commission Implementing Regulation (EU) 2016/799 of 18 March 2016 implementing Regulation (EU) No 165/2014 of the European Parliament and of the Council laying down the requirements for the construction, testing, installation, operation and repair of tachographs and their components (OJ EU L 139, 26.5.2016, p. 1).

- 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 of the European Parliament and of the Council¹, as adapted by a decision of the Specialised Committee on Road Transport;
- (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 or her own personalised driver card. A driver shall not use a driver card which is defective or which has expired.

¹ 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 EU L 60, 28.2.2014, p. 1).

ARTICLE 4

Issuing of driver cards

1. Driver cards shall be requested to the competent authority in the Party where the driver has his or her 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 that person 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 does not need to 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 or her driver card, the driver shall apply to the competent authorities in the Party of his or her 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 (b)(ii), (b)(iii) and (b)(iv) of paragraph 5 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, 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 or her 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, 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 Section 3 of Part B,
 - (iv) under the  sign: breaks, rest, annual leave or sick leave, and
 - (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 12 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 or her record sheet:
- (a) on beginning to use the record sheet — the driver's 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; and

- (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 United Kingdom at the beginning of the driver's first stop in that Member State or the United Kingdom. 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.

From 2 February 2022, the driver shall also enter the symbol of the country that the driver enters after crossing a border of a Member State and of the United Kingdom at the beginning of the driver's first stop in that Member State or the United Kingdom. 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.

A Member State or the United Kingdom 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 that 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 that 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 in the country of the driver's 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 in the issuing Party and to the competent authorities in the Party of the driver's normal residence if that is different.
4. If the driver card is damaged, malfunctions or is lost or stolen, the driver shall, within seven days, apply for its replacement to the competent authorities in the Party of the driver's 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 days or for a longer period if that 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 or her journey, print out the details of the vehicle that the driver is driving, and enter on that printout:

- (i) details that enable the driver to be identified (name, driver card or driving licence number), including the driver's signature; and
 - (ii) the periods referred to in points (b)(ii), (b)(iii) and (b)(iv) of Article 6(5);
- (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, the driver 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, the driver shall be able to produce, whenever an authorised control officer so requests:
 - (i) the driver's driver card;
 - (ii) any manual records and printouts made during the current day and the previous 28 days;
and
 - (iii) the record sheets corresponding to the same period as that referred to in point (ii) during which the driver drove a vehicle fitted with an analogue tachograph.

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

3. An authorised control officer may check compliance with Section 2 of Part B 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 of that Section.

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.

ARTICLE 12

Enforcement measures

1. Each Party shall adopt all appropriate measures to ensure observance of the provisions of Sections 2, 3 and 4 of Part B, in particular by ensuring annually an adequate level of roadside checks and checks performed at the premises of undertakings covering a large and representative cross-section of mobile workers, drivers, undertakings and vehicles of all transport categories falling within the scope of those Sections.

The competent authorities in each Party shall organise the checks so that:

- (i) during each calendar year, a minimum of 3 % of the days worked by the drivers of vehicles falling within the scope of Section 2 of Part B applies shall be checked; and
- (ii) at least 30 % of the total number of working days checked shall be checked at the roadside and at least 50 % at the premises of undertakings.

The elements of roadside checks shall include:

- (i) daily and weekly driving periods, interruptions and daily and weekly rest periods;
- (ii) the record sheets of the preceding days, which shall be on board the vehicle, and/or the data stored for the same period on the driver card and/or in the memory of the tachograph and/or on the printouts, when required; and
- (iii) the correct functioning of the tachograph.

Those checks shall be carried out without discrimination among vehicles, undertakings and drivers whether resident or not, and regardless of the origin or destination of the journey or type of tachograph.

The elements of checks on the premises of undertakings shall include, in addition to the elements subject to roadside checks:

- (i) weekly rest periods and driving periods between those rest periods;

- (ii) fortnightly driving limits;
 - (iii) compensation for reduced weekly rest periods in accordance with Article 6(6) and (7) of Section 2 of Part B; and
 - (iv) use of record sheets and/or vehicle unit and driver card data and printouts and/or the organisation of drivers' working time.
2. If the findings of a roadside check on the driver of a vehicle registered in the territory of the other Party provide grounds to believe that infringements have been committed which cannot be detected during the check due to lack of necessary data, the competent authorities in each Party shall assist each other to clarify the situation. In cases where, to that end, the competent authorities in a Party carry out a check at the premises of the undertaking, the results of that check shall be communicated to the competent authorities of the other Party.
 3. The competent authorities in the Parties shall work in cooperation with each other in the organisation of concerted roadside checks.
 4. Each Party shall introduce a risk rating system for undertakings based on the relative number and severity of any infringements, as set out in Appendix 31-A-1-1 and of any infringements included in the list drawn up by the Specialised Committee on Road Transport under Article 6(3) of Section 1 of Part A, that an individual undertaking has committed.
 5. Undertakings with a high risk rating shall be checked more closely and more often.

6. Each Party and, in the case of the Union, each Member State, shall enable its competent authorities to impose a penalty on a road haulage operator and/or a driver for an infringement of the applicable provisions on driving time, breaks and rest periods detected on its territory and for which a penalty has not already been imposed, even where that infringement has been committed on the territory of the other Party or, in the case of the Union, the territory of a Member State or of a third country.

Appendix 31-B-4-1**ADAPTATIONS TO THE TECHNICAL SPECIFICATIONS
OF THE ANALOGUE TACHOGRAPH**

Annex I to Regulation (EU) No 165/2014 is adapted for the purpose of this Section as follows:

- (a) In Section III (Construction requirements for recording equipment), in paragraph 4.1 of subsection (c) (Recording instruments), for "points (ii), (iii) and (iv) of Article 34(5)(b) of this Regulation" substitute "points (ii), (iii) and (iv) of point (b) of Article 6(5) of Section 4 of Part B of Annex 31 to the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part."
- (b) In Section III (Construction requirements for recording equipment), in paragraph 4.2 of subsection (c) (Recording instruments), for "Article 34 of this Regulation" substitute "Article 6(5) of Section 4 of Part B of Annex 31 to the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part."
- (c) In Section IV (Record sheets), in the third subparagraph of paragraph 1 of subsection (a) (General points), for "Article 34 of this Regulation" substitute "Article 6(6) of Section 4 of Part B of Annex 31 to the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part."

- (d) In Section V (Installation of recording equipment), in the first subparagraph of paragraph 5, for "this Regulation" substitute "Section 4 of Part B and Section 2 of Part C of Annex 31 to the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part".
- (e) In Section V (Installation of recording equipment), in the third subparagraph of paragraph 5, for "Part A of Annex II to Directive 2007/46/EC of the European Parliament and of the Council" substitute "the Consolidated Resolution on the Construction of Vehicles (R.E.3)" and for "this Regulation" substitute "Section 2 of Part C of Annex 31 to the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part".
- (f) In Section VI (Checks and inspections), in the text before paragraph 1, after "Member States" insert "and the United Kingdom".
- (g) In Section VI (Checks and inspections), in the second subparagraph of paragraph 1 (Certification of new or repaired instruments), after "Member States" insert "and the United Kingdom", and for "this Regulation" substitute "Section 4 of Part B and Section 2 of Part C of Annex 31 to the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part".
- (h) In Section VI (Checks and inspections), in subparagraph (b) of paragraph 3 (Periodic inspections), after "Member State" insert "and the United Kingdom".

Appendix 31-B-4-2**ADAPTATIONS TO THE TECHNICAL SPECIFICATIONS
OF THE DIGITAL TACHOGRAPH**

Annex IB to Regulation (EEC) No 3821/85, including the appendixes introduced by Council Regulation (EC) No 2135/98¹, is adapted for the purpose of this Section as follows:

1. In the case of the United Kingdom, the references to "Member State" are replaced by "Party", except for the references in subsection IV (Construction and functional requirements for tachograph cards), paragraph 174 and subsection VII (Card issuing), paragraph 268a;
2. For "Council Regulation (EEC) No 3820/85" and "Regulation (EC) No 561/2006" substitute "Section 2 of Part B of Annex 31 to the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part";

Section I (Definitions) of Annex IB to Regulation (EEC) No 3821/85 is adapted for the purpose of this Section as follows:

¹ Council Regulation (EC) No 2135/98 of 24 September 1998 amending Regulation (EEC) No 3821/85 on recording equipment in road transport and Directive 88/599/EEC concerning the application of Regulations (EEC) No 3820/84 and (EEC) No 3821/85 (OJ EC L 274, 9.10.1998, p. 1).

3. Point (u) is replaced by the following:

"(u) 'effective circumference of the wheels' means the average of the distances travelled by each of the wheels moving the vehicle (driving wheels) in the course of one complete rotation. The measurement of those distances shall be made under standard test conditions as defined under requirement 414 and is expressed in the form ' $l = \dots$ mm'. Vehicle manufacturers may replace the measurement of those distances by a theoretical calculation which takes into account the distribution of the weight on the axles, vehicle unladen in normal running order, namely with coolant fluid, lubricants, fuel, tools, spare-wheel and driver. The methods for such theoretical calculation are subject to approval by the competent authority in a Party and can take place only before tachograph activation;"

4. In point (bb), the reference to "Council Directive 92/6/EEC" is replaced by "the applicable law of each Party".

5. Point (ii) is replaced by the following:

"'security certification' means: process to certify, by a Common Criteria certification body, that the recording equipment (or component) or the tachograph card under investigation fulfils the security requirements defined in Appendix 10 (Generic security targets);"

6. In point (mm), the reference to "Directive 92/23/EEC" is replaced by "UNECE Regulation No 54".

7. In point (nn), footnote 17 is replaced by the following:

"'Vehicle Identification Number' means a fixed combination of characters assigned to each vehicle by the manufacturer, which consists of two sections: the first, composed of not more than six characters (letters or figures), identifying the general characteristics of the vehicle, in particular the type and model; the second, composed of eight characters of which the first four may be letters or figures and the other four figures only, providing, in conjunction with the first section, clear identification of a particular vehicle."

8. In point (rr), the first indent is replaced by the following:

"— installed and used only in M1 and N1 type vehicles as defined in the Consolidated Resolution on the Construction of Vehicles (R.E.3)",

Section II (General characteristics and functions of the recording equipment) of Annex IB to Regulation (EEC) No 3821/85 is adapted for the purpose of this Section as follows:

9. In paragraph 004, the last subparagraph is deleted.

Section III (Construction and functional requirements for recording equipment) of Annex IB to Regulation (EEC) No 3821/85 is adapted for the purpose of this Section as follows:

10. In paragraph 065, the reference to "Directive 2007/46/EC" is replaced by "the Consolidated Resolution on the Construction of Vehicles (R.E.3)."

11. In paragraph 162, the reference to "Commission Directive 95/54/EC of 31 October 1995 adapting to technical progress Council Directive 72/245/EEC" is replaced by "UNECE Regulation No 10".

Section IV (Construction and functional requirements for tachograph cards) of Annex IB to Regulation (EEC) No 3821/85 is adapted for the purpose of this Section as follows:

12. In paragraph 174, the reference to "UK: The United Kingdom" is replaced by "For the United Kingdom, the distinguishing sign shall be the UK."
13. In paragraph 185, the reference to "Community territory" is replaced by "the territory of the Union and of the United Kingdom".
14. In paragraph 188, the reference to "Commission Directive 95/54/EC of 31 October 1995" is replaced by "UNECE Regulation No 10".
15. In paragraph 189, the last subparagraph is deleted.

Section V (Installation of recording equipment) of Annex IB to Regulation (EEC) No 3821/85 is adapted for the purpose of this Section as follows:

16. In paragraph 250a, the reference to "Regulation (EC) No 68/2009" is replaced by "Appendix 12 of this Annex."

Section VI (Checks, inspections and repairs) of Annex IB to Regulation (EEC) No 3821/85 is adapted for the purpose of this Section as follows:

17. The introductory sentence is replaced by the following:

"Requirements on the circumstances in which seals may be removed, as referred to in Article 5(5) of Section 2 of Part C of Annex 31 to the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part, are defined in Chapter V(3) of this Annex"

18. Under subsection 1 (Approval of fitters or workshops), the reference to "Article 12(1) of this Regulation" is replaced by "Articles 5(1) and 8 of Section 2 of Part C of Annex 31 to the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part".

Section VII (Card issuing) of Annex IB to Regulation (EEC) No 3821/85 is adapted for the purpose of this Section as follows:

19. In paragraph 268a, after "Member States", wherever it occurs, insert "and the United Kingdom".

Section VIII (Type approval of recording equipment and tachograph cards) of Annex IB to Regulation (EEC) No 3821/85 is adapted for the purpose of this Section as follows:

20. In paragraph 271, omit "in accordance with Article 5 of this Regulation".

Appendix 1 (Data dictionary) of Annex IB to Regulation (EEC) No 3821/85 is adapted for the purpose of this Section as follows:

21. In point 2.111, the reference to "Directive 92/23 (EEC) 31.3.1992, OJ L 129, p. 95" is replaced by "UNECE Regulation No 54".

Appendix 9 (Type approval List of minimum required tests) of Annex IB to Regulation (EEC) No 3821/85 is adapted for the purpose of this Section as follows:

22. In subpoint 5.1 of Section 2 (Vehicle unit functional tests), the reference to "Directive 95/54/EC" is replaced by "UNECE Regulation No 10".

23. In subpoint 5.1 of Section 3 (Motion sensor functional tests), the reference to "Directive 95/54/EC" is replaced by "UNECE Regulation No 10".

Appendix 12 (Adaptor for M1 and N1 category vehicles) of Annex IB to Regulation (EEC) No 3821/85 is adapted for the purpose of this Section as follows:

24. In Section 4 (Construction and functional requirements for the adaptor) in paragraph 4.5 (performance characteristics) in ADA_023, for "Commission Directive 2006/28/EC adapting to technical progress Council Directive 72/245/EEC" substitute "UNECE Regulation No 10".

25. In point 5.1 of the table under subsection 7.2 (Functional certificate), for "Directive 2006/28/EC" substitute "UNECE Regulation No 10".

Appendix 31-B-4-3**ADAPTATIONS TO THE TECHNICAL SPECIFICATIONS
OF THE SMART TACHOGRAPH**

Commission Implementing Regulation (EU) 2016/799, including its annexes and appendixes, is adapted for the purpose of this Section as follows:

1. In the case of the United Kingdom, the references to "Member State" are replaced by "Party", except for the references in point (229) of subsection 4.1 and in point (424) of Section 7;
2. For "Regulation (EEC) No 3820/85" and "Regulation (EC) No 561/2006" substitute "Section 2 of Part B of Annex 31 to the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part";
3. For "Regulation (EU) No 165/2014" substitute "Section 4 of Part B and Section 2 of Part C of Annex 31 to the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part, except for the references in point (402) of subsection 5.3 and in point (424) of Section 7";
4. For "Directive (EU) 2015/719" and for "Council Directive 96/53/EC" substitute "Section 1 of Part C of Annex 31 to the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part".

Section 1 (Definitions) of Annex IC to Commission Implementing Regulation (EU) 2016/799 is adapted for the purpose of this Section as follows:

5. Point (u) is replaced by the following:

"(u) 'effective circumference of the wheels' means:

the average of the distances travelled by each of the wheels moving the vehicle (driving wheels) in the course of one complete rotation. The measurement of those distances shall be made under standard test conditions as defined under requirement 414 and is expressed in the form 'l = ... mm'. Vehicle manufacturers may replace the measurement of those distances by a theoretical calculation which takes into account the distribution of the weight on the axles, vehicle unladen in normal running order, namely with coolant fluid, lubricants, fuel, tools, spare-wheel and driver. The methods for such theoretical calculation are subject to approval by the competent authority in a Party and can take place only before tachograph activation;"

6. In point (hh), the reference to "Council Directive 92/6/EEC" is replaced by "the applicable law of each Party";
7. In point (uu), the reference to "Directive 92/23/EEC" is replaced by "UNECE Regulation No 54";

8. In point (vv), footnote 9 is replaced by the following:

"'Vehicle Identification Number' means a fixed combination of characters assigned to each vehicle by the manufacturer, which consists of two sections: the first, composed of not more than six characters (letters or figures), identifying the general characteristics of the vehicle, in particular the type and model; the second, composed of eight characters of which the first four may be letters or figures and the other four figures only, providing, in conjunction with the first section, clear identification of a particular vehicle.";

9. In point (yy), the first indent is replaced by the following:

"— installed and used only in M1 and N1 type vehicles as defined in the Consolidated Resolution on the Construction of Vehicles (R.E.3);";

10. Point (aaa) is deleted;

11. In point (ccc), the first paragraph is replaced by "15 June 2019".

Section 2 (General characteristics and functions of the recording equipment) of Annex IC to Commission Implementing Regulation (EU) 2016/799 is adapted for the purpose of this Section as follows:

12. The last subparagraph of paragraph (7) of subsection 2.1 is deleted.

Section 3 (Construction and functional requirements for recording equipment) of Annex IC to Commission Implementing Regulation (EU) 2016/799 is adapted for the purpose of this Section as follows:

13. In point (200) of subsection 3.20, the second sentence of the third subparagraph is deleted.
14. Point (201) of subsection 3.20 is replaced by the following:

"The vehicle unit may also be able to output the following data using an appropriate dedicated serial link independent from an optional CAN bus connection (ISO 11898 Road vehicles — Interchange of digital information — Controller Area Network (CAN) for high speed communication), to allow their processing by other electronic units installed in the vehicle:

- current UTC date and time,
- speed of the vehicle,
- total distance travelled by the vehicle (odometer),
- currently selected driver and co-driver activity,
- information if any tachograph card is currently inserted in the driver slot and in the co-driver slot and (if applicable) information about the corresponding cards identification (card number and issuing country).

Other data may also be output in addition to that minimum list.

When the ignition of the vehicle is ON, those data shall be permanently broadcast. When the ignition of the vehicle is OFF, at least any change of driver or co-driver activity and/or any insertion or withdrawal of a tachograph card shall generate a corresponding data output. In the event that data output has been withheld whilst the ignition of the vehicle is OFF, that data shall be made available once the ignition of the vehicle is ON again.

The driver consent shall be required in case personal data are transmitted."

Section 4 (Construction and functional requirements for tachograph cards) of Annex IC to Commission Implementing Regulation (EU) 2016/799 is adapted for the purpose of this Section as follows:

15. In Point (229) of the subsection 4.1, the following subparagraph is added:

"For the United Kingdom, the distinguishing sign shall be the UK.";

16. In point (237), for "Article 26.4 of Regulation (EU) No. 165/2014" substitute "Article 9(2) of Section 2 of Part C of Annex 31 to the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part";

17. In point (241) of subsection 4.4 of Chapter 4 of this Annex, the word "Community territory" is replaced by "the territory of the Union and of the United Kingdom";

18. Point (246) in subsection 4.5 is deleted.

Section 5 (Installation of recording equipment) of Annex IC to Commission Implementing Regulation (EU) 2016/799 is adapted for the purpose of this Section as follows:

19. The first paragraph of point (397) in subsection 5.2 is replaced by the following:

"(397) For M1 and N1 vehicles only, and which are fitted with an adaptor in conformity with Appendix 16 of this Annex and where it is not possible to include all the information necessary, as described in Requirement 396, a second, additional, plaque may be used. In such cases, this additional plaque shall contain at least the last four indents described in Requirement 396.";

20. In point (402) of subsection 5.3, for "Article 22(3) of Regulation (EU) No 165/2014" substitute "Article 5(3) of Section 2 of Part C of Annex 31 to the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part.".

Section 6 (Checks, inspections and repairs) of Annex IC to Commission Implementing Regulation (EU) 2016/799 is adapted for the purpose of this Section as follows:

21. The introductory sentence is replaced by the following:

"Requirements on the circumstances in which seals may be removed are defined in Chapter 5.3 of this Annex.";

Section 7 (Card issuing) of Annex IC to Commission Implementing Regulation (EU) 2016/799 is adapted for the purpose of this Section as follows:

22. In point (424), after the reference to "Member States" insert "and the United Kingdom", and for the reference to "Article 31 of Regulation (EU) No 165/2014" substitute "Article 13 of Section 2 of Part C of Annex 31 to the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part".

Appendix 1 (Data dictionary) of Annex IC to Commission Implementing Regulation (EU) 2016/799 is adapted for the purpose of this Section as follows:

23. In point 2.163, for "Directive 92/23/EEC" substitute "UNECE Regulation No 54".

Appendix 11 (Common security mechanisms) of Annex IC to Commission Implementing Regulation (EU) 2016/799 is adapted for the purpose of this Section as follows:

24. In point 9.1.4 (Equipment Level: Vehicle Units), in the first note below CSM_78, for "Regulation (EU) No 581/2010" substitute "Article 7(5) of Section 2 of Part B Annex 31 to the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part".

25. In point 9.1.5 (Equipment level: Tachograph Cards), in the note below CSM_89, for "Regulation (EU) No 581/2010" substitute "Article 7(5) of Section 2 of Part B Annex 31 to the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part".

Appendix 12 (Positioning based on Global Navigation Satellite System (GNSS)) of Annex IC to Commission Implementing Regulation (EU) 2016/799 is adapted for the purpose of this Section as follows:

26. The second subparagraph of Section 1 (Introduction) is deleted.
27. In Section 2 (Specification of the GNSS receiver), the reference to "compatibility with the services provided by the Galileo and European Geostationary Navigation Overlay Service (EGNOS) programmes as set out in Regulation (EU) No 1285/2013 of the European Parliament and of the Council", is replaced by "compatibility with Satellite Based Augmentation Systems (SBAS)".

Appendix 16 (Adaptor for M1 and N1 category vehicles) of Annex IC to Commission Implementing Regulation (EU) 2016/799 is adapted for the purpose of this Section as follows:

28. In point 5.1 in the table under Section (7) (Type approval of recording equipment when an adaptor is used), the reference to "Directive 2006/28/EC" is replaced by "UNECE Regulation No 10".

PART C

REQUIREMENTS FOR VEHICLES USED FOR THE TRANSPORT OF GOODS IN ACCORDANCE WITH ARTICLE 466 OF THIS AGREEMENT

SECTION 1

WEIGHTS AND DIMENSIONS

ARTICLE 1

Subject matter and principles

The maximum weights and dimensions of the vehicles that may be used for journeys referred to in Article 462 of this Agreement are those set out in Appendix 31-C-1-1.

ARTICLE 2

Definitions

For the purposes of this Section, the following definitions apply:

- (a) "motor vehicle" means any power-driven vehicle which travels on the road by its own means;

- (b) "trailer" means any vehicle intended to be coupled to a motor vehicle excluding semitrailers, and constructed and equipped for the carriage of goods;
- (c) "semi-trailer" means 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;
- (d) "vehicle combination" means 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;
- (e) "conditioned vehicle" means 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;
- (f) "maximum authorised dimensions" means the maximum dimensions for use of a vehicle;
- (g) "maximum authorised weight" means the maximum weight for use of a laden vehicle;
- (h) "maximum authorised axle weight" means the maximum weight for use of a laden axle or group of axles;

- (i) "tonne" means the weight executed by the mass of a tonne and shall correspond to 9.8 kilonewtons (kN);
- (j) "indivisible load" means 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;
- (k) "alternative fuels" means 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:
 - (i) electricity consumed in all types of electric vehicles;
 - (ii) hydrogen;
 - (iii) natural gas, including biomethane, in gaseous form (Compressed Natural Gas — CNG) and liquefied form (Liquefied Natural Gas — LNG);
 - (iv) Liquefied Petroleum Gas (LPG);
 - (v) mechanical energy from on-board storage/on-board sources, including waste heat,
- (l) "alternatively fuelled vehicle" means a motor vehicle powered wholly or in part by an alternative fuel;

- (m) "zero-emission vehicle" means a heavy goods vehicle without an internal combustion engine, or with an internal combustion engine that emits less than 1 g CO₂/kWh; and
- (n) "intermodal transport operation" means 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

Special permits

A vehicle or vehicle combination which exceeds the maximum weights or dimensions set out in Appendix 31-C-1-1 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

Local restrictions

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

Aerodynamic devices attached to the rear of vehicles or vehicle combinations

1. Vehicles or vehicle combinations equipped with aerodynamic devices may exceed the maximum lengths provided for in point 1.1 of Appendix 31-C-1-1, 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 31-C-1-1, 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

Aerodynamic cabins

Vehicles or vehicle combinations may exceed the maximum lengths laid down in point 1.1 of Appendix 31-C-1-1 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 31-C-1-1 and any exceeding of the maximum lengths shall not result in an increase in the load capacity of those vehicles.

ARTICLE 7

Intermodal transport operations

1. The maximum lengths laid down in point 1.1 of Appendix 31-C-1-1, subject where applicable to Article 6, and the maximum distance laid down in point 1.6 of Appendix 31-C-1-1, 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 intermodal transport 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 31-C-1-1 and by four tonnes in the combination set out in point 2.2.2(b) of Appendix 31-C-1-1. The maximum authorised vehicle weight of these vehicles may not exceed 44 tonnes.

ARTICLE 8

Proof of compliance

1. As proof of compliance with this Section, vehicles covered by it shall carry one of the following proofs:

- (a) a combination of the following two plates:
- the manufacturer's statutory plate, which is a plate or label, affixed by the manufacturer on a vehicle that provides the main technical characteristics which are necessary for the identification of the vehicle and provides the competent authorities with the relevant information concerning the permissible maximum laden masses; and
 - a plate relating to dimensions as far as possible affixed next to the manufacturer's statutory plate and containing the following information:
 - (i) name of the manufacturer;
 - (ii) vehicle identification number;
 - (iii) length of the motor vehicle, trailer or semi-trailer (L);
 - (iv) width of the motor vehicle, trailer or semi-trailer (W); and
 - (v) data for the measurement of the length of vehicle combinations:
 - the distance (a) between the front of the motor vehicle and the centre of the coupling device (coupling hook or fifth wheel); in the case of a fifth wheel with several coupling points, the minimum and maximum values must be given ($a_{\min}$ and $a_{\max}$);

- the distance (b) between the centre of the coupling device of the trailer (fifth wheel ring) or of the semi-trailer (king pin) and the rear of the trailer or of the semi-trailer; in the case of a device with several coupling points, the minimum and maximum values must be given ($b_{\min}$ and $b_{\max}$);

The length of vehicle combinations is the length of the motor vehicle and trailer or semi-trailer placed in a straight line behind each other.

- (b) a single plate containing the information on the two plates referred to in point (a); or
 - (c) a single document issued by the competent authorities of a Party or, in the case of the Union, the Member State where the vehicle is registered or put into circulation containing the same information as the plates referred to in point (a). It shall be kept in a place easily accessible to inspection and shall be adequately protected.
2. If the characteristics of the vehicle no longer correspond to those indicated on the proof of compliance, the Party or, in the case of the Union, the Member State in which the vehicle is registered or put into circulation shall take the necessary steps to ensure that the proof of compliance is altered.
 3. The plates and documents referred to in paragraph 1 shall be recognised by the Parties as the proof of vehicle compliance provided for in this Section.

ARTICLE 9

Enforcement

1. Each Party shall take specific measures to identify vehicles or vehicle combinations in circulation that are likely to have exceeded the maximum authorised weight and that shall therefore be checked by the competent authorities of the Parties in order to ensure compliance with the requirements of this Section. This can be done with the aid of automatic systems set up on the road infrastructure, or by means of on-board weighing equipment installed in vehicles. Such on-board weighing equipment shall be accurate and reliable, fully interoperable and compatible with all vehicle types.
2. A Party shall not require on-board weighing equipment to be installed on vehicles or vehicle combinations which are registered in the other Party.
3. Where automatic systems are used to establish infringements of this Section and to impose penalties, such automatic systems shall be certified. Where automatic systems are used only for identification purposes, they need not be certified.
4. The Parties shall, in accordance with Article 14 of Section 1 of Part A, ensure that their competent authorities exchange information about infringements and penalties relating to this Article.

Appendix 31-C-1-1

MAXIMUM WEIGHTS AND DIMENSIONS
AND RELATED CHARACTERISTICS OF VEHICLES

1. Maximum authorised dimensions for vehicles (in metre; "m")

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 standardised 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 authorised 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 36 tonnes
- is greater than 1.8 m 36 tonnes
(+ 2 tonnes margin when the maximum authorised 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 authorised 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 ($d < 1.0$)	11 tonnes
– between 1.0 m and less than 1.3 m ($1.0 \leq d < 1.3$)	16 tonnes
– between 1.3 m and less than 1.8 m ($1.3 \leq d < 1.8$)	18 tonnes
– 1.8 m or more ($1.8 \leq d$)	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 ($d \leq 1.3$)	21 tonnes
over 1.3 m and up to 1.4 m ($1.3 < d \leq 1.4$)	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 ($d < 1.0$) 11.5 tonnes
- 1.0 m or greater but less than 1.3 m ($1.0 \leq d < 1.3$) 16 tonnes
- 1.3 m or greater but less than 1.8 m ($1.3 \leq d < 1.8$) 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 authorised weight depending on the wheelbase

The maximum authorised 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.

SECTION 2

REQUIREMENTS FOR TACHOGRAPHS, DRIVERS' CARDS AND WORKSHOP CARDS

ARTICLE 1

Subject-matter and principles

This Section lays down the requirements for vehicles within the scope of Section 2 of Part B of this Annex regarding the installation, testing, and control of tachographs, as referred to in Article 466(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 apply.

2. In addition to the definitions referred to in paragraph 1, for the purposes of this Section the following definitions 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) "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;

- (e) "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;
- (f) "calibration" means, with regard to the digital tachograph, 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;
- (g) "downloading" from a digital or smart 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;
- (h) "fault" means an abnormal operation detected by the digital tachograph which may result from an equipment malfunction or failure;
- (i) "installation" means the mounting of a tachograph in a vehicle;
- (j) "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;
- (k) "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;

- (l) "interoperability" means the capacity of systems and the underlying business processes to exchange data and to share information;
- (m) "interface" means a facility between systems which provides the media through which they can connect and interact;
- (n) "time measurement" means a permanent digital record of the coordinated universal date and time (UTC); and
- (o) "TACHOnet messaging system" means the messaging system complying with the technical specifications laid down in Annexes I to VII of Commission Implementing Regulation (EU) 2016/68¹.

ARTICLE 3

Installation

1. Tachographs as referred to in paragraph 2 shall be installed in vehicles:
 - (a) where the maximum permissible mass of the vehicle, including any trailer, or semitrailer, exceeds 3.5 tonnes; or

¹ 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 (OJ EU L 15, 22.1.2016, p. 51).

- (b) from 1 July 2026, where the maximum permissible mass of the vehicle, including any trailer, or semi-trailer, exceeds 2.5 tonnes.

2. The tachographs are:

- (a) for vehicles put into service for the first time before 1 May 2006, an analogue tachograph;
- (b) for vehicles put into service for the first time between 1 May 2006 and 30 September 2011, the first version of the digital tachograph;
- (c) for vehicles put into service for the first time between 1 October 2011 and 30 September 2012, the second version of the digital tachograph;
- (d) for vehicles put into service for the first time between 1 October 2012 and 14 June 2019, the third version of the digital tachograph;
- (e) for vehicles registered for the first time from 15 June 2019 and until 2 years after the entry into force of the detailed specifications referred to in Article 2(2)(g) of Section 4 of Part B, a smart tachograph 1; and
- (f) for vehicles registered for the first time more than 2 years after the entry into force of the detailed specifications referred to in Article 2(2)(h) of Section 4 of Part B, a smart tachograph 2.

3. 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.
4. 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 paragraph.
5. 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 point (a) of paragraph 1 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.
6. No later than four years after the entry into force of the detailed technical specifications of the smart tachograph 2, vehicles mentioned in point (a) of paragraph 1 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.
7. From 1 July 2026, vehicles mentioned in point (b) of paragraph 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.
8. Nothing in this Section shall affect the application on the Union territory of the Union rules on recording equipment in road transport to Union road haulage operators.

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 specification for smart tachograph 1 and smart tachograph 2;
 - (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 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 in a Party for that purpose in accordance with Article 7.
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 for repair, maintenance or recalibration purposes of the tachograph, or by control officers properly trained and, where required authorised, for control purposes; or
- 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 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; and
- 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; and
 - 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 or, in the case of the Union, each Member State 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 or, in the case of the Union, each Member State 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; and
 - (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 or, in the case of the Union, Member States may carry out these audits without conducting a site visit; and

- (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 or, in the case of the Union, a Member State 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 in a Party where the driver has his normal residence. Where the competent authorities in 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 from 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 or, in the case of the Union, a Member State 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 or, in the case of the Union, a Member State other than the issuing Party or, in the case of the Union, other than the issuing Member State, the former shall return the card to the authorities of the Party or, in the case of the Union, the authorities of the Member State 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 or, in the case of the Union, the suspending or withdrawing Member State shall inform the issuing Party or, in the case of the Union, the issuing Member State 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 or, in the case of the Union, a Member State 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.

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 in 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 the other Party and has asked for his card to be exchanged for an equivalent driver card, it shall be the responsibility of the Party or, in the case of the Union, the Member State which carries out the exchange to verify whether the card produced is still valid.
3. Parties or, in the case of the Union, Member States carrying out an exchange shall return the old card to the authorities of the issuing Party or, in the case of the Union, the issuing Member State and indicate the reasons for so doing.
4. Where a Party or, in the case of the Union, a Member State replaces or exchanges a driver card, the replacement or exchange, and any subsequent replacement or exchange, shall be registered in that Party or, in the case of the Union, in that Member State.

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 or, in the case of the Union, Member States 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; and
 - driver card number.
2. The electronic registers of the Parties or, in the case of the Union, the Member States 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 or, in the case of the Union, Member States 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, smart 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 operator'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.
2. 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.

3. Each Party or, in the case of the Union, the Member States 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 paragraphs 1 and 2 in so far as this is in accordance with the national legislation in the Party concerned.

ARTICLE 17

Procedure for the issuing of tachograph cards

The European Commission shall provide to the competent authorities of the United Kingdom the cryptographic material for the issuing of tachograph cards for drivers, workshops and control authorities, in accordance with the European Root Certification Authority (ERCA) certificate policy and the certificate policy of the United Kingdom.
