



**INTERNATIONAL TRANSPORT FORUM  
TRANSPORT MANAGEMENT BOARD**

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For Official Use**

**Group on Road Transport**

**Report by PORTUGAL on current state of implementation of the QUALITY CHARTER**

*This application from Portugal was approved by the Group of Road Transport under Agenda Item 3 of the meeting held on 13 and 14 March 2017 in Paris.*

**JT03413915**

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*This document and any map included herein are without prejudice to the status of or sovereignty over any territory, to the delimitation of international frontiers and boundaries and to the name of any territory, city or area.*

**English - Or. English**



Mr. José Viegas  
Secretary General of the  
International Transport Forum  
OECD/ITF  
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Š/ Referência	S/ Comunicação	N/ Referência	Data
		030200110017208	06.02.2017

Subject: Formal application for Quality Charter Compliance Status

Dear Mr. Secretary General,

We are pleased to inform you that Portugal is compliant with the requirements of the Quality Charter for International Road Haulage Operations under the ECMT Multilateral Quota.

Compliance with the Charter is mainly achieved through European Union Regulations and the implementation of relevant European Union Directives, namely Regulations 1071/2009, 561/2006, 3821/85 and Directives 2002/15/EC, 2006/22/EC and 2003/59/EC.

These legal instruments are supported / complemented by a number of domestic legal acts – some of them transposing EU legislation into the national legal framework, others, such as the Labour Code, governing horizontal issues on employment conditions, or, as the Administrative Rule no. 63/74, defining the conditions for the implementation of the multilateral quota by the national competent authority.

In application of these provisions, *Instituto da Mobilidade e dos Transportes* (IMT) manages the Portuguese ECMT permit allocations and ensures that undertakings seeking permits meet all the requirements of the Quality Charter prior to their issue.

Further information on the legal acts and/or administrative processes adhered to ensure that the provisions of the Charter are met by Portuguese holders of ECMT licenses is provided in the check list submitted with this statement of compliance.

Yours faithfully,



Eduardo Feio  
President of the Board



Ana Miranda  
Member of the Board

**REPORT ON IMPLEMENTATION OF QUALITY CHARTER  
FOR INTERNATIONAL ROAD HAULAGE OPERATIONS UNDER THE  
ECMT MULTILATERAL QUOTA**

**COUNTRY:** PORTUGAL

**NATIONAL AUTHORITY:** INSTITUTO DA MOBILIDADE E DOS TRANSPORTES, I.P.  
MINISTRY OF PLANNING AND INFRASTRUCTURES

**SECTION 1. PROVISIONS REGARDING TRANSPORT UNDERTAKINGS  
(Chapter II of the Charter)**

***A) Conditions of establishment (Chapter II, 2)***

**Implemented**

Article 2.2.a)	<p>✓ Fully</p> <p>Corresponding National Provision / Implementing Legislation:</p> <p>EC Regulation no. 1071/2009, October 21 / article 5(a) Deliberation no. 1065/2012, July 19 / nos. 1 and 2</p> <p>Useful Links: EC Regulation no. 1071/2009 - <a href="http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32009R1071&amp;from=EN">http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32009R1071&amp;from=EN</a> Deliberation no. 1065/2012 <a href="https://dre.pt/application/file/2877094">https://dre.pt/application/file/2877094</a></p>
Article 2.2.b)	<p>✓ Fully</p> <p>Corresponding National Provision / Implementing Legislation:</p> <p>EC Regulation no. 1071/2009, October 21 / article 5(b) By-law no. 257/2007, July 16 / article 14</p> <p>Useful Links: EC Regulation no. 1071/2009 - <a href="http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32009R1071&amp;from=EN">http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32009R1071&amp;from=EN</a> By-law no. 257/2007 <a href="https://dre.pt/application/file/636089">https://dre.pt/application/file/636089</a></p>
Article 2.2.c)	<p>✓ Fully</p> <p>Corresponding National Provision / Implementing Legislation:</p> <p>EC Regulation no. 1071/2009, October 21 / article 5(c) Deliberation no. 1065/2012, July 19 / no. 2</p> <p>Useful Links: EC Regulation no. 1071/2009 - <a href="http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32009R1071&amp;from=EN">http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32009R1071&amp;from=EN</a> Deliberation no. 1065/2012 <a href="https://dre.pt/application/file/2877094">https://dre.pt/application/file/2877094</a></p>

**Request for recognition of equivalence**, if appropriate, in relation to one or more provisions listed above:

Provision of the Charter:	Corresponding National Provision: <i>Not Applicable</i>
Any other comments:	-

**B) Good Repute (Chapter II, 3)****Implemented**

Article 3.1.	<p>✓ Fully</p> <p>Corresponding National Provision / Implementing Legislation:</p> <p>EC Regulation no. 1071/2009, October 21 / article 6 By-law no. 257/2007, July 16 / article 5</p> <p>Useful Links:</p> <p>EC Regulation no. 1071/2009 <a href="http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32009R1071&amp;from=EN">http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32009R1071&amp;from=EN</a> By-law no. 257/2007 <a href="https://dre.pt/application/file/636089">https://dre.pt/application/file/636089</a></p>
<p>Article 3.2., incl:</p> <p>- points a) to e);</p> <p>- list of most serious infringements: point d), items i - vii; <i>See comments below*</i></p>	<p>✓ Fully</p> <p>Corresponding National Provision / Implementing Legislation:</p> <p>EC Regulation no. 1071/2009, October 21 / article 6 By-law no. 257/2007, July 16 / articles 5, 6 and 7</p> <p>EC Regulation no. 1071/2009, October 21 / article 6(1) and Annex IV By-law no. 257/2007, July 16 / article 5 Deliberation no. 1065/2012, July 19 / no. 3</p> <p>Useful Links:</p> <p>EC Regulation no. 1071/2009 <a href="http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32009R1071&amp;from=EN">http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32009R1071&amp;from=EN</a> By-law no. 257/2007 <a href="https://dre.pt/application/file/636089">https://dre.pt/application/file/636089</a> Deliberation no. 1065/2012 <a href="https://dre.pt/application/file/2877094">https://dre.pt/application/file/2877094</a></p>
Article 3.3.	<p>✓ Fully</p> <p>Corresponding National Provision / Implementing Legislation:</p> <p>EC Regulation no. 1071/2009, October 21 / articles 4 to 6 By-law no. 257/2007, July 16 / articles 5, 6 and 7 Deliberation no. 1065/2012, July 19 / no. 3</p> <p>Useful Links:</p> <p>EC Regulation no. 1071/2009 <a href="http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32009R1071&amp;from=EN">http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32009R1071&amp;from=EN</a> By-law no. 257/2007 <a href="https://dre.pt/application/file/636089">https://dre.pt/application/file/636089</a> Deliberation no. 1065/2012 <a href="https://dre.pt/application/file/2877094">https://dre.pt/application/file/2877094</a></p>

**Request for recognition of equivalence**, if appropriate, in relation to one or more provisions listed above:

Provision of the Charter:	Corresponding National Provision: <i>Not Applicable</i>
<b>Any other comments:</b>	The full list of most serious infringements, as listed in the Quality Charter (Chapter II, no. 3.2 - <i>point d, items i – vii</i> ), is not provided in national legislation. However the transport manager / responsible person is bound to comply with the conditions relating to the requirement of good repute provided for in Regulation no. 1071/2009 - directly applicable and binding in all its elements – thus ensuring full compliance.

### C) Professional competence (Chapter II, 4)

#### Implemented

<p>Article 4.2, incl.:</p> <p>- List of knowledge (4.2.a); b); cf.annex1)</p> <p>- Examination required: oral; written; exempted (cf. 4.2.c))</p>	<p>✓ Fully</p> <p>Corresponding National Provision / Implementing Legislation:</p> <p>EC Regulation no. 1071/2009, October 21 / article 8 By-law no. 257/2007, July 16 / articles 6 and 7 and Annex I</p> <p>EC Regulation no. 1071/2009, October 21 / article 8 By-law no. 257/2007, July 16 / article 7 and Annex II Administrative Rule no. 1017/2009, September 9 / article 13</p> <p>Useful Links: EC Regulation no. 1071/2009 <a href="http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32009R1071&amp;from=EN">http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32009R1071&amp;from=EN</a> By-law no. 257/2007 <a href="https://dre.pt/application/file/636089">https://dre.pt/application/file/636089</a> Administrative Rule no. 1017/2009 <a href="https://dre.pt/application/file/489925">https://dre.pt/application/file/489925</a></p>
<p>Article 4.3., incl.:</p> <p>- Examinations procedure (4.3.a); cf. annex 2)</p> <p>- approval of examination bodies (4.3.b))</p> <p>- pre-training (4.3.c))</p>	<p>✓ Fully</p> <p>Corresponding National Provision / Implementing Legislation:</p> <p>EC Regulation no. 1071/2009, October 21 / article 8 By-law no. 257/2007, July 16 / article 7 and Annex II Administrative Rule no. 1017/2009, September 9 / article 13</p> <p>EC Regulation no. 1071/2009, October 21 / article 8 Administrative Rule no. 1017/2009, September 9 / articles 2 to 10</p> <p>EC Regulation no. 1071/2009, October 21 / article 8 By-law no. 257/2007, July 16 / article 7 and Annex II Administrative Rule no. 1017/2009, September 9 / articles 4 to 12 and Annex I</p>

	<p>- Only candidates who hold a certificate proving the completion of training can be enrolled in the examinations to obtain the certificate of professional competence.</p> <p>Useful Links:</p> <p>EC Regulation no. 1071/2009 <a href="http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32009R1071&amp;from=EN">http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32009R1071&amp;from=EN</a></p> <p>By-law no. 257/2007 <a href="https://dre.pt/application/file/636089">https://dre.pt/application/file/636089</a></p> <p>Administrative Rule no. 1017/2009 <a href="https://dre.pt/application/file/489925">https://dre.pt/application/file/489925</a></p>
<p>Article 4.4. CPC, incl.:</p> <p>- National certificate (4.4.a); cf. Annex 3</p> <p>- IRU Academy CPC (4.4.b))</p>	<p>✓ Fully Implemented by:</p> <p>EC Regulation no. 1071/2009, October 21 / article 8 and Annex III By-law no. 257/2007, July 16 / article 7 Administrative Rule no. 1017/2009, September 9 / article 14</p> <p>- Instituto da Mobilidade e dos Transportes, I.P. [<i>model attached – Annex I</i>]</p> <p>- not applicable</p> <p>Useful Links:</p> <p>EC Regulation no. 1071/2009 <a href="http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32009R1071&amp;from=EN">http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32009R1071&amp;from=EN</a></p> <p>By-law no. 257/2007 <a href="https://dre.pt/application/file/636089">https://dre.pt/application/file/636089</a></p>

**Request for recognition of equivalence**, if appropriate, in relation to one or more provisions listed above:

Provision of the Charter:	Corresponding National Provision: <i>Not Applicable</i>
Any other comments:	-

#### ***D) Financial standing (Chapter II, 5)***

##### **Implemented**

Article 5.2., including Capital required for:	<p>✓ Fully</p> <p>Corresponding National Provision / Implementing Legislation:</p> <p>EC Regulation no. 1071/2009, October 21 / article 7 By-law no. 257/2007, July 16 / article 9</p>
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<p>- first vehicle</p> <p>- each additional vehicle</p>	<p>- €9.000,00</p> <p>- € 5.000,00</p> <p>Useful Links:</p> <p>EC Regulation no. 1071/2009 <a href="http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32009R1071&amp;from=EN">http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32009R1071&amp;from=EN</a></p> <p>By-law no. 257/2007 <a href="https://dre.pt/application/file/636089">https://dre.pt/application/file/636089</a></p>
<p>Article 5.3 &amp; 5.4</p>	<p>✓ Fully</p> <p>Corresponding National Provisions / Implementing Legislation:</p> <p>EC Regulation no. 1071/2009, October 21 / article 7 By-law no. 257/2007, July 16 / article 9</p> <p>List of national financial proofs:</p> <ul style="list-style-type: none"> <li>- Certificate of Incorporation (stating capital)</li> <li>- Duplicate or certified copy of the last annual statement of accounts submitted for the purpose of fulfilling fiscal obligations (Corporate Income Tax )</li> <li>- Bank guarantee</li> </ul> <p>Useful Links:</p> <p>EC Regulation no. 1071/2009 <a href="http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32009R1071&amp;from=EN">http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32009R1071&amp;from=EN</a></p> <p>By-law no. 257/2007 <a href="https://dre.pt/application/file/636089">https://dre.pt/application/file/636089</a></p>
<p>Article 5.5.</p>	<p>✓ Fully</p> <p>Corresponding National Provision / Implementing Legislation:</p> <p>EC Regulation no. 1071/2009, October 21 / article 7 By-law no. 257/2007, July 16 / article 9</p> <p>Useful Links:</p> <p>EC Regulation no. 1071/2009 <a href="http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32009R1071&amp;from=EN">http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32009R1071&amp;from=EN</a></p> <p>By-law no. 257/2007 <a href="https://dre.pt/application/file/636089">https://dre.pt/application/file/636089</a></p>

**Request for recognition of equivalence**, if appropriate, in relation to one or more provisions listed above:

<p>Provision of the Charter:</p>	<p>Corresponding National Provision: <i>Not Applicable</i></p>
<p><b>Any other comments:</b></p>	<p>-</p>



**SECTION 2. PROVISIONS REGARDING THE DRIVERS**  
**(Chapter III of the Charter)**

**A) Driving times and rest periods(Chapter III, 1):**

All 43 Member Countries participating in the ECMT Multilateral Quota are parties to the European Agreement concerning the Work of Crews of Vehicles Engaged in International Road Transport (AETR) dated 1 July 1970. In the course of any international road haulage operation carried out under an ECMT licence, the undertaking and members of the crew must comply with the provisions laid down by the AETR with regard to the duration of driving and rest times and crew composition [*It is understood that compliance with these provisions are monitored through National procedures, established for the purpose of implementing the AETR or equivalent regulations*].

**Any Comments:** Decree no. 324/73, June 30<sup>th</sup> <https://dre.pt/application/file/255498>

By-Law no. 237/2007, June 19<sup>th</sup> <https://dre.pt/application/file/639185>

**B) Driver training (Chapter III, 2)**

**Implemented**

Article 2.1:	<p>✓ Fully Corresponding National Provision / Implementing Legislation:</p> <p>By-Law no. 126/2009, May 27 / articles 4, 5 and 6</p> <p>Useful Links: By-Law no. 126/2009 <a href="https://dre.pt/application/file/494150">https://dre.pt/application/file/494150</a></p>
<p>Article 2.2.a) - Initial qualification , incl:</p> <p>- List of knowledge (cf.annex4)</p>	<p>✓ Fully Corresponding National Provision / Implementing Legislation:</p> <p>By-Law no. 126/2009, May 27 / articles 6, 7 and 8</p> <p>- By-Law no. 126/2009, Annex I – List of contents:</p> <ul style="list-style-type: none"> <li>2.1 — Advanced training in rational driving based on safety regulations <ul style="list-style-type: none"> <li>2.1.1 — Mechanics and electronics</li> <li>2.1.2 — Defensive, rational and environmental friendly driving</li> </ul> </li> <li>2.2 — Applicable legislation <ul style="list-style-type: none"> <li>2.2.1 — Labour legislation</li> <li>2.2.2 — Legislation relating to road transport</li> </ul> </li> <li>2.3 — Health, road safety, environmental safety, services and logistic <ul style="list-style-type: none"> <li>2.3.1 — Road accidents / fatalities</li> <li>2.3.2 — Prevention of criminality in road transport</li> <li>2.3.3 — Health, security and hygiene at work</li> <li>2.3.4 — Emergency situations and first aid</li> <li>2.3.5 — Interpersonal relations and quality of service</li> <li>2.3.6 — Economic environment and market organization</li> <li>2.3.7 — Information and communication technologies</li> </ul> </li> </ul>

<p>- Course + test, or, a test only</p> <p>- exemptions</p>	<p>2.4 — Individual Driving 2.4.1 — Practical training</p> <p>- By-Law no. 126/2009, Annex II and III - compulsory course attendance and test</p> <p>- By-Law no. 126/2009, Article 33 – exemptions: The following drivers shall be exempted from the requirement to obtain an initial qualification:</p> <p>(a) drivers who hold a category D and D+E or a subcategory D1 and D1+E license, issued no later than 9 September 2008;</p> <p>(b) drivers who hold a category C and C+E or a subcategory C1, and C1+E licence, issued no later than 9 September 2009.</p> <p>Useful Links:</p> <p>By-Law no. 126/2009 <a href="https://dre.pt/application/file/494150">https://dre.pt/application/file/494150</a></p>
<p>Article 2.2.b) - Periodic training, incl:</p> <p>- List of knowledge (cf.annex4)</p> <p>- Number of hours (35)</p> <p>- Periodicity (every 5 Y.)</p> <p>- first periodic training to be completed by [31 Dec 2019]</p>	<p>✓ Fully</p> <p>Corresponding National Provision / Implementing Legislation:</p> <p>By-Law no. 126/2009, May 27 / article 9</p> <p>- By-Law no. 126/2009, Annex I - List of contents:</p> <p>2.1 — Advanced training in rational driving based on safety regulations</p> <p>2.1.1 — Mechanics and electronics</p> <p>2.1.2 — Defensive, rational and environmental friendly driving</p> <p>2.2 — Applicable legislation</p> <p>2.2.1 — Labour legislation</p> <p>2.2.2 — Legislation relating to road transport</p> <p>2.3 — Health, road safety, environmental safety, services and logistic</p> <p>2.3.1 — Road accidents / fatalities</p> <p>2.3.2 — Prevention of criminality in road transport</p> <p>2.3.3 — Health, security and hygiene at work</p> <p>2.3.4 — Emergency situations and first aid</p> <p>2.3.5 — Interpersonal relations and quality of service</p> <p>2.3.6 — Economic environment and market organization</p> <p>2.3.7 — Information and communication technologies</p> <p>2.4 — Individual Driving</p> <p>2.4.1 — Practical training</p> <p><i>(Note: Periodic training aims at updating the driver's knowledge, with particular emphasis on road safety and rationalization of fuel consumption, by means of furthering and reviewing the contents referred to above)</i></p> <p>-By-Law no. 126/2009, Annex IV- 35 hours</p> <p>-By-Law no. 126/2009, Annex IV - compulsory every 5 years</p> <p>- By-Law no. 126/2009, article 33(3):</p> <p>Holders of driving licenses of categories C and C + E and subcategories C1 and C1 + E, issued before 9 September 2009, must obtain the periodic</p>

	<p>training and the corresponding CPC and driver qualification card as follows:</p> <p>a) Until 10 September 2012, those who are not older than 30 years of age;  b) Until 10 September 2013, those who are between 31 and 40 years of age;  c) Until 10 September 2014, those who are between 41 and 50 years of age;  d) Until 10 September 2016, those who are over 50 years old.</p> <p>Useful Links:  <a href="https://dre.pt/application/file/494150">https://dre.pt/application/file/494150</a>  By-Law no. 126/2009 <a href="https://dre.pt/application/file/494150">https://dre.pt/application/file/494150</a></p>
Articles 2.3; 2.4 - approval of training centres	<p>✓ Fully  Corresponding National Provision / Implementing Legislation:</p> <p>By-Law no. 126/2009, May 27 / article 13 and 17 and Annex I  Administrative Rule no. 1200/2009, October 8 / articles 4 , 5, 6, 7 and 8  Deliberation no. 3256/2009, October 21 / no. III</p> <p>Useful Links:  By-Law no. 126/2009 <a href="https://dre.pt/application/file/494150">https://dre.pt/application/file/494150</a>  Administrative Rule no. 1200/2009  <a href="https://dre.pt/application/dir/pdfs/2009/10/19500/0739407396.pdf">https://dre.pt/application/dir/pdfs/2009/10/19500/0739407396.pdf</a>  Deliberation no. 3256/2009  <a href="https://dre.pt/application/dir/pdf2sdip/2009/12/236000000/4939649396.pdf">https://dre.pt/application/dir/pdf2sdip/2009/12/236000000/4939649396.pdf</a></p>
<p>Article 2.6 - CPC proof, incl.:</p> <p>- Sign affixed on driver licence (permit)</p> <p>- Driver Qualification card (cf. annex 5)</p> <p>- IRU Academy CPC</p>	<p>✓ Fully  Implemented by:</p> <p>By-Law no. 126/2009, May 27 / Annex V</p> <p>- Not applicable</p> <p>- Instituto da Mobilidade e dos Transportes, I.P. – [model attached- Annex 2 ]</p> <p>- Not applicable</p> <p>Useful Links:  By-Law no. 126/2009 <a href="https://dre.pt/application/file/494150">https://dre.pt/application/file/494150</a></p>

**Request for recognition of equivalence**, if appropriate, in relation to one or more provisions listed above:

Provision of the Charter:	Corresponding National Provision: <i>Not Applicable</i>
Any other comments:	-

*C) Conditions of employment (Chapter III, 3)*

**Implemented**

Article 3.1	✓ Fully Corresponding National Provision / Implementing Legislation:  Law no. 7/2009, 12 February 2009, as amended  Useful Links: Law no. 7/2009 <a href="https://dre.pt/application/file/602193">https://dre.pt/application/file/602193</a>
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<b>Any other comments:</b>	
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**SECTION 3. PROVISIONS REGARDING CHECKS AND PENALTIES**  
**(Chapter IV of the Charter)**

**A) Competent authorities and mutual assistance (Chapter IV, 1)**

**Implemented**

<p>1.2.1: re. provisions on undertakings, incl.:</p> <p>- authorisations</p> <p>- training/ examinations</p> <p>- CPC</p>	<p>✓ Fully</p> <p>Corresponding National Provisions / Implementing Legislation:</p> <p>By-Law no 257/2007, July 16 / articles 3, 7, 13, 14 and 21  Administrative Rule no. 1017/2009, September 9 / articles 1, 2 and 13 and Annex II</p> <p>- Instituto da Mobilidade e dos Transportes, I.P.</p> <p>- Instituto da Mobilidade e dos Transportes, I.P.</p> <p>- Instituto da Mobilidade e dos Transportes, I.P.</p> <p>Useful Links:  By-law no. 257/2007 <a href="https://dre.pt/application/file/636089">https://dre.pt/application/file/636089</a>  Administrative Rule no. 1017/2009 <a href="https://dre.pt/application/file/489925">https://dre.pt/application/file/489925</a></p>
<p>1.2.2: re. provisions on drivers, incl.:</p> <p>- training/ examinations</p> <p>- CPC</p>	<p>✓ Fully</p> <p>Corresponding National Provision / Implementing Legislation:</p> <p>- By-Law no. 126/2009, May 27 / articles 13, 23 to 26  - Deliberation no. 3256/2009, October 21  - Deliberation no. 3257/2009, October 21  - Administrative Order no. 26482/2009, October 21  - Administrative Order no. 26483/2009. October 21</p> <p>- Instituto da Mobilidade e dos Transportes, I.P.</p> <p>- Guarda Nacional Republicana (GNR) and Polícia de Segurança Pública (PSP)</p> <p>Useful Links:  By-Law no. 126/2009 <a href="https://dre.pt/application/file/494150">https://dre.pt/application/file/494150</a>  Deliberation no. 3256/2009  <a href="https://dre.pt/application/dir/pdf2sdip/2009/12/236000000/4939649396.pdf">https://dre.pt/application/dir/pdf2sdip/2009/12/236000000/4939649396.pdf</a>  Deliberation no. 3257/2009, October 21  <a href="https://dre.pt/application/dir/pdf2sdip/2009/12/236000000/4939749398.pdf">https://dre.pt/application/dir/pdf2sdip/2009/12/236000000/4939749398.pdf</a>  Administrative Order no. 26482/2009, October 21  <a href="https://dre.pt/application/dir/pdf2sdip/2009/12/236000000/4939749398.pdf">https://dre.pt/application/dir/pdf2sdip/2009/12/236000000/4939749398.pdf</a>  Administrative Order no. 26483/2009. October 21  <a href="https://dre.pt/application/dir/pdf2sdip/2009/12/236000000/4939749398.pdf">https://dre.pt/application/dir/pdf2sdip/2009/12/236000000/4939749398.pdf</a>  (check 2<sup>nd</sup> page)</p>

Articles 1.2.3- 1.2.4.	<p>✓ Fully</p> <p>Adopted procedure on mutual assistance:</p> <p>EC Regulation no. 1071/2009, October 21 / article 24 Law no. 27/2010, August 30 / article 10</p> <p>Authority: Instituto da Mobilidade e dos Transportes, I.P.</p> <p>Useful Links: EC Regulation no. 1071/2009 <a href="http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32009R1071&amp;from=EN">http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32009R1071&amp;from=EN</a> Law no. 27/2010 <a href="https://dre.pt/application/file/343992">https://dre.pt/application/file/343992</a></p>
Article 1.2.5	<p>✓ Fully</p> <p>Authorities:</p> <ul style="list-style-type: none"> <li>– Instituto da Mobilidade e dos Transportes Terrestres, I. P.</li> <li>– Autoridade para as Condições do Trabalho</li> <li>– Guarda Nacional Republicana</li> <li>– Polícia de Segurança Pública</li> </ul> <p>Penalties:</p> <ul style="list-style-type: none"> <li>– Administrative Rule no. 63/74, January 31 / article 11</li> <li>– Chapter 6 of the ECMT Multilateral Quota User Guide</li> <li>– By-Law no 257/2007, July 16 / articles 21 to 36 (as regards infringements to legislation on the pursue of the occupation, access to the market)</li> <li>– By-Law no. 126/2009, May 27 / articles 26 to 30 (as regards training)</li> <li>– By-Law no. 169/2009, July 31 / article 7 (as regards installation and use of recording equipment)</li> <li>– Law no. 27/2010, August 30 / articles 17 to 28 (as regards driving time and rest periods)</li> </ul> <p>Useful Links: Administrative Rule no. 63/74 <a href="https://dre.pt/application/dir/pdf1s/1974/01/02600/01740178.pdf">https://dre.pt/application/dir/pdf1s/1974/01/02600/01740178.pdf</a> By-Law no 257/2007 <a href="https://dre.pt/application/file/636089">https://dre.pt/application/file/636089</a> By-Law no. 126/2009 <a href="https://dre.pt/application/file/494150">https://dre.pt/application/file/494150</a> By-Law no. 169/2009 <a href="https://dre.pt/application/file/493094">https://dre.pt/application/file/493094</a> Law no. 27/2010 <a href="https://dre.pt/application/file/343992">https://dre.pt/application/file/343992</a></p>
Article 1.3.	<p>✓ Fully</p> <p>Instituto da Mobilidade e dos Transportes, I.P.</p> <ul style="list-style-type: none"> <li>– Ms. Cristina Mendes – <a href="mailto:acmendes@imt-ip.pt">acmendes@imt-ip.pt</a></li> <li>– Ms. Lurdes Nunes – <a href="mailto:mlnunes@imt-ip.pt">mlnunes@imt-ip.pt</a></li> </ul> <p>Useful Links: <i>see above</i></p>

**Any other comments** in relation to one or more provisions listed above:

Provision of the Charter:	-
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**B) Checks (Chapter IV, 2)**

**Implemented**

<p>Article 2.1. - checks re. Drivers , incl:</p> <p>- 2.1.1. Driving times and rest periods (cf. also. Annex 6):</p>	<p>✓ Fully</p> <p>Corresponding National Provisions / Implementing Legislation:</p> <p>Law no. 27/2010, August 30 / articles 4 (organisation of checks, frequency and scope), 5 (roadside) and 6 (premises of undertakings)</p> <p>Designated National Authority / Body:</p> <ul style="list-style-type: none"> <li>• <u>Checks at premises of undertakings:</u> Instituto da Mobilidade e dos Transportes Terrestres, I. P. Autoridade para as Condições do Trabalho</li> <li>• <u>Roadside checks:</u> Instituto da Mobilidade e dos Transportes Terrestres, I. P. Autoridade para as Condições do Trabalho Guarda Nacional Republicana Polícia de Segurança Pública</li> <li>• <u>Co-ordination body:</u> Instituto da Mobilidade e dos Transportes Terrestres, I. P.</li> </ul> <p>Frequency and Scope:</p> <p>Checks must cover at least 3% of the total days worked by drivers, broken down as follows: a minimum of 30% at the roadside and a minimum of 50% at the premises of undertakings.</p> <p>The roadside checks foreseen in article 5, no. 4 must cover the items listed under Part A of the Annex. The checks carried out at the premises of the undertakings, as foreseen in article 6, no. 2, shall cover the items listed under Part B of the Annex.</p> <p>Useful Links: Law no. 27/2010 <a href="https://dre.pt/application/file/343992">https://dre.pt/application/file/343992</a></p>
<p>Article 2.2. - Checks re. Undertakings, incl:</p>	<p>✓ Fully</p> <p>Corresponding National Provisions / Implementing Legislation:</p> <p>By-Law 257/2007, July 16 / article 3, no.2</p> <p>National Authority/Body: - Instituto da Mobilidade e dos Transportes, I.P.</p>

	<p>Frequency of checks: <i>every five years</i></p> <p>Useful Links: By-law no. 257/2007 <a href="https://dre.pt/application/file/636089">https://dre.pt/application/file/636089</a></p>
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**Request for recognition of equivalence**, if appropriate, in relation to one or more provisions listed above:

Provision of the Charter:	Corresponding National Provision: <i>Not Applicable</i>
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<b>Any other comments:</b>	-
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### C) Classification of Infringements (Chapter IV, 3)

#### Implemented

<p>Article 3.1. re. driving times and rest periods (cf. also. Annex 7)</p>	<p>✓ Fully</p> <p>Corresponding National Provisions / Implementing Legislation:</p> <p>Law no. 27/2010, August 30 / articles 17 to 20 and 23 to 27</p> <p>Content/List: article 17 – minimum age for drivers (crew); article 18 – driving periods; article 19 – uninterrupted driving periods; article 20 – breaks and rest periods; article 23 - bonuses or wage supplements; articles 24, 25, 26 and 27 - Installation and use of recording equipment and information recorded by the recording equipment</p> <p>Useful Links: Law no. 27/2010 <a href="https://dre.pt/application/file/343992">https://dre.pt/application/file/343992</a></p>
<p>Article 3.2. re. undertakings, incl:</p>	<p>✓ Fully</p> <p>Corresponding National Provisions / Implementing Legislation:</p> <p>Law no. 27/2010, August 30 / articles 6, 7 and 26 EC Regulation no. 1071/2009, October 21 / article 6(1) and Annex IV</p> <p>Content/List: Law no. 27/2010, August 30 - articles 6, 7, Part A and B of the Annex – driving times and rest periods and driver card and recording equipment and their output; article 26 – record sheets, driver card conditions and data</p> <p>Useful Links: Law no. 27/2010 <a href="https://dre.pt/application/file/343992">https://dre.pt/application/file/343992</a> EC Regulation no. 1071/2009 <a href="http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32009R1071&amp;from=EN">http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32009R1071&amp;from=EN</a></p>



**Request for recognition of equivalence**, if appropriate, in relation to one or more provisions listed above:

Provision of the Charter:	Corresponding National Provision: <i>Not Applicable</i>
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<b>Any other comments:</b>	-
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#### **D) Penalties (Chapter IV, 4)**

##### **Implemented**

Article 4.1.	<p>✓ Fully Corresponding National Provisions / Implementing Legislation:</p> <p>Administrative Rule no. 63/74, January 31 / article 11 Chapter 6 of the ECMT Multilateral Quota User Guide Law no. 27/2010, August 30 / articles 5 (penalties applied without discrimination), 14 (penalties), 28 (immobilisation of the vehicle) By-Law 257/2007, July 16 / article 34</p> <p>Useful Links:</p> <p>Administrative Rule no. 63/74 <a href="https://dre.pt/application/dir/pdf1s/1974/01/02600/01740178.pdf">https://dre.pt/application/dir/pdf1s/1974/01/02600/01740178.pdf</a></p> <p>Law no. 27/2010 <a href="https://dre.pt/application/file/343992">https://dre.pt/application/file/343992</a></p> <p>By-law no. 257/2007 <a href="https://dre.pt/application/file/636089">https://dre.pt/application/file/636089</a></p>
Article 4.2.on drivers incl, infringements re:	<p>✓ Fully Corresponding National Provisions / Implementing Legislation:</p> <p>- 4.2.1. AETR rules Law no. 27/2010, August 30 / article 1, no. 2</p> <p>- 4.2.2. driver training Corresponding National Provisions / Implementing Legislation:</p> <p>By-Law 126/2009, May 27 / articles 20, 21, 23, 25, 26</p> <p>Useful Links:</p> <p>Law no. 27/2010 <a href="https://dre.pt/application/file/343992">https://dre.pt/application/file/343992</a></p> <p>By-Law no. 126/2009 <a href="https://dre.pt/application/file/494150">https://dre.pt/application/file/494150</a></p>
Article 4.3. on under- takings:	<p>✓ Fully Corresponding National Provisions / Implementing Legislation :</p> <p>By-Law 257/2007, July 16 EC Regulation no. 1071/2009, October 21 Chapter 6 of the ECMT Multilateral Quota User Guide</p>

<p>- 4.3.1.</p>	<p>Competent Authority/Body: Instituto da Mobilidade e dos Transportes, I.P.</p> <p>Corresponding National Provisions / Implementing Legislation: By-Law 257/2007, July 16 / articles 12, 13 EC Regulation no. 1071/2009, October 2 / articles 6 and 10 Chapter 6 of the ECMT Multilateral Quota User Guide</p>
<p>- 4.3 2.</p>	<p>Notification / Time limits for rectifying the situation: EC Regulation no. 1071/2009, October 2 / article 13</p> <p>Useful Links: By-law no. 257/2007 <a href="https://dre.pt/application/file/636089">https://dre.pt/application/file/636089</a> EC Regulation no. 1071/2009 <a href="http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32009R1071&amp;from=EN">http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32009R1071&amp;from=EN</a></p>

**Any other comments** in relation to one or more provisions listed above:

<p>Provision of the Charter:</p>	<p>-</p>
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**NOTES:****English translation of the designations of National Competent Authorities referred to in the text:**

- Instituto da Mobilidade e dos Transportes, I.P. (*Institute for Mobility and Transport*) - [www.imtt.pt](http://www.imtt.pt)
- Autoridade para as Condições do Trabalho (*Authority for Working Conditions*) - [www.act.gov.pt](http://www.act.gov.pt)
- Guarda Nacional Republicana (*National Republican Guard*) - [www.gnr.pt](http://www.gnr.pt)
- Polícia de Segurança Pública (*Public Security Police*) - [www.psp.pt](http://www.psp.pt)

**English designation of the legislation referred to in the report:**

<b>As referred to in the report:</b>	<b>Translation into English:</b>	<b>Link:</b>
EC Regulation no. 1071/2009, 21.10	Regulation (EC) No 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator and repealing Council Directive 96/26/EC	<a href="http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32009R1071&amp;from=EN">http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32009R1071&amp;from=EN</a>
Law no. 7/2009, 12.02	Law no. 7/2009 of 12 February (approves the revision and republishes the Labour Code)	<a href="https://dre.pt/application/file/602193">https://dre.pt/application/file/602193</a>
Law no. 27/2010, 30.08	Law no. 27/2010 of 30 August (lays down the rules on penalties applicable to infringements of the rules on driving times, breaks and rest periods and to the control of the use of tachographs in road transport, transposing Directive no. 2006/22 / EC, as amended by Directives 2009/4 / EC and 2009/5 / EC)	<a href="https://dre.pt/application/file/343992">https://dre.pt/application/file/343992</a>
By-law no. 257/2007, 16.07	By-Law no. 257/2007 of 16 July (establishes the legal regime applicable to the carriage of goods by road by means of vehicles with a gross weight of 2500 kg or more)	<a href="https://dre.pt/application/file/636089">https://dre.pt/application/file/636089</a>
By- Law no. 237/2007, 19.06	By-Law no. 237/2007 of 19 June (transposes Directive 2002/15 / EC on the organisation of the working time of persons performing mobile road transport activities)	<a href="https://dre.pt/application/file/639185">https://dre.pt/application/file/639185</a>
By-Law no. 126/2009, 27.05	By-Law no. 126/2009 of 27 May (transposes Directive 2003/59 / EC, as amended by Directive 2004/66 / EC and Council Directive 2006/103 / EC, on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers)	<a href="https://dre.pt/application/file/494150">https://dre.pt/application/file/494150</a>

ITF/TMB/TR(2016)3/ADD32/FINAL

By-Law no. 169/2009, 31.07	By-Law no. 169/2009 of 31 July (defines the infringement regime applicable to non-compliance with the rules on the installation and use of the tachograph established in Council Regulation (EEC) no. 3821/85, as amended by Council Regulation (EC) no. 2135/98 and Regulation (EC) no. 561/2006)	<a href="https://dre.pt/application/file/493094">https://dre.pt/application/file/493094</a>
Decree no. 324/73, 30.06	Decree no. 324/73 of 30 June (approves, for ratification, the European Agreement concerning the Work of Crews of Vehicles engaged in International Road Transport (AETR) and its Protocol of Signature)	<a href="https://dre.pt/application/file/255498">https://dre.pt/application/file/255498</a>
Administrative Rule no. 63/74, 31.01	Administrative Rule no. 63/74 of 31 January (defines the conditions for the implementation of the ECMT multilateral quota system for the international carriage of goods by road)	<a href="https://dre.pt/application/dir/pdf1s/1974/01/02600/01740178.pdf">https://dre.pt/application/dir/pdf1s/1974/01/02600/01740178.pdf</a>
Administrative Rule no. 1017/2009, 09.09	Administrative Rule no. 1017/2009 of 9 September (establishes the conditions for the recognition of training entities and training courses for professional capacity to carry out road haulage activities, as well as the conditions for obtaining and the validity of the certificate of professional capacity and approves rules on the recognition and organization of training courses and examinations of professional capacity)	<a href="https://dre.pt/application/file/489925">https://dre.pt/application/file/489925</a>
Administrative Rule no. 1200/2009, 08.10	Administrative Rule no. 1200/2009 of 8 October (establishes the conditions to be complied with by training entities for licensing or renewal of licenses and defines the resources required to ensure the quality of the training provided to drivers of goods or passengers vehicles)	<a href="https://dre.pt/application/dir/pdf1s/2009/10/19500/0739407396.pdf">https://dre.pt/application/dir/pdf1s/2009/10/19500/0739407396.pdf</a>
Deliberation no. 3256/2009, 21.10	Deliberation no. 3256/2009 (establishes the conditions for homologation, organization and provision of driver training courses for drivers of certain road vehicles for the carriage of goods or passengers)	<a href="https://dre.pt/application/dir/pdf2sdip/2009/12/236000000/4939649396.pdf">https://dre.pt/application/dir/pdf2sdip/2009/12/236000000/4939649396.pdf</a>
Deliberation no. 3257/2009, 21.10	Deliberation no. 3257/2009 (establishes the operating conditions of training centres for drivers of certain vehicles used for the carriage of passengers and goods by road)	<a href="https://dre.pt/application/dir/pdf2sdip/2009/12/236000000/4939749398.pdf">https://dre.pt/application/dir/pdf2sdip/2009/12/236000000/4939749398.pdf</a>
Deliberation no. 1065/2012, 19.07	Deliberation no. 1065/2012 (lays down common rules as regards the conditions to be complied with to pursue the occupation of road transport operator, established by Regulation (EC) no. 1071/2009)	<a href="https://dre.pt/application/file/2877094">https://dre.pt/application/file/2877094</a>
Administrative Order no. 26482/2009, 21.10	Administrative Order no. 26482/2009 of 21 October (establishes the model of the certificate of professional competence (CPC) of certain vehicles used for the transport of goods and passengers by road and the conditions for carrying out the examinations)	<a href="https://dre.pt/application/dir/pdf2sdip/2009/12/236000000/4939749398.pdf">https://dre.pt/application/dir/pdf2sdip/2009/12/236000000/4939749398.pdf</a>
Administrative Order no. 26483/2009, 21.10	Administrative Order no. 26483/2009 of 21 October (establishes the models of certificate of recognition of training entities and of training courses to obtain the certificate of professional capacity for the transport of goods by road)	<a href="https://dre.pt/application/dir/pdf2sdip/2009/12/236000000/4939749398.pdf">https://dre.pt/application/dir/pdf2sdip/2009/12/236000000/4939749398.pdf</a>

## ANNEX 1. National Model of the Certificate of Professional Competence



(1)

Comunidade Europeia



**CERTIFICADO DE CAPACIDADE PROFISSIONAL PARA O  
TRANSPORTE RODOVIÁRIO DE MERCADORIAS**

**N.º 11485/2016**

*O Instituto da Mobilidade e dos Transportes, I.P. certifica que (2):*

*, nascido em \_\_\_\_\_ e natural de COIMBRA, titular do Cartão de Cidadão n.º \_\_\_\_\_, concluiu com aproveitamento as provas do exame (ano: 2016; sessão: 8) (3) exigidas para a obtenção do certificado de capacidade profissional para o transporte rodoviário de mercadorias nos termos do Regulamento (CE) n.º 1071/2009 do Parlamento Europeu e do Conselho, de 21 de Outubro de 2009, que estabelece regras comuns no que se refere aos requisitos para o exercício da actividade de transportador rodoviário (4).*

*O presente certificado constitui prova suficiente da capacidade profissional a que se refere o artigo 21.º do Regulamento (CE) n.º 1071/2009.*

*Emitido em Lisboa, em 08 de novembro de 2016.*

*A Chefe do Departamento de Formação e Certificação de Profissões e Atividades*

(5)

(1) Siglas distintivas dos Estados-Membros: (B) Bélgica, (BG) Bulgária, (CZ) República Checa, (DK) Dinamarca, (D) Alemanha, (EST) Estónia, (IRL) Irlanda, (GR) Grécia, (E) Espanha, (F) França, (I) Itália, (CY) Chipre, (LV) Letónia, (LT) Lituânia, (L) Luxemburgo, (H) Hungria, (MT) Malta, (NL) Países Baixos, (A) Áustria, (PL) Polónia, (P) Portugal, (RO) Roménia, (SLO) Eslovénia, (SK) Eslováquia, (FIN) Finlândia, (S) Suécia, (UK) Reino Unido.

(2) Nome e apelido, local e data de nascimento.

(3) Identificação do exame.

(4) JO L 300 de 14.11.2009, p. 51.

(5) Assinatura e carimbo da autoridade ou organismo que emite o certificado.

ANNEX 2. National Model of the Driver Qualification Card



11.	9.	10.
	C1	05. 2016.07.20
	C	05. 2016.07.20
	D1	...
	D	...
	C1E	05. 2016.07.20
	CE	05. 2016.07.20
	D1E	...
	DE	...

1. Apelido  
 2. Nome  
 3. Data e local de nascimento  
 4a. Data de emissão da carta de qualificação de motorista  
 4b. Data de validade administrativa  
 4c. Emitida por  
 5a. Número de carta de condução  
 5b. Número de série  
 10. Código comunitário