



**INTERNATIONAL TRANSPORT FORUM
TRANSPORT MANAGEMENT BOARD**

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Group on Road Transport

Report by SLOVAK REPUBLIC on Implementation of QUALITY CHARTER

Appendix 2: ACT on the Organisation of Working Time in transport and on amendments of the Act No 125/2006 Coll. on Labour Inspection and on amendments of the Act No 82/2005 Coll. on Illegal Work and Employment and on amendments of some Acts, as amended by the Act No 309/2007 Coll., of 13 September 2007

The Appendix 2 to Slovakia Report is provided under the Draft Agenda Item 4 of the meeting to be held on 4 - 5 October 2016 in Kiev (Ukraine), for information.

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English - Or. English

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ACT

of 13 September 2007,

on the Organisation of Working Time in transport and on amendments of the Act No 125/2006 Coll. on Labour Inspection and on amendments of the Act No 82/2005 Coll. on Illegal Work and Employment and on amendments of some Acts, as amended by the Act No 309/2007 Coll.

The National Council of the Slovak Republic has adopted this Act:

SECTION I

PART ONE

GENERAL PROVISIONS

Article 1

Subject of the Act

(1) This Act shall establish

- a) minimum requirements in relation to the organisation of working time in transport,
- b) performances of the roadside inspections and the inspections in the transport undertaking premises,¹⁾
- c) competence of the State Administration Bodies in the matters of the check of organisation of working time in transport.

(2) Unless otherwise provided in this Act, the Labour Code shall apply to the labour relations of the employees in transport.

Article 2

Working time organisation

(1) For the purpose of this Act the working time organisation shall mean the specification of:

- a) the maximum working time, break and availability times,
- b) the minimum rest time and
- c) the working pattern rules for the night work, shift work and work in the case of irregular working patterns.

(2) Unless otherwise provided in this Act, the working time organisation shall apply to the employees in transport working for the employer within the labour relation except for the crewmembers of seagoing ships flying the flag of the Slovak Republic²⁾ and managers acting as statutory body or within the direct scope of the employer statutory body.³⁾

(3) For the purpose of this Act the employee in transport shall mean:

¹⁾ Article 4 letter p) of the Regulation (EC) No 561/2006 of the European Parliament and of the Council of 15 March 2006 on the harmonisation of certain social legislation relating to road transport and amending Council Regulations (EEC) No 3821/85 and (EC) No 2135/98 and repealing Council Regulation (EEC) No 3820/85 (OJ L. EU 102, 11.4 2006).

²⁾ Article 44 Act No. 435/2000 Coll. on Maritime Navigation as amended by the Act No 581/2003 Coll.

³⁾ Articles 9 and 42 of the Labour Code.

- a) the mobile worker,
- b) the employee organising, ensuring or performing activities that shall immediately relate to the:
 - 1. rideability and walkability of roads, airport runways and movement areas and railroads,
 - 2. function and operation of devices constituting the part of the roads, airport and railroad operation facilities,
 - 3. passenger and aircraft dispatching in the air transport,
- c) the employee:
 - 1. of an air traffic service provider, who performs the air-traffic control, provides the information to the aircrafts during the flight or the alerting service to the aircrafts during the flight (hereinafter referred to as the „air traffic controller“), or ensure the air traffic service,
 - 2. of an airport operator, who coordinates the air operation on the airport,
- d) the employee ensuring or performing the transport operation on the railroad,
- e) the employee ensuring or performing the goods loading or unloading,
- f) the employee ensuring the operation, maintenance or repair of vehicles, railroad vehicles, aircrafts and vessels or their fuel supplies,
- g) the employee performing the safety or supervisory activity aiming to the employer's property security, railroad or port security or passenger or stored or carried goods security,
- h) the employee organising or performing the civil aviation protection against the act of unlawful interference⁴ on the airports,
- i) the employee of enterprise fire and rescue brigades on the railroad, the airport or in the port.

(4) For the purpose of this Act the mobile worker according to the paragraph 3 letter a) shall mean a worker in transport who, as a member of the travelling staff, shall provide the services for the passengers or carry the goods by road, on railroad or inland waterways, and the member of aircrew employed by the airline with residence in the Member State of the European Union or Contracting Party of the European Economical Area.

(5) For the purpose of this Act the Member State shall mean the Member State of the European Union, the Contracting Party of the European Economical Area and the Switzerland.

(6) For the purpose of this Act the week shall mean the period of time between 00.00 on Monday and 24.00 on Sunday. In case of irregular working patterns of the employee in transport, the week shall mean the seven consecutive days.

(7) Provisions on maximum working time, maximum availability time, breaks and minimum rest time shall not apply, if agreements between employers and employee's representatives shall specify for employees in transport favourable conditions of working time organisation with regard to the safety and health protection at work.

Article 3

⁴⁾ Act No 143/1998 Coll. on civil aviation (Aviation Act) and on amendments of some Acts as amended by later regulations.

Maximum working time

(1) The employer shall be obliged to provide the employee with the pattern of working time in week (hereinafter referred to as „weekly working time“) not exceeding 60 hours and to notified this to him at least one week in advance. The conditions of working time pattern for the employee in transport whom is unable to notice - by the employer at least one week in advance - irregular working patterns valid for the minimum period of one week (hereinafter referred to as the „disposition employee“), shall be defined by the employer upon the agreement with the employee’s representatives or the disposition employee.

(2) Unless otherwise provided in this Act, the average weekly working time of the employee in transport including overtime, shall not exceed 48 hours during four consecutive months.

(3) If the employee in transport performs night work the average working time shall not exceed ten hours in any period of 24 hours during six consecutive months. The calculation of working time shall be based on the five day working week. For the purpose of this Act the night work shall mean any work performed in the night time between 10 p. m. and 6 a. m.

(4) The employer may divide the shift work of the employee in transport into two periods upon the agreement with the employee’s representatives and into three periods upon the agreement with the employee in transport.

(5) Unless otherwise provided in this Act, the working time of the employee in transport shall not include:

- a) time necessary to travel from the place of residence to place of work and vice versa;
- b) break time,
- c) rest time,
- d) working availability time.

(6) Time of overhead travel shall be included in the working time. For the purpose of this Act the time of overhead travel shall mean the time necessary to move the employee in transport from one defined place of work to other place of work before the start of work, during the work or after the end of work.

(7) In case of unforeseeable circumstances in transport, in particular unfavourable weather conditions, accident or emergency event, the employer may extend the working time pursuant to paragraph 1 for the period of duration of the risk to vehicle, vessel, crew, passengers or carried load safety.

(8) In case of works which shall not be interrupted for the objective technical or organisation reasons, the employee in transport must be provided with the adequate time for rest and meal without any interruption of operation; this time shall be included in the working time.

Article 4

Maximum working availability time

(1) Unless otherwise provided in this Act, for the purpose of this Act the working availability in transport shall mean the period during which the employee in transport is not required to remain at his workstation, but must be available to answer any employer’s calls to start to carry out the work beyond the defined weekly working time. The employee in transport must know this time and its duration in advance, in particular on the basis of working shift patterns or according to the timetable.

(2) Unless otherwise provided in this Act, the employer may order the employee in transport the working availability for the maximum period of 300 hours in the calendar year and in the case of an employee of enterprise fire and rescue brigades on the railroad, the airport or in the port, of maximum 400 hours in the calendar year. Working availability beyond this period is permitted only after agreement with the employee.

(3) Working availability within the working shift of the employee in transport, with the exception of the aircraft crew member, shall not exceed:

- a) 24 hours during a week,
- b) 72 hours during a calendar month.

(4) Working availability time within the working shift shall not include the break and rest times.

(5) The employee in transport shall be reimbursed for each hour of working availability with the compensation

- a) of at least minimum hourly wage⁵⁾ if the working availability shall be ordered within the working shift,
- b) of at least 20 % of minimum hourly wage, if the working availability shall be ordered beyond the working shift.

(6) Working availability time during which the employee in transport according to the employer's requirements performs the work or is obliged to stay at the workstation available for work, shall be included in the working time; for this time the employee in transport shall be reimbursed with the wage.⁶⁾

(7) The work during the working availability time beyond the defined weekly working time shall be an overtime work.

Article 5

Minimum rest period

(1) Unless otherwise provided in this Act, the employee in transport must be given the minimum daily rest period of 11 consecutive hours in a period of 24 hours.

(2) Minimum daily rest period pursuant to paragraph 1 may be shortened to not more than six hours in a period of 24 hours for the provable objective reasons. If the previous working shift has been shorter than six hours, minimum daily rest period may be shortened to the time of working shift duration.

(3) Minimum daily rest period pursuant to paragraph 2 may be shortened not more than three times in a week for the provable objective reasons, if shortening does not occur within two consecutive days and rest period will be extended by the shortening time till the end of a next week.

(4) The employee in transport must be given the minimum uninterrupted weekly rest period of at least 24 hours along with daily rest period pursuant to paragraph 1.

(5) If the employer provides the employee in transport with an adequate compensatory rest period or an other adequate protection, the limits of minimum daily rest period pursuant to paragraphs 2 and 3 needn't be followed in case of an accident or an imminent risk of

⁵⁾ Act of the National Council of the Slovak Republic No 90/1996 Coll., on minimum wages as amended by later regulations.

⁶⁾ Article 119 of the Labour Code.

accident or a shift work, when the employee in transport changes the shift and shall not be able to take daily or weekly rest period between the end of one shift and beginning of another shift.

(6) The breaks and rest periods must be adequate and in accordance with principles of the safety and the health protection at work. For the purpose of this Act the adequacy shall mean that the employee in transport has been given defined regular break periods and regular rest period; the duration of abovementioned periods shall be expressed in time units and they shall be sufficiently long and uninterrupted so as the employee, as a consequence of oppression or irregular working patterns, would not cause the harm to himself or other persons and damage the health for a short or long time.

PART TWO

SPECIAL PROVISIONS

Road transport

Article 6

Basic provisions

(1) Unless otherwise provided in this Act, the provisions of Articles 7 to 10 shall refer to the persons performing mobile road transport activities. The persons performing mobile road transport activities shall mean:

- a) the mobile employees in road transport employed by transport undertakings participating in road transport activities covered by special regulations⁷⁾ or international agreement,⁸⁾
- b) the self-employed drivers.

(2) Rules on drivers driving times, breaks and rest periods and on such times and periods recording are covered by special regulation⁹⁾ and international agreement⁸⁾, the system of their check and the sanctions are covered by this Act.

(3) Rules pursuant to paragraph 2 shall refer to the international transport and, unless otherwise provided in this Act, also to the road transport on the territory of the Slovak republic performed by vehicles specified in special regulation.¹⁰⁾

Article 7

Mobile employees

(1) Unless otherwise provided in this Act, the provisions of Part One shall apply also to the mobile employees in road transport. For the purpose of this Act, the mobile employees in road transport shall mean the drivers and other members of travelling staff performing for the employer in labour relation the road transport activities.

⁷⁾ Regulation (EC) No 561/2006 of the European Parliament and of the Council.

Council Regulation (EEC) No 3821/85 of 20 December 1985 on recording equipment in road transport (Special edition OJ EU, 5/Vol. 4) in valid wording.

⁸⁾ European agreement concerning the work of crew of vehicles engaged in international road transport (AETR), of 1 July 1970 issued as the Decree of Minister of Foreign Affairs No 108/1976 Coll. as amended by the decree No 82/1984 Coll.

⁹⁾ Articles 5 to 9 of the Regulation (EC) No 561/2006 of the European Parliament and of the Council. Council Regulation (EEC) No 3821/85 in valid wording.

¹⁰⁾ Article 13 paragraph 1 of the Regulation (EC) No 561/2006 of the European Parliament and of the Council.

(2) Provisions on maximum working time, breaks and minimum rest periods of the mobile employees in road transport shall apply also to the trainees and secondary school students performing the transport activities.

Article 8

Maximum working time

(1) For the purpose of this Act, the working time of mobile employee in road transport shall mean the time from the beginning to the end of work, during which the mobile employee is at his workstation, at the disposal of the employer and exercising his functions or activities, that is to say:

- a) the time devoted to transport activities and
- b) the times during which he cannot dispose freely of his time and is required to be at his workstation, ready to take up normal work, with certain tasks associated with being on duty, in particular during periods awaiting loading or unloading where their foreseeable duration is not known in advance from the agreements between the employer and employee's representatives, from timetable, weekly working patterns or instructions before departure to other workstation or before the start of the transport activities or the actual start of waiting time;

(2) Working time pursuant to paragraph 1 shall include also the time of:

- a) boarding and disembarking of passengers including the platform operation,
- b) operating vehicle movement in the turning point of final stop and in the wash-room,
- c) waiting during the malfunction of the vehicle,
- d) other operational interruption of continuous vehicle driving if it is shorter than 15 minutes.

(3) Road transport activities pursuant to paragraph 1 shall mean in particular:

- a) driving,
- b) loading and unloading,
- c) assisting passengers boarding and disembarking,
- d) cleaning and technical maintenance of the vehicle and
- e) other work carried out for:
 1. the safety of the vehicle its cargo or passengers, or
 2. the fulfilment of obligations directly linked to the performed transport operation including monitoring of loading and unloading, executing of administrative formalities with police and customs authorities or other road transport bodies.

(4) The workstation pursuant to paragraph 1 shall mean:

- a) the location of the main place of business of the employer, for which the mobile employee performs mobile road transport activities,
- b) subsidiary places of business, regardless of whether they are located in the same place as the employer's main place of business or head office,
- c) any other place in which the mobile employee performs transport activities for the employer, and
- d) the vehicle which the mobile employee uses when he performs transport activities.

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

(6) If the total daily working time shall be at least six hours and not more than nine hours, the mobile employee must be given a break of at least 30 minutes, not later than after a work for six consecutive hours. If the total daily working time shall be more than nine hours, the mobile employee must be given a break of at least 45 minutes after a work for six consecutive hours. Breaks may be subdivided into periods of at least 15 minutes each.

Article 9

Maximum working availability time

(1) For the purpose of this Act, the working availability time in road transport shall mean the period, during which the mobile worker is not required to remain at his workstation, but must be available to answer any calls to start or resume driving or to carry out other work beyond the defined weekly working time, if this period and its foreseeable duration shall be known in advance by the mobile employee from the agreements between the employer and employee's representatives, from timetable, weekly working patterns or instructions before departure to other workstation or before the start of the transport activities or the actual start of waiting time.

(2) Working availability time shall include in particular such period during which the mobile employee is accompanying a vehicle being carried by ferryboat or by train as well as waiting time at state frontiers and those due to traffic prohibitions, waiting time between connections, waiting time in freight transport, waiting time in non-scheduled bus transport and time spent on the seat of the co-driver or in the sleeping cabin during the vehicle movement in case of mobile employees who alternate during the vehicle driving; it shall not include the break and rest times.

(3) The employer shall be obliged to:

- a) provable inform the mobile employee of his rights and working duties resulting from this Act, special regulations⁷⁾, its own internal regulations, collective agreements and agreements between the employer and employee's representatives and of the place of transport activities and their duration,
- b) record the working time, overtime work and working availability time of mobile employees and the records shall be kept in a legible form for at least two years after the end of the period covered.
- c) provide the mobile employee, upon request, with copies of the records of hours worked, overtime and working availability hours

(4) Working, driving and availability times for different employers shall be the sum of the working, driving and availability hours for each of them. The employer shall be obliged to ask the mobile employee for a written data of worked, driving and availability times for other employer. The mobile employee shall be obliged to provide the employer with such information.

Article 10

Self-employed drivers

(1) Unless otherwise provided in this Act, the provisions applying to the mobile employees in road transport shall apply also to the self-employed drivers.

(2) For the purpose of this Act, the self-employed driver shall mean the person whose main activity, on the basis of an authorisation to carry out the road transport¹¹⁾, shall be the carriage of passengers or goods by road contractually performed for the others for hire or reward, and who:

- a) 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,
- b) is free to organise the relevant working activities, whose income depends directly on the profits made
- c) has the freedom to, individually or through a cooperation between other self-employed drivers, have commercial relations with several customers.

(3) For the purpose of this Act, the working time of the self-employed driver shall be a time from the beginning to the end of work, except for the time of general administrative work that is not directly linked to the specific transport operation under way namely the time:

- a) during which he performs transport activities for the client,
- b) during which he is at his workstation, at the disposal of the client, ready to perform transport activities for him, and
- c) time of waiting for loading or unloading where their foreseeable duration is not known in advance.

(4) The working time of self-employed driver does not include the working availability time.

Article 11

Organisation of working time of employee in road maintenance

(1) The employer shall be obliged to provide a working time patterns for the period from 1 November till 31 March and out of this period, during unfavourable weather situation (hereinafter referred to as the „winter maintenance“) or during unforeseeable circumstance, accident or other emergency event on road so, that the daily working time of the employee in road transport of 16 hours pursuant to Article 2 paragraph 3 letter b) points 1. and 2. weekly working time of 60 hours has not been exceeded.

(2) Provisions on driving time of a driver in regular passenger transport shall apply to the lorry driver or driver of the machinery ensuring the rideability and walkability of roads.

(3) During winter maintenance the employer may shorten the uninterrupted daily rest time between two working shift to six hours for the employee in road transport pursuant to Article 2 paragraph 3 letter b) points 1. and 2. or, if a previous shift has been shorter than six hours, to at least three hours.

(4) Uninterrupted daily rest time, pursuant to paragraph 3, may be shortened not more than three times if the shortening will not occurred during two consecutive days and the rest till the end of a next week will be extended by the shortening time.

(5) During winter maintenance the employer shall be obliged to provide working patterns so, that uninterrupted weekly rest time of the employee in road transport pursuant to Article 2 paragraph 3 letter b) points 1. and 2., has been at least 32 hours during 14 consecutive days.

¹¹⁾ E.g. Article 2 of the Act of the National Council of the Slovak Republic No 168/1996 Coll. on road transport as amended by later regulations, Article 26 and Annex No 3 group 314 – other serial No 12 of the Act No 455/1991 Coll. on Small Trade Business (the Small Trade License Act) as amended by later regulations.

Railway transport

Article 12

Basic provisions

(1) Unless otherwise provided in this Act, the provisions of Part One shall apply to the employees in railway transport.

(2) The Agreement concluded by the European Transport Workers' Federation (ETF) and the Community of European Railways (CER) on certain aspects of the working conditions of mobile workers engaged in interoperable cross-border services¹²⁾ (hereinafter referred to as the „Agreement in interoperable cross-border railway services“) shall apply to the time of railway vehicle driving, break and rest times of mobile employees engaged in interoperable cross-border services in railway transport. For the purpose of this Act, mobile employees engaged in interoperable cross-border services shall mean the drivers of railway vehicles and other members of a train crew of carrier, who are assigned to interoperable cross-border services for more than one hour on a daily shift basis.

(3) For the purpose of this Act, the interoperable cross-border services shall mean the cross-border railway transport for which at least two safety certificates are required from the railway undertakings¹³⁾; it does not apply to:

- a) neither local nor regional cross-border railway transport travelling no further than 15 kilometres beyond the state border,
- b) national railway transport on routes which both start and stop on the territory of the Slovak Republic but transit through a foreign state without stopping there.

(4) The employer shall be obliged to keep the records on working and rest times of mobile employees engaged in interoperable cross-border services for each day, to provide information from them upon request and kept them for at least one year after the end of the period covered.

Maximum working time and minimum rest time

Article 13

(1) The employer shall be obliged to provide the employee in railway transport with the pattern of daily working time so, that the length of working shift shall be not more than 15 hours. The working time may be extended by overhead travel time if it occurred at the end of the working shift.

(2) Uninterrupted daily rest time pursuant to Article 5 paragraph 1 may be shortened to six hours on the basis of an agreement between employers and employee's representatives or employee, if the employee in railway transport may rest abed. If the working shift has been shorter than six hours, the length of daily rest may be shortened to maximum of a time of this working shift duration; it shall not be shorter than three hours.

(3) Uninterrupted daily rest time pursuant to paragraph 2 may be shortened not more than two times in a week if shortening will not occur within two consecutive days and rest period will be extended by the shortening time till the end of a next week.

Article 14

¹²⁾ O J E U L 195, 27. 7. 2005.

¹³⁾ Article 46a of the Act of the of the National Council of the Slovak Republic No 164/1996 Coll. on railroads and on amendment of the Act No 455/1991 Coll. on Small Trade Business (the Small Trade License Act) as amended by later regulations in the wording of the Act No 109/2007 Coll.

(1) The employer shall be obliged to provide the employee in railway transport with the pattern of weekly working time so, that his uninterrupted weekly rest time should be at least 48 hours.

(2) If for the provable objective, technical or organisation reasons the pattern of working time may not be provide pursuant to paragraph 1 the employer may, on the basis of an agreement between employers and employee's representatives or employee, provide the employee in railway transport with the pattern of weekly working time so, that his uninterrupted weekly rest time, immediately following an uninterrupted daily rest time duration of which shall be at least eight hours, should be at least 24 hours.

Article 15

Leave in calendar year

The employee on railroad with irregular working time scheduled for individual weeks or for a whole calendar year must be given as many leave days as correspond to his leave for calendar year in annual average according to conditions agreed between the employer and employee representatives.

Air transport

Article 16

Basic provisions

(1) Unless otherwise provided in this Act, the provisions of Part One shall apply also to the employees in air transport pursuant to Article 2 paragraph 3 letters a) to c), h) and i).

(2) For the purpose of this Act, the flight time shall mean the time between an aircraft first moving from its parking place for the purpose of taking off until it comes to rest on the designated parking position and until all engines and propellers are stopped.

(3) For the purpose of this Act, the basic crew shall mean a minimum number of aircraft crew members specified by the aircraft manufacturer or the Aviation Authority of the Slovak Republic for the type of aircraft. .

(4) For the purpose of this Act, the increased crew shall mean a number of aircraft crew members enabling the replacement of each crew member during flight.

(5) For the purpose of this Act, the double crew shall mean a number of aircraft crew members enabling doubling all crew member working functions so, that the replacement of all crew members during flight could be possible.

Article 17

Maximum working time

(1) The employer shall be obliged to provide the aircraft crew member with the pattern of working time so that the total time, including the flight times for other employers, did not exceed:

- a) 900 hours during the calendar year,
- b) 110 hours during the calendar month or 30 consecutive calendar days,
- c) 12 hours during 24 consecutive hours on long distance flights,
- d) 10 hours during 24 consecutive hours on other flights and in other aviation activity,
- e) 4 hours during 24 consecutive hours in case of the pilot in-training out of the route training.

(2) The employer shall be obliged to provide the aircraft crew member with the pattern of working time pursuant to paragraph 1 so that:

- a) total working time, including the working availability time on workstation and working availability time out of workstation pursuant to Article 20 paragraph 2, did not exceed 2000 hours in a calendar year,
- b) working time during 24 consecutive hours shall not exceed:
 1. 12 hours in case of aerial works,
 2. 12 hours if the take-off number of the basic crew shall be more than six,
 3. 14 hours if the take-off number of the basic crew shall be not more than six,
 4. 16 hours in case of increased crew,
 5. 18 hours in case of double crew.

(3) The pilot-in-command may extend the flight time pursuant to paragraph 1 letters c) and d) and the working time pursuant to paragraph 2 letter b) points 2. to 5. for the safe flight completion if it is necessary due to the extreme circumstance which occurred during the flight. Such flight extension shall not be plan in advance by the employer.

(4) The employer may divide the basic crew working time pursuant to paragraph 2 letter b) point 1. to not more than three parts in one working shift, for the reasons of weather or technical and operation problems provided that following conditions shall be fulfilled:

- a) interruption time is three hours at least
- b) total working time and total flight time during 24 consecutive hours is not exceeded, and
- c) the aircraft crew shall be provided with suitable conditions for the rest during the interruption, including uninterrupted rest abed.

(5) Limitation of the working time pursuant to paragraph 2 letter b) point 3. shall not apply to the crew member performing the air rescue service or the flight necessary to for life saving. The employer shall be obliged to create for those crew member suitable conditions for the rest, including uninterrupted rest abed.

(6) The employer shall be obliged to provide the air traffic controller with the pattern of working time so, that the length of working shift did not exceed 12 hours during 24 consecutive hours. This shall not apply to the night working shift duration which shall not exceed 8 hours.

(7) The employer shall be obliged to provide the air traffic controller, performing the heavy brainwork with high work intensity, with the pattern of working time so, that:

- a) the length of working shift did not exceed 8 hours during 24 consecutive hours,
- b) weekly working time including overtime, did not exceed 48 hours.

(8) The range of workstations, conditions and period of performance of heavy brainwork with high intensity shall be determined by the Aviation Authority of the Slovak Republic on the proposal of the employer and after agreement with the employee representatives.

(9) During unfavourable weather situation or during an extreme circumstance the working time of the employees in air transport pursuant to Article 2 paragraph 3 letter b), letter c) point 2. and letters e) and h) may be extended to not more than of 16 hours during 24 consecutive hours

(10) Working, flight and availability times for different employers shall be the sum of the working, flight and availability hours for each of them. The employer shall be obliged to ask the aircraft crew member for a written data of worked, flight and availability times for other employer. The aircraft crewmember shall be obliged to provide the employer with such information.

Article 18

Breaks

(1) The break pursuant to paragraph 2 shall be the part of the aircraft crew member's and air traffic controller's working times. Breaks shall no be scheduled in the beginning and the end of working shift.

(2) The employer shall be obliged to schedule:

- a) the flight time so that the aircraft crew member shall be provided, during aerial works and training and testing flights, with a break of at least 20 minutes after the lapse of three hours of the flight,
- b) the working time the air traffic controller shall be provided, during the performance of the heavy brainwork with high work intensity, with a break of at least 30 minutes after the lapse two hours; the total break times during working shift shall not exceed 25 % of the working time.

Article 19

Minimum rest period

(1) Minimum daily rest period pursuant to Article 5 paragraph 1 may be shortened to not more than nine hours if the aircraft crew member may rest abed and sleep at least eight consecutive hours.

(2) The employer shall be obliged to provide the aircraft crew member with the pattern of working time so that his uninterrupted rest without working availability pursuant to Article 20 has been at least:

- a) 36 hours in a week or at least 60 hours in ten consecutive days,
- b) 7 local days in calendar months,
- c) 96 local days in each calendar year

(3) For the purpose of this Act the local day shall mean the period between 00.00 hours and 24.00 hours in one geographical area.

Article 20

Maximum working availability time

(1) The employer may order the aircraft crew member the working availability for the maximum period of:

- a) 12 hours during 24 consecutive hours,
- b) 72 hours during 28 consecutive days,
- c) 400 hours in calendar year.

(2) In case of working availability time^(*) out of workstation before the beginning of the flight, and the aircraft crew member may rest in suitable room with a bed, working availability time shall be included in the working time by the half of the time elapsed between the beginning of the working availability and the beginning of the flight.

Waterborne transport

Article 21

Basic provisions

Unless otherwise provided in this Act, the provisions of Part One shall apply also to the employees in waterborne transport.

Article 22

Maximum working time

(1) The employer shall be obliged to provide the vessel crew member with the pattern of working time so that

- a) daily working time did not exceed 14 hours during 24 consecutive hours,
- b) weekly working time did not exceed 84 hours.

(2) Working time pursuant to paragraph 1 may be extended by the skipper for the reason of an extreme voyage circumstance for a period during which safety of vessel or embarked persons or loaded cargo are endangered.

(3) The employer may extend the working time of the docker for the maximum period of 16 hours in 24 consecutive hours during the unfavourable weather situation or other extreme circumstance in the port.

Article 23

Minimum rest period

(1) The employer shall be obliged to provide the vessel crew member with the pattern of working time so that his uninterrupted daily rest has been at least six consecutive hours, if the total working rest period shall be at least ten hours during 24 consecutive hours.

(2) The employer shall be obliged to provide the vessel crew member with the pattern of weekly working time so that:

- a) his rest has been at least 77 hours in a week, or
- b) his uninterrupted rest has been at least 35 hours in each week during no more than nine consecutive weeks.

(3) During unfavourable weather situation or other extreme circumstance in the port, the employer may shorten the uninterrupted daily rest of the docker between two working shifts up to six hours. The rest may be shortened maximum twice during a week if the shortening will not occurred during two consecutive days and the rest till the end of a next week will be extended by the shortening time.

Article 24

Maximum working availability time

^(*) Translator's note: In the Directive 2000/79/EC "standby for duty assignment" is referred instead of "working availability".

The employer may order the vessel crew member the working availability for the maximum period of 400 hours in the calendar year. Working availability beyond this period is permitted only after agreement with the employee.

Regular passenger transport

Article 25

Basic provisions

(1) For the purpose of this Act, the regular passenger transport shall mean the public transport by vehicles used for the carriage of passengers in:

- a) bus transport if the bus line route does not exceed 50 km,
- b) urban bus transport and
- c) transport on urban tram and trolleybus tracks.

(2) Unless otherwise provided in this Act, the provisions of Part One and Part Two, concerning the mobile employees in road transport except for Article 6, Article 7 paragraph 1 and Article 10, shall apply to the mobile employees in regular passenger transport.

Article 26

Maximum working time

(1) The employer shall be obliged to provide the driver in regular passenger transport with daily working time patterns so, that the driving time does not exceed ten hours during 24 consecutive hours.

(2) The employer shall be obliged to provide the driver with weekly working time patterns so, that the driving time does not exceed 48 hours in a week.

(3) The driving time shall mean the sum of continuous vehicle driving times.

(4) The driver's working time shall include also the time of interrupting of continuous vehicle driving time shorter than ten minutes.

Article 27

Breaks

(1) The employer shall be obliged to provide the driver in regular passenger transport with working time patterns so that he had the break of at least 30 minutes after four hours of driving; it shall not apply if uninterrupted daily rest period or uninterrupted weekly rest period follows four hours of driving.

(2) The breaks may be divided in uninterrupted period of at least 15 minutes each.

(3) The breaks may be extended by the driver's time of work necessarily carried out in the interest of fulfilment of obligations relating to the vehicle or passengers safety, and by the time of operating vehicle movement in the turning point of final stop.

Article 28

Minimum rest period

The employer shall be obliged to provide the driver in regular passenger transport with working time patterns so, that he had between two working shifts an uninterrupted daily rest of at least 11 hours during 24 consecutive hours. The employer may:

- a) shorten this rest period not more than three times in a week up to six hours if the shortening will not occurred during two consecutive days and the rest till the end of a next week will be extended by the shortening time,
- b) divide this rest period to not more than three parts during 24 hours in days in which the rest period has not been shortened pursuant to letter a) and one rest period part must be of at least eight hours and the rest period must be extended to not less than 12 hours.

PART THREE

CHECK IN ROAD TRANSPORT

Article 29

Checking systems

(1) For the purpose of this Act, the checking system shall mean a coordinated performance of roadside checks and checks at the premises of undertakings aimed at the enforcement of working time organisation in the transport pursuant to special regulations⁷⁾ and to this Act.

(2) The checking system shall cover each year a representative cross-section of transport undertakings, mobile workers in particular drivers, and the vehicles of all categories, falling within the scope of special regulations⁷⁾, and at least the following shall be checked.:

- a) 3 % days worked by drivers,
- b) 30 % days of the total number of the drivers working days checked at the roadside, and
- c) 50 % days of the total number of the drivers working days checked at the premises of undertakings,

(3) The labour inspector carrying out the check shall prepare the check report containing the data pursuant to special regulation.¹⁴⁾

(4) The check reports pursuant to paragraph 3 represent the supporting documents for preparation of the information submitted to the European Commission in accordance with special regulation.¹⁵⁾ The information shall include the summarized data of number of drivers checked at the roadside and on number of checks at premises of transport undertakings, the number of checked working days of drivers and the number and type of reported infringements of regulation, together with the note of whether passengers or goods were transported.

(5) Statistic data of the reports on check results pursuant to paragraph 3, submitting biennially to the European Commission, shall be broken down into the following categories:

- a) for roadside checks:
 - 1. type of road, namely whether it is a motorway, a higher class or a lower class road, and country of registration of the vehicle inspected,
 - 2. type of recording equipment¹⁶⁾, whether it is an analogue or digital recording equipment,
- b) for checks at the premises of transport undertakings:

¹⁴⁾ Article 14 Act č. 125/2006 Coll. on labour inspection and on amendments of the Act No 82/2005 Coll. on illegal work and employment and on amendments of some acts.

¹⁵⁾ Article 17 of the Regulation (EC) No 561/2006 of the European Parliament and of the Council.

¹⁶⁾ Council Regulation (EEC) No 3821/85 in valid wording.
Article 2 paragraph 1 Act No. 461/2007 Coll. on use of recording equipment in road transport.

1. type of transport activity, namely whether the activity is international or national, passenger or freight, own account or for hire or reward,
2. size of transport undertaking fleet,
3. type of recording equipment, whether it is an analogue or digital recording equipment,

(6) The inspecting body shall keep statistic data pursuant to paragraph 5 collected for the previous year.

(7) Transport undertaking shall be obliged to keep for a period of one year, the documents from performed checks, in particular the reports on check results and other papers elaborated by inspecting bodies.

Article 30

Roadside checks

(1) Roadside checks shall be organised in various places and at any time and shall cover a sufficiently extensive part of the road network to make it difficult to avoid checkpoints. The number of checkpoints shall be specified by the National Labour Inspectorate in cooperation with the Police Force so, that it will be sufficient; for this purpose the checkpoints shall be established on the roads and in their immediate vicinity, in particular at bays, petrol stations and in their immediate vicinity and on other safe locations along motorways and roads.

(2) Roadside checks shall be carried out at least six times per year co-ordinately with inspecting bodies of adjacent Member States.

(3) If the findings of a roadside check on the driver of a vehicle registered in another Member State afford grounds for believing that infringements of special regulations⁷⁾ have been committed which cannot be established during the roadside check owing to a lack of necessary data, the competent authority may apply the competent authority of other Member State of registration for cooperation.

(4) Roadside checks shall be carried out in random and non-discriminatory way. Labour inspectors and policemen carrying out the roadside check shall not discriminate the drivers in particular on the grounds of country of registration, country of domicile of driver, country of transport undertaking residence, point of origin and destination of journey and type of recording equipment.

(5) The roadside check may be aimed only at the specific check item in case of special situation.

(6) Labour inspectors and policemen shall be provided, within the scope of their powers in the course of roadside check, with a list of points to be checked, as set out in Annex No 1, Part A and standard equipment, as set out in Annex No 2.

Article 31

Checks at the premises of transport undertakings

(1) For the purpose of this Act, the check at the premises of transport undertakings shall mean the check carried out in the spaces of transport undertaking technical base and the transport undertaking workstations, in which the mobile employees perform transport activities.

(2) The check at the premises of transport undertakings may be carried out also at the premises of inspecting bodies namely through the review of documents, data or other papers submitted by the transport undertaking to the inspecting body for the purpose of the check.

The transport undertaking shall be obliged provide, at the request of he inspecting body, the necessary documents and data concerning the working time organisation.

(3) The checks in transport undertakings shall be carried out as a rule in the light of past experience in relation to the various mode of transport and particular transport undertakings in the framework of a risk rating system for transport undertakings and if during the roadside check the serious infringements of driver or transport undertaking obligations, laid down by this Act or special regulations⁷⁾ have been detected. Transport undertakings with a high risk rating shall be checked more often and more closely than other transport undertakings.

(4) The risk rating system for transport undertaking shall be based on the on the number and severity of any infringements of this Act and special regulations⁷⁾, that an individual undertaking has committed; the list of acts considered as the infringement of this Act and special regulations⁷⁾, is presented in the Annex No 3.

(5) Labour inspectors and policemen shall, in the course of the check at the premises of transport undertaking, take into account any information concerning this transport undertaking activities, provided by the inspecting bodies of other Members State.

(6) The labour inspector shall be provided, in the course of roadside check, with a list of points to be checked, as set out in Annex No 1, and standard equipment, as set out in Annex No 2.

PART FOUR

State Administration

Article 32

State Administration Bodies

The inspecting bodies under this Act and the bodies competent under special regulations¹⁷⁾ shall mean the National Labour Inspectorate, the Labour Inspectorates and the Police Force.

Article 33

National Labour Inspectorate

The National Labour Inspectorate in accordance with special regulation¹⁷⁾ shall:

- a) organize, in cooperation with the Police Force, establishment and the operation of a checking system pursuant to Part Three, including organisation of the roadside checks,
- b) submit the European Commission every two year 30 by September:
 1. information listed in a standard form¹⁸⁾ concerning the checks carried out pursuant to Article 29 paragraph 4,
 2. statistical data pursuant to Article 29 paragraph 5,
 3. report on the implementation of provisions of this Act concerning the working time of persons performing mobile road transport activities,
- c) ensure the coordination with partnership bodies of the Member States relating to the carrying out the roadside checks pursuant to Article 30 and the checks at the premises of transport undertakings pursuant to Article 31,

¹⁷⁾ Article 6 paragraph 1 letter o) of the Act No 125/2006 Coll. as amended by the Ac No 462/2007 Coll.

¹⁸⁾ Commission Decision 93/173/EEC of 22 February 1993 drawing up the standard form provided for by Article 16 of Council Regulation (EEC) No 3820/85 on the harmonization of certain social legislation relating to road transport (Special edition OJ EU L, chapter.7/Vol. 2; OJ EC L 72, 25. 3. 1993).

- d) settle applications of the Member States bodies for cooperation pursuant to Article 30, paragraph 3,
- e) provide the Member States bodies, at least once in six months or at their request, with information pursuant to special regulations¹⁹⁾.
- f) ensure establishment and the operation of a risk rating system for transport undertakings and systems for the electronic exchange of information,
- g) cooperate with the Member States bodies in preparing the joint programmes of professional training of labour inspectors concerning the checking procedures, held at least once per year, which shall enable the interchange of labour inspectors at least once per year so that they have been trained for their task fulfilment,
- h) inform the European Commission about:
 - 1. exemptions from applying the rules laid down in Article 6 paragraph 3, granted to the road transport in the territory of the Slovak Republic under special regulation,²⁰⁾
 - 2. measures and sanctions taken on the basis of agreement in interoperable cross-border railway transport,
 - 3. sanctions imposed with regard to infringements of this Act and special regulations,⁷⁾
 - 4. the body applying in the Slovak Republic the competence pursuant to letter b) point two and letters c) and d),
- i) fulfil towards the European Commission pursuant to special regulation.²¹⁾

Labour Inspectorate

Article 34

(1) The Labour Inspectorate shall:

- a) perform, in cooperation with the Police Force, the roadside checks; subject of the roadside shall be the points, as set out in Annex No 1, Part A,
- b) perform the checks at the premises of transport undertakings; subject of the check at the premises of transport undertakings shall be the points, as set out in Annex No 1,
- c) impose penalties for administration offences pursuant to Article 37,
- d) dealing with the offences pursuant to Article 38,
- e) keep the registry of performed checks;
- f) provide the exemptions from applying the rules laid down in Article 6 paragraph 3 in national road transport within the scope of special regulation,²²⁾
- g) provide the National Labour Inspectorate with the data from checks necessary to fulfil its tasks.

¹⁹⁾ Article 22 paragraph 2 of the Regulation (EC) No 561/2006 of the European Parliament and of the Council. Article 19 paragraph 3 of the Council Regulations (EEC) No 3821/85 in valid wording.

²⁰⁾ Article 13 paragraph 2 and Article 14 paragraph 2 of the Regulation (EC) No 561/2006 of the European Parliament and of the Council.

²¹⁾ Article 14 paragraph 1 and Article 22 paragraph 3 of the Regulation (EC) No 561/2006 of the European Parliament and of the Council.

²²⁾ Article 14 paragraph 1 and 2 of the Regulation (EC) No 561/2006 of the European Parliament and of the Council.

- (2) The Labour Inspectorate shall be authorised:
- a) to order to the driver, during roadside check or at the driver workstation, to lay by the vehicle on ordered place and to take immediately the break or daily or weekly rest period if it finds that the driver exceeded the permitted driving time or did not take the break or rest period,
 - b) during the check at the premises of transport undertaking, to ban:
 1. the use of a vehicle not equipped with recording equipment or equipped with recording equipment without EC type-approval or, in case of non-functional recording equipment the periodic inspection has not been carried out on it, or in case of malfunction thereof,
 2. the access to work for the driver or other mobile employee or performing further transport activity, and to order him to take immediately daily or weekly rest period if it finds that the driver exceeded the permitted driving or working time or did not take the rest period.

Article 35

(1) The application for exemptions granting pursuant to Article 34 paragraph 1 letter f) must be in written and must include:

- a) business name or designation, residence and identification number of an applicant,
- b) reason for requested exemption,
- c) list of vehicles covered by an exemption and their registration numbers,
- d) proposal of the measures ensuring the safety and health at work.

(2) The application may include also other additional data and information. The documents supporting the exemption granting may be attached to the application.

(3) There is no legal claim for exemption granting.

(4) In case of satisfied application, the decision shall be indicated in relevant document and instead of a delivery of written decision the applicant shall receive a certificate which forms a part of documents that must be carried by driver. In roadside check the driver shall be obliged to submit certificate to the inspecting body. The model of certificate is showed in Annex No 4.

Article 36

Police Force

(1) The Police Force shall perform the roadside checks within the surveillance over the road traffic safety and fluency.²³⁾

(2) The subject of the roadside check carrying out by policemen pursuant to paragraph 1 shall be:

- a) the momentary speed reached by the vehicle during previous 24 driving hours and the exceeding an authorised speed of 90 km per hour in case of vehicle in category N₃, and 105 km per hour in case of vehicle in category M₃, if the exceeding lasted for a period of more than one minute of driving,

²³⁾ Article 2 paragraph 1 letter j) of the Act of the National Council of the Slovak Republic No 171/1993 Coll. on Police Force as amended by later regulations.
Articles 64 to 67 of the Act of the National Council of the Slovak Republic No 315/1996 Coll. on road traffic v as amended by later regulations.

- b) the equipment of a vehicle with recording devices and record sheets, their EC type-approval and functions, and correct use of recording devices and record sheets,
- c) the driving of a vehicle without driver card²⁴⁾ and driver card validity and function,
- d) the breaks,
- e) the daily driving time and daily rest period.

(3) If the policeman in roadside check finds that the vehicle is not equipped with the recording device or it is equipped with the recording device without EC type-approval or the periodic inspection has not been carried out on it or the recording device is non-functional, damaged or defected, he shall be obliged to withdraw the registration certificate and registration plate; the policeman shall issue a confirmation about it and withdrawn registration certificate and registration plate shall be immediately passed to the District Traffic Inspectorate²⁵⁾. Withdrawn registration certificate and registration plate shall be given back to the transport undertaking upon the document of registered workshop card proving the removal of recording device malfunction.

(4) If the policeman in roadside check finds that the driver exceeded permitted driving time without break, or did not take a daily rest period, he shall order the driver to lay by the vehicle on ordered place and to take immediately the break or daily rest period.

(5) The Police Force shall:

- a) cooperate with the National Labour Inspectorate and competent Labour Inspectorates to establish and operate:
 - 1. the checking system including the roadside check development and organisation and
 - 2. the risk rating system for transport undertakings,
- b) provide the National Labour Inspectorate with data necessary to fulfil its tasks,
- c) deal with the offences pursuant to Article 38 paragraph 8 letter b), found during a roadside check.

Article 37

Administration offences

(1) The Labour Inspectorate shall impose a penalty up to 20 000 SKK to the employer if he:

- a) fails to issue to the driver a sufficient number of record sheets or discs used in the recording equipment,
- b) issues to the driver the record sheet or disc used in recording equipment without EC type-approval or the record sheets or discs that are undue for installed recording equipment
- c) fails to provably inform the driver of the regulations covering the use of the recording equipment, the record sheets or discs used in recording equipment,
- d) fails to provably instruct the driver about the proper use of a driver card,
- e) fails to provide the mobile employee in road or air transport at his request with the written data of worked time, driving or flight time and working availability time and with the

²⁴⁾ Annex IB of the Regulation (EEC) No 3821/85 in valid wording.

²⁵⁾ Article 67 paragraphs 3 to 7 of the Act of the National Council of the Slovak Republic No 315/1996 Coll. as amended by the Act No 534/2003 Coll.

copies of record sheets, prints from recording equipment and data copied from a driver card.

(2) The Labour Inspectorate shall impose a penalty from 20 000 to 100 000 SKK to the transport undertaking if:

- a) the transport undertaking operates the vehicle that must be fitted with recording equipment, without such equipment or operates the vehicle fitted with recording equipment to which no ES type-approval has been issued or the vehicle with recording equipment on which the periodic inspection has not been carried out,
- b) the transport undertaking operates the vehicle with non-functional, damaged or defected recording equipment,
- c) the transport undertaking performs the carriage without granted exemption pursuant to Article 34 paragraph 1 letter f) or after the expiration of a period covered by granted exemption,
- d) the transport undertaking fails to take over the copied data from recording equipment or the certificate proving the impossibility to copy data from recording equipment;
- e) the driver employed by transport undertaking or the driver performing transport activities for it upon other legal relation²⁶⁾, infringes rules concerning the driving time, the breaks or the daily or weekly rest period as a consequence of failing to meet the obligations of transport undertaking also when the driver infringed the rules in territory of the other Member State
- f) the transport undertaking does not issue to the driver an attestation in accordance with special regulation²⁷⁾ proving that the driver has been on sick leave, on leave or during previous 28 days he has driven other vehicle not covered by special regulations⁷⁾ or international agreement⁸⁾ or he has provided false data in attestation.

(3) The Labour Inspectorate shall impose a penalty from 50 000 to 500 000 SKK to the transport undertaking if it:

- a) organises the work of the drivers so, that they are not able to observe the working time, the driving time, the working availability time and the breaks or the daily or weekly rest period or the rules on use of a recording equipment,
- b) fails to apply the mobile employee in road or air transport for the copies of records on worked time or driving or flight time and the working availability time for another employer,
- c) provable fails to instruct the drivers about the obligations referring to the driving time, the breaks or the rest period, or to perform the regular checks of drivers as regards to those obligations observance, or to register such performance,
- d) fails to ensure copying such data pursuant to special regulation²⁴⁾, including data of the driving time, the breaks or the rest period, from recording equipment in vehicle through the company card²⁴⁾ at least once within three months and from the driver card at least once within 28 calendar days, or to keep the copied data for a period of 24 months from the day of their copying,

²⁶⁾ E. g the Commercial Code, the Civil Code.

²⁷⁾ Annex of the Commission Decision 2007/230/EC of 12 April 2007 on a form concerning social legislation relating to road transport activities (OJ EU L 99, 14. 4. 2007).

- e) discards, destroys, damages, loses, falsifies or distorts copied data or enables the steal or the falsification of such copied data,
- f) fails to prepare the timetable and the duty roster of drivers in national and international regular passenger services, whose route terminals are located within a distance of 50 kilometres as the crow flies from a frontier between two Member States and whose route length does not exceed 100 kilometres specifying the driver's name and surname, the transport undertaking residence and the driving time, breaks, working availability time and driver's other work defined in advance or fails to issue the copy of the timetable or the extract from duty roster to a driver before driving,
- g) infringes other obligations laid down by this Act and other regulations.⁷⁾

(4) The Labour Inspectorate shall impose a penalty from 50 000 to 500 000 SKK to:

- a) the legal or natural person – entrepreneur who provides a driver with the incentive bonus or extra charge to the wage or other financial or non-financial benefit for travelled kilometres or carried quantity of goods or number of passenger, if the road safety and fluency have been endangered thereby, or the driver has been motivated to the infringement of the rules on the working time, the driving time, the working availability time and the breaks or the daily or weekly rest period thereby,
- b) the interoperable cross-border services operator if he does not observe provisions of the agreement in interoperable cross-border railway services.

(5) The Labour Inspectorate shall impose a penalty pursuant to paragraphs 1 to 4 also when the obligation infringements have been detected in territory of other Member State or after return on territory of the Slovak Republic in case that the penalty has not been imposed in other Member State.

(6) In imposing penalty the Labour Inspectorate shall take account of in particular the infringement seriousness with regard to the ensuring the safety and health of a driver at work, the transport undertaking category within the risk rating system for transport undertakings and whether it is the first or repeated obligation infringement.

(7) The proceeding on penalty imposing may be started within six month from the day, when the report on check results has been discussed but not later than three years from the day when the obligation infringement occurred.

(8) If the Labour Inspectorate finds out, within 12 months from the day of validity of decision on penalty imposing, that the same person repeatedly committed administration offences:

- a) pursuant to paragraphs 1 to 3, it shall impose a penalty up to double of the upper limit pursuant to paragraphs 1 to 3 however not less than amount of the upper limit of the range specified in paragraphs 1 to 3,
- b) pursuant to paragraph 4, it shall impose a penalty from 200 000 SKK to 1 000 000 SKK.

(9) If the same person has repeatedly committed administration offences pursuant to paragraphs 1 to 4 or if the transport undertaking falls within the risk rating system into category of the most serious infringements of rules concerning the driving time and rest periods, the Labour Inspectorate may give an impetus to competent administration body to suspend the small business operation or to cancel the small business authorisation or to withdraw or cancel the business licence.²⁸⁾

²⁸⁾ E. g. the Act No 455/1991 Coll. as amended by later regulations, the Act of the Act of the National Council of the Slovak Republic No 168/1996 Coll. as amended by later regulations.

(10) Penalty revenues shall constitute income for the State budget.

Article 38

Offences

(1) The offence is committed by a driver who:

a) drives a vehicle:

1. without recording equipment or with recording equipment, on which the valid periodic inspection has not been carried out,
2. with damaged or non-functional recording equipment; it does not apply in case of coasting to the transport undertaking or registered workshop, but not more than one week from the day of damage or malfunction finding,
3. without completed record sheet or with the record sheet used for longer time period than has been intended, or without use of the record sheet,
4. without a driver card for a period of more than 15 working days and if he shall be unable to prove the impossibility of driver card presenting or using
5. without neither a driver card nor a confirmation about the loss or the theft thereof,

b) uses a driver card which is:

1. damaged, non-functional or impure driver card,
2. falsified or expired or a driver uses a driver card of the other driver,

c) fails to submit:

1. completed record sheets or printouts from recording equipment for the current day and the previous 28 days,
2. attestation pursuant to special regulation²⁷⁾ proving that he has been on sick leave, on leave or during previous 28 days he has driven other vehicle not covered by special regulations⁷⁾ or international agreement⁸⁾;

d) disregards the breaks or the daily or weekly rest periods or fails to observe them, or exceeds the maximum daily, weekly or fortnightly driving time limit

e) unauthorisedly manipulates with recording equipment or conceals, discards, destroys, damages, loses or manipulates with records, or enables that the record sheets or the data in a recording equipment or a driver would be stolen or falsified, or states incorrect data in an attestation pursuant to letter c) point 2.,

f) fails to enter manually on record sheet or in duty roster the reason for derogation from obligation concerning the observance of the driving time and breaks,

g) fails to submit or to deliver, at the request on an inspecting body, an extract from duty roster and a copy of timetable for the current day and the previous 28 days in case of the driver of a vehicle not fitted with recording equipment in regular:

1. national passenger services, or
2. international passenger services, whose route terminals are located within a distance of 50 kilometres as the crow flies from a frontier between two Member States and whose route length does not exceed 100 kilometres

- h) fails to keep the decision on imposed penalty or the documents on opened proceeding concerning the penalty imposition pursuant this Act for a specified period, or fails to submit them in a roadside check,
- i) fails to submit at the request to the employer the written data on worked, driving and working availability times for other employer,
- j) fails to observe:
 - 1. maximum daily, six-daily or fortnightly driving time limit by more than 20 %,
 - 2. minimum daily or weekly rest period by more than 20 %.
 - 3. minimum break time by more than 33 %,
- k) fails to use the recording equipment. the record sheet or the driver card or to record the data or time periods in accordance with special regulations⁷⁾ or international agreement.⁸⁾

(2) The offence is committed by a natural person who:

- a) provides a driver with the financial or non-financial benefit for travelled kilometres or carried quantity of goods or number of passenger, if the road safety has been endangered thereby, or the driver has been motivated to the infringement of the rules on the working time, the driving time, the working availability time and the breaks or the daily or weekly rest period thereby,
- b) manipulates with recording equipment or record sheets or driver card for the purpose of data falsification, concealment or destroying, or manipulates with recording equipment for the purpose of making it non-functional or damaged,
- c) falsifies, conceals or destroys the data recorded on the record sheet, the manually record, the printout from recording equipment or the data in recording equipment or a driver card.

(3) The penalty may be imposed:

- a) up to 15 000 SKK for the offences pursuant to paragraph 1 letter c) point 2, letters f) and h),
- b) up to 30 000 SKK for the offences pursuant to paragraph 1 letter a) points 3. to 5. letter b) point 1., letter c) point 1. and letters d), g), i) and k) and the ban of operation may be imposed for a period of not more than one year,
- c) up to 50 000 SKK for the offences pursuant to paragraph 1 letter a) points 1. and 2., letter b) point 2. and letter e) and j) and the ban of operation may be imposed for a period of not more than two years,
- d) up to 50 000 SKK for the offences pursuant to paragraph 2.

(4) The penalty may be imposed for the offences pursuant to paragraphs 1 a 2:

- a) up to 5 000 SKK in cheque proceeding, or
- b) up to 15 000 SKK in order proceeding.

(5) The penalty and the ban of operation pursuant to paragraph 3 letters b) and c) may be imposed separately or concurrently. The driver card shall be withdrawn from a driver for a period of operation ban duration. The inspecting body shall immediately deliver a driver card to the competent Regional Office for the Road Transport and Roads which is competent according to the transport undertaking residence.

(6) Cheque penalty imposed pursuant to paragraph 4 letter a) may be levied by inspecting body also in EURO in accordance with the exchange rate declared by the National Bank of Slovakia and valid in the day of the cheque proceeding.

(7) In specifying the penalty amount the seriousness, the way, the duration and the possible consequences of obligation infringements are be taken into account.

(8) The offences pursuant to:

- a) paragraphs 1 and 2, shall be discussed by the National Labour Inspectorate, which is competent according to the transport undertaking residence, in case of offences revealed during the check at premises of transport undertaking or at the during the roadside check within the scope of points to be checked, as set out in Annex No 1.
- b) paragraph 1, shall be discussed by the Police Force in the framework of surveillance over the road traffic safety and fluency in case of offences revealed during the roadside check within the scope of Article 36 paragraph 2.

(9) General regulation on offences shall apply to offences and their discussion.²⁹⁾

PIATA ČASŤ

FINAL PROVISIONS

Article 39

Provisions of Article 8, 9 and 10 shall apply to self-employed drivers [Article 6 paragraph 1 letter b)] from 23 March 2009.

Article 40

Temporary provisions

(1) In the framework of checking system as referred to in Part Three the following must be checked:

- a) till 31 December 2007 not less than 1 % of days worked by drivers and from 1 January 2008 till 31 December 2009 yearly not less than 2 % of days worked by drivers,
- b) till 31 December 2007 not less than 15 % of the total number of the checked working days checked at the roadside and 30 % of days of the total number of the checked working days checked at the premises of transport undertakings.

(2) The National Labour Inspectorate shall, not later than 30 April 2008, send to the competent authorities of the Member States the first information pursuant to special regulation.¹⁹⁾

(3) The National Labour Inspectorate shall send to the European Commission:

- a) by 30 September 2009, the first information pursuant to Article 33 letter b) point 1., and statistical data pursuant to Article letter b) point 2.,
- b) by 30 September 2009, the report pursuant to Article 33 letter b) point 3.,
- c) by 27 July 2008, the information pursuant to Article 33 letter h) point 2.

(4) By 31 December 2007, the offence pursuant to Article 38 paragraph 1 letter c) point 1. commits the driver failing to submit the record sheets or outprints from recording equipment for the previous week and previous 15 days.

²⁹⁾ Act of the Slovak National Council No 372/1990 Coll. on offences, as amended by later regulations.

(5) From 16 July 2008, the provisions concerning the organisation of working time in the air transport (Articles 16 to 20) shall apply only when they are not in conflict with special regulation.³⁰⁾

Article 41

Transposition provision

Legal Acts of the European Communities referred to in Annex No 5 are transposed by this Act.

Article 42

Repealing provisions

The Act No 121/2004 Coll. on the working time and rest period in transport and on amendment of some acts is repealed.

SECTION II

The Act No 125/2006 Coll. on Labour on Labour Inspection and on amendments of the Act No 82/2005 Coll. on Illegal Work and Employment and on amendments of some Acts, as amended by the Act No 309/2007 Coll. shall, be amended as follows:

1. In Article 6 paragraph 1, the letter o) shall read:

„o) cooperates with competent authorities of the European Union, the Member States of the European Union, the Contracting Parties of the European Economical Area and with competent authorities of Switzerland in coordination and in ensuring of the supervision under special regulation¹⁵⁾, deals with their requests, provide them with information and fulfils other tasks under special regulation,¹⁵⁾⁾“.

The footnote to the reference ¹⁵⁾ shall read:

„¹⁵⁾ Act No 462/2007 Coll. on the Organisation of Working Time in transport and on amendments of the Act No 125/2006 Coll. on Labour Inspection and on amendments of the Act No 82/2005 Coll. on Illegal Work and Employment and on amendments of some Acts, as amended by the Act No 309/2007 Coll.“.

2. In Article 7 paragraph 3 letter i), the words „Articles 19 and 20,“ shall be replaced by the words „Articles 19, 20 and other regulation,^{17a)}“.

The footnote to the reference ^{17a)} shall read:

„^{17a)} Article 37 of the Act No 462/2007 Coll.“.

3. In the footnote to the reference ¹⁸⁾, the words „Article 12 of the Act No 121/2004 Coll.“ shall be replaced by the words „Article 38 of the Act No 462/2007 Coll.“.

4. In Article 7 paragraph 3, the following letter p) shall be added:

„p) grants the exemptions pursuant to special regulation.^{18aa)}“.

The footnote to the reference ^{18aa)} shall read:

„^{18aa)} Article 34 paragraph 1 letter f) of the Act No 462/2007 Coll.“.

5. In the footnote o the reference ²⁰⁾, the words „Article 11 of the Act No 121/2004 Coll.“ shall be replaced by the words „Article 34 paragraph 2 of the Act No 462/2007 Coll.“.

³⁰⁾ Subpart Q of Annex III of the Council Regulation (EEC) No 3922/91 of 16 December 1991 on the harmonization of technical requirements and administrative procedures in the field of civil aviation (Special edition OJ EU L, Chapter 7/Vol.1; OJ EC L 373, 31. 12. 1991) in valid wording.

6. In Article 12 paragraph 2 letter j) point 3., the words „Articles 19 and 20,“ shall be replaced by the words „Articles 19, 20 and special regulation,^{17a)}“.

SECTION III

Entry into force

This Act shall enter into force on the 1 November 2007 except for Article 38 paragraph 1 letter c) point 1. in Section I, which shall enter into force on 1 January 2008, Article 12 paragraphs 2 to 4 in Section I, which shall enter into force on 1. July 2008, and Article 36 paragraph 2 letter e) in Section I, which shall enter into force on 1 January 2009.

Ivan Gašparovič s. m.

Pavol Paška s. m.

Róbert Fico s. m.

**Annex No 1
to the Act No 462/2007 Coll.**

**PART A
ROADSIDE CHECKS**

The following points shall be covered by roadside checks:

1. daily and weekly driving times, breaks and daily and weekly rest periods; the record sheets which have to be carried on board the vehicle for a period specified in special regulation³¹⁾ and the data stored for the same period on the driver card and in the memory of the recording equipment in accordance with Annex No 2, and on printouts from the recording equipment;
2. any cases where the vehicle's authorised speed is exceeded, to be defined as being any periods of more than one minute during which the vehicle's speed exceeds 90 km/h for category N₃ vehicles or 105 km/h for category M₃ vehicles for a period specified in special regulation³¹⁾;
3. where appropriate, momentary speeds attained by the vehicle as recorded by the recording equipment in no more than the previous 24 hours' use of the vehicle;
4. the correct functioning of the recording equipment (determination of possible misuse of the recording equipment or the driver card or record sheets) or, where appropriate, presence of the documents referred to in special regulation.³²⁾

**PART B
CHECKS AT THE PREMISES OF TRANSPORT UNDERTAKINGS**

The following points shall be checked at the premises of undertakings, in addition to those set out in Part A:

1. weekly rest period and driving times between these rest periods;
2. observance of the two-weekly limitation of driving times;
3. record sheets, vehicle unit and driver card data and printouts from the recording equipment.

If an infringement of regulations is detected, as a part of the check may be the detection of possible joint liability of other instigators or accessories in the transport chain, in particular shippers, freight forwarders or contractors, including verification that contracts for the provision of transport are in compliance with special regulations.⁷⁾

³¹⁾ Article 15 paragraph 7 of Council Regulation (EEC) No 3821/85 as amended by later regulations.

³²⁾ Article 16 paragraph 2 of the Regulation (EC) No 561/2006 of the European Parliament and of the Council.

**Annex No 2
to the Act No 462/2007 Coll.**

STANDARD EQUIPMENT TO BE AVAILABLE TO INSPECTING BODIES

The following standard equipment shall be available to inspecting bodies (inspectors and policemen) carrying out the checks set out in Annex No 1:

1. equipment capable of downloading data from the vehicle unit and driver card of the digital recording equipment, reading data, and analysing data or transmitting findings to a central database for analysis;
2. equipment to check the record sheets.

Annex No 3
to the Act No 462/2007 Coll.

LIST OF ACTS CONSIDERED TO BE INFRINGEMENT OF REGULATIONS

A. Following acts shall be considered as infringement of this Act and special regulations⁷⁾:

1. exceeding the maximum daily, weekly or fortnightly driving times;
2. disregarding the minimum daily or weekly rest period;
3. disregarding the minimum breaks;
4. failure to fit recording equipment in a vehicle in accordance with the requirements of special regulation.³³⁾

B. Following acts shall be considered as serious infringement of this Act and special regulations⁷⁾:

1. exceeding the maximum daily, six-daily or fortnightly driving times by more than 20 %;
2. disregarding the minimum daily or weekly rest period by more than 20 %;
3. disregarding the minimum breaks by more than 33 %;
4. non-compliance of the recording equipment with the requirements of special regulation.³³⁾

³³⁾ Council Regulations (EEC) No 3821/85 as amended by later regulations.

**Annex No 4
to the Act No 462/2007 Coll.**

MODEL

SLOVAK REPUBLIC

Labour Inspectorate at

Number:

CERTIFICATE

issued in accordance with Article 34 paragraph 1 letter f) of the Act No 462/2007 Coll. on the organisation of working time in transport, certifying the granting of exemption from obligation to observe the rules on driving times, breaks and daily and weekly rest periods pursuant to Article 14 paragraphs 1 and 2 of the Regulation (EC) No 561/2006 of the European Parliament and of the Council

Scope of exemption:

Transport undertaking:
(business name or designation, residence address and identification number)

Exemption shall apply to the vehicle: Registration number:
(Type)

Expiration date of the exemption:

At On

Office Stamp

Name, surname and function of the authorised person
(Signature)

Annex No 5
to the Act No 462/2007 Coll.

**LIST OF TRANSPOSED LEGAL ACTS OF THE EUROPEAN COMMUNITIES AND
THE EUROPEAN UNION**

1. Council Directive 2000/79/EC of 27 November 2000 concerning the European Agreement on the Organisation of Working Time of Mobile Workers in Civil Aviation concluded by the Association of European Airlines (AEA), the European Transport Workers' Federation (ETF), the European Cockpit Association (ECA), the European Regions Airline Association (ERA) and the International Air Carrier Association (IACA) – (Special edition OJ EU L, Chapter 5/Vol. 4; OJ EC L 302, 1. 12. 2000).
2. Directive 2002/15/EC of the European Parliament and of the Council of 11 March 2002 on the organisation of the working time of persons performing mobile road transport activities (Special edition OJ EU L, Chapter 5/Vol. 4; OJ EC L 80, 23. 2. 2002).
3. Council Directive 2005/47/EC of 18 July 2005 on the Agreement between the Community of European Railways (CER) and the European Transport Workers' Federation (ETF) on certain aspects of the working conditions of mobile workers engaged in interoperable cross-border services in the railway sector (OJ EU L 195, 27. 7. 2005).
4. Directive 2006/22/EC of the European Parliament and of the Council of 15 March 2006 on minimum conditions for the implementation of Council Regulations (EEC) No 3820/85 and (EEC) No 3821/85 concerning social legislation relating to road transport activities and repealing Council Directive 88/599/EEC (OJ EU L 102, 11. 4. 2006).