

**INTERNATIONAL TRANSPORT FORUM
TRANSPORT MANAGEMENT BOARD**

Group on Road Transport

Draft Report by Moldova on current state of implementation of the Quality Charter

APPENDIX I: Extracts from National Road Transport Regulations referred to in the draft Report

APPENDIX II: Draft Law on the amendments of Road Transport Code and the Decision no.9 of the Ministry of Transport and Road Infrastructure

This document amends the Shadow Application submitted by Moldova [ITF/TMB/TR(2016)3/ADD39/PROV].

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APPENDIX I: Extracts from National Road Transport Regulations referred to in the draft Report on current state of the Quality Charter implementation in Moldova

Road Transport Code No.150 dated 17 July 2014

Article 18. (3) Within this Code, the following infringements shall be regarded as offences leading to non-fulfilment of the condition of good repute in the road transport domain:

- a) exceeding by 25% or more of the maximum of the 6-day or 2-week driving time limits,
- b) exceeding by 50% or more during working day the maximum daily driving time limit without a break or without an uninterrupted rest period of a minimum of 4.5 hours,
- c) absence of a tachograph and/or speed limiter or use of fraudulent device able to modify the records of the recording equipment and/or the speed limiter, falsifying record sheets or data downloaded from the tachograph and/or the driver card,
- d) transporting dangerous goods that are prohibited for transport or transporting such goods in a prohibited or non-approved means of containment or without identifying them on the vehicle as dangerous goods, thus creating an immediate risk to road safety,
- e) transportations carried by a vehicle with a very serious deficiency of the braking system, the steering linkages, the wheels/tyres, the suspension or chassis that would create such an immediate risk to road safety, which are detected according to the established procedure at a roadworthiness testing station,
- f) transportation of passengers or carriage of goods by a company without permits and documents that are required for such kind of transportation,
- g) carriage of goods exceeding at least by 20% of the total maximum allowed weight for vehicles the permissible laden weight of which exceeds 12 tonnes, or at least by 25% of the total maximum allowed weight in case of vehicles the permissible laden weight of which does not exceed 12 tonnes.

Article 28. (1) Suspension of registration or cancellation from the Register of road transport operators is initiated by the Agency in accordance with Law no. 235/2006 regarding the basic principles of regulation of entrepreneurial activity, through a procedure similar to that of suspension or withdrawal of permissive acts. Suspension of registration or cancellation from the Register of road transport operators is initiated or applied by the Agency within the framework of state control, as a restrictive measure, in the manner and within the limits established by Law no. 131/2012 regarding state control over entrepreneurial activity.

(2) At the request of the road transport operator or in the case of its cancellation by the Public Services Agency, as well as in the event that the notification is found to be invalid, National Agency of Road Transport suspends the registration or deletes the operator from the Register of road transport operators without addressing in court.

In cases other than those provided for in paragraph (2), the cancellation can be applied in accordance with paragraph (1) only if the road transport operator has committed very serious violations of the obligations expressly indicated in the legislation, which cannot be removed in the near term, but only under conditions of termination or suspension of the activity, and which lead or may lead to considerable, direct, imminent and immediate harm to other economic agents

or consumers. Suspension of registration or cancellation may be carried out in the cases expressly established by this Code, as well as in the following additional cases:

a) stating in a final court decision, in conformity with law, that the road transport operator/the company was engaged in organisation and conducting smuggling activities,

b) commission within 12 consecutive months of more than 5 violations of the rules of carriage of parcels, stated in the Agency's prescriptive orders,

c) commission within 12 consecutive months of more than 5 violations of articles 81, 82 and 84 hereof, stated in the Agency's prescriptive orders.

(5) The authorizations issued under the authorization regime are also withdrawn from the deleted road transport operators. These operators cannot be re-registered for 6 months from the moment of cancellation.

Article 29. Should there be stated that if the financial standing condition is not fulfilled, in applicable cases, for all road vehicles, which extracts from the Register of road transport operators were issued for, then the road transport operator will be bound to submit a number of extracts from the Register, equal to the number of vehicles, which this condition is not fulfilled for, to the Agency within a maximum 30 of days of the date of such finding. Otherwise, the Agency will initiate the procedure of road transport licence suspension in conformity with the Law no. 235/2006 on Main Principles of Regulation of Entrepreneurial Activity.

Article 30. (1) Should there be stated that if one or more conditions specified in article 16 hereof are not fulfilled anymore, the Agency will issue the regulatory prescriptive orders and will set the following time frames for remedy of such a situation:

a) a maximum of 2 months – for recruiting a new transport manager in the event of death or physical incapacity of the transport manager, or in case if the transport manager does not satisfies anymore the good repute or professional competence requirements,

b) a maximum of 2 months – if the company has to demonstrate that they have a real and stable establishment,

c) a maximum of 2 months – if the financial standing condition is not satisfied, in order to demonstrate that such requirement will be satisfied again on a continuous basis.

The maxim time frames granted for remedy of the violations ~~of the licensing conditions~~ cannot exceed 6 months as a whole.

(2) The road transport operator shall be bound to conduct their activities in conformity with the effective laws, during the time frames mentioned in paragraph (1).

(3) In the case of finding violations of the conditions of activity established by this Code and impossibility to grant new time frames for remedy thereof, the ~~licensing authority~~ Agency will initiate the procedure of suspension of the registration in manner established in art. 28.

(4) The road transport operator shall not be entitled to conduct road transport activities during the period of suspension of the registration.

Article 43.

(4) The certificate of professional competence is issued by the Agency after attending some initial qualification courses, within accredited and registered professional training, improvement and attestation centers, for practicing the activity of road transport manager or for practicing the

activity of driver in road transport for a fee, completed with an examination in the form of a grid test.

(5) Upon expiry of the validity period of the certificate of professional competence, the issuance of a new certificate will be carried out following the attendance of periodic qualification courses, completed with an examination in the form of a grid test.

(8) The grid tests, developed and approved by the training, improvement and professional attestation centers based on the training programs are considered passed if at least 75% of the maximum score is obtained.

(9) In case of failure to pass the grid test, the road transport manager or driver has the right to a new test within 14 days at most.

(10) After a second failed test, the road transport manager or driver may request a new test only after attending a new professional training course.

(11) The certificate of professional competence shall be withdrawn by the Agency inspectors and cancelled if the vehicle driver committed more than 5 infringements in the road transport domain during 12 consecutive months.

Article 45. (1) The certificate of professional competence shall be issued for a period of 3 years.

(2) Training and professional qualification centres shall take strict records of the persons, who have attended training courses and/or passed examinations, informing the Agency in the form requested by the latter.

Article 150. (1) An Agency inspector shall be entitled to stop road vehicles on public roads that are conducting road transport activities, with regard to which such an inspector has powers to control.

(2) Agency inspectors shall be equipped and located so that they would be easily noticed and identified by the road participants when they send a stop signal.

(3) Signals shall be send with an arm or light-reflecting baton during the day-time or, during the night-time, only with an illuminated or light-reflecting baton similar to those ones, which the road policemen are equipped with.

(4) Refusal to stop upon a signal of the road inspector and evasion from control shall be sanctioned in conformity with the provisions of the Contravention Code.

Article 152. – (1) The control over compliance with the rules on driving times, breaks and rest periods of the drivers performing road transport operations shall be realised by Agency's inspectors both during road traffic and at the premises of road transport operators.

(2) The following minimum control requirements shall be respected within control over compliance on driving times, breaks and rest periods of the drivers:

a) to check annually at least 1% of the total number of days worked in the course of a year by national drivers, whom this Code is applied to,

b) to check at the roadside at least 15% of the total number of working days of the national drivers controlled every year and at least 25% of this number of days shall be checked at the premises of road transport companies.

Law on State Control over Entrepreneurial Activity No.131 dated 8 June 2012

Article 4. General Provisions Regarding Checks

(10) Planned checks carried on within the first 3 years of activities after the date of state registration of the individual/legal entity conducting the entrepreneurial activity shall have a consultative nature and shall not lead to sanctions or restrictive measures, except for the cases when severe violations in the sense of this law are identified in the course of control.

(11) The control authority shall not be entitled to control such a period of activity of the individual/legal entity conducting the entrepreneurial activity, which is longer than 3 years till the date of beginning of control. The documents and actions preceding the period of control shall be checked only for the consequences thereof if such consequences took place within the period of control.

Article 14. Periodicity of Planned Checks

(1) One and the same control authority shall not be entitled to carry on planned checks of one and same individual/legal entity or one and the same object, oftener than once a calendar year, if such an individual/legal entity has several separate objects located outside the registered address or outside other objects, except for the cases when there are prescribed more frequent controls in conformity with the control planning methodology applied to this sphere of control and based on the risk criteria.

(2) The time frames specified in paragraph (1) shall not be applied to initiation of spot checks carried on in conformity with section 2 of this chapter. Conduct of spot checks shall be considered when drafting the next control plan.

Article 29¹. Restrictive measures

(1) The restrictive measures provided by this law represent actions and/or inactions ordered by the control body with the aim of eliminating or reducing an imminent and immediate danger to the environment, life, health and property of people, found during the control. Depending on the provisions of special laws, these measures are prescribed to the person subject to control in the form of restrictions on certain activities, restrictions on the use or making available for consumers of certain goods or in the form of imposing certain actions and can be identified as corrective measures, coercive measures, coercive procedural measures.

(2) Restrictive measures are prescribed and imposed in accordance with the cases in which some measures can be applied and the types of measures assigned to the control body, according to the specialized laws. Any restrictive measure can only be imposed within the limits established in art. 51 of this law.

(3) If a restrictive measure prescribes the suspension or withdrawal of a permissive act and/or license, the control body that prescribes the restrictive measure in question is obliged to apply within 3 working days to the competent court in order to validate the prescription of the suspension or withdrawal of the permit and/or license, in accordance with the procedure established by Law no. 235-XVI of 20 July 2006 regarding the basic principles of regulation of entrepreneurial activity.

(4) The prescriptive part of the control report by which restrictive measures are imposed will also contain the information regarding the causes of the prescription of restrictive measures and the danger found to be avoided by the prescribed measure, the legal grounds for prescribing the

measure, the term - limit for the application of the measure, the procedural rights of the controlled person, the detailed identification of the actions/inactions that are required and the express identification of the assets to which the restrictive measures are extended.

(5) The person subject to control has the right to include in the control minutes explanations and/or objections regarding the prescribed restrictive measures, which will be mandatorily examined by the head of the control body.

(6) The term indicated for the restrictive measure begins to run from the receipt by the controlled person of the control report containing the corresponding prescription, being communicated to the person subject to control by any method that allows the control body to confirm receipt.

(7) Restrictive measures can only be imposed for a limited period, within the limit of the need to eliminate the imminent danger, a period that is expressly indicated in the prescription by the control body. Regardless of the term indicated, any restrictive measure ends with the execution of the prescription by removing the indicated violations and presenting within the deadline confirmations of rigor by the person subject to control or on the date of suspension and/or cancellation of the prescription by the issuing body, the higher hierarchical body or the court of judgment.

Contravention Code of the Republic of Moldova No.218 dated 24 October 2008

Article 197. Infringements of the rules for road transport of persons and goods

(18) Exceeding by 25% or more of the maximum of the 6-day or 2-week driving time limits

shall be sanctioned with a fine equal to 72 to 84 conditional units, applied to an individual, or with a fine equal to 240 to 270 conditional units, applied to a legal entity.

(19) Exceeding by 50% or more during working day the maximum daily driving time limit without a break or without an uninterrupted rest period of a minimum of 4.5 hours

shall be sanctioned with a fine equal to 72 to 84 conditional units, applied to an individual, or with a fine equal to 240 to 270 conditional units, applied to a legal entity.

(20) Road transport realised by a vehicle in the absence of a tachograph and/or speed limiter or use of fraudulent device able to modify the records of the recording equipment and/or the speed limiter, falsifying record sheets or data downloaded from the tachograph and/or the driver card,

shall be sanctioned with a fine equal to 78 to 90 conditional units, applied to an individual, or with a fine equal to 270 to 300 conditional units, applied to a legal entity.

(22) Transportation carried by a vehicle that does not meet the technical requirements related to the braking system, the steering linkages, the wheels/tyres, the suspension or chassis that would create an immediate risk to road safety, which are detected according to the established procedure at a roadworthiness testing station,

shall be sanctioned with a fine equal to 72 to 84 conditional units, applied to an individual, or with a fine equal to 240 to 270 conditional units, applied to a legal entity, subject to withdrawal, in both cases, of the right to use the vehicle for the period of 6 months.

(23) Carriage of goods exceeding at least by 20% of the total maximum allowed weight for vehicles the permissible laden weight of which exceeds 12 tonnes, or at least by 25% of the total

maximum allowed weight in case of vehicles the permissible laden weight of which does not exceed 12 tonnes.

shall be sanctioned with a fine equal to 78 to 90 conditional units, applied to an individual, or with a fine equal to 270 to 300 conditional units, applied to a legal entity, subject to withdrawal, in both cases, of the right to use the vehicle for the period of 6 months.

(5) Performing the road transport of persons and/or goods without having permissive documents and/or transport documents appropriate to the type of the road transport performed, specified, if appropriate, in articles 58 to 62, 70, 72, 73, 76, 78 and 83 of the Road Transport Code,

shall be sanctioned with a fine equal to 60 to 90 conditional units, applied to an individual, or with a fine equal to 210 to 240 conditional units, applied to a legal entity-

(6) Performing the road transport without having extract from the Register of road transport operators

shall be sanctioned with a fine equal to 60 to 78 conditional units, applied to an individual, or with a fine equal to 120 to 150 conditional units, applied to a legal entity.

7) Carrying out road transport of people and/or goods, for a fee, in the absence, on board of the road vehicle, of permissive acts or transport documents specific to the type of road transport carried out when their possession on board is provided for by the legislation in force or their incompleteness,

shall be sanctioned with a fine from 42 to 60 conventional units applied to an individual, with a fine from 42 to 60 conventional units applied to the person with a responsible position, with a fine from 60 to 90 conventional units applied to the legal person.

(9) Preventing in any form the official of the specialized body of the public administration in the field of road transport, who is in the exercise of the function, to exercise his legitimate activity of traffic control (not allowing the physical control of the vehicle, not presenting documents, not executing prescriptions and other legitimate requirements)

shall be sanctioned with a fine equal to 30 to 60 conditional units, with or without 2 penalty points applied to an individual.

(10) Preventing in any form the official of the specialized body of the public administration in the field of road transport, who is in the exercise of the function, to exercise his legitimate control activity at the headquarters (failure to admit control, failure to present documents, failure to execute prescriptions and other legitimate requirements)

shall be sanctioned with a fine equal to 270 to 300 conditional units, applied to the responsible person.

Law regarding regulation by authorization of entrepreneurial activity No. 160 dated 22 July 2011

Article 10. Suspension and resumption of the validity of the permissive act

(1) The validity of the permissive act can be suspended in accordance with the provisions of the Law on the basic principles of regulation of entrepreneurial activity.

(2) As a basis for suspending the validity of the permissive act based on the decision of the issuing authority, without going to court, the following serves:

- a) the owner's request regarding the suspension of the validity of the permissive act;
- b) annual non-payment or non-payment within the deadline of the fee for the permissive act, provided by law.

(3) The decision to suspend the validity of the permit, adopted according to the procedure established by the Law on the basic principles of regulation of entrepreneurial activity, is brought to the attention of the holder by the issuing authority within 3 working days from the date issuing. The term of suspension of the validity of the permissive act cannot exceed two months, if the law regulating the respective activity does not provide otherwise.

(4) The holder of the permissive act is obliged to notify the issuing authority in writing about the removal of the circumstances that led to the suspension of its validity.

(5) The decision regarding the resumption of the validity of the permissive act is adopted by the issuing authority on the basis of a decision of the court that issued the suspension decision or of the hierarchically superior court, within 3 working days from the date of receipt of the notification. The decision is brought to the knowledge of the holder of the permissive act within 3 working days from the date of issuance.

(7) The suspension of the permissive act within the framework of state control or as a result thereof is carried out in accordance with the provisions of Law no. 131/2012 regarding state control over entrepreneurial activity.

(8) In order to initiate the procedure of suspension of the permissive act in cases other than those established in para. (2) of this article, the issuing authorities that do not have the functions of control body and/or ascertaining agent in the contravention process, to establish non-compliance by the permit holder with the requirements and conditions established by law, if for the validation and the finding of non-conformities requires an on-site check, they will request and use the documents issued by the control body and/or the ascertaining agent with attributions in the corresponding field, according to art. 11¹.

Article 11. Withdrawal of the permissive act

(1) The following serve as grounds for carrying out the actions provided for by law in order to withdraw the permissive act without addressing the court:

- a) the request of the holder of a permissive act regarding its withdrawal;
- b) the decision to delete the owner of the permissive act from the State Register of legal entities and from the Register of individual entrepreneurs;
- c) detection of not authentic data in the documents presented to the issuing authority;
- d) ascertaining the transmission of the permissive act or the copy thereof to another person in order to carry out the respective type of activity;

e) failure to remove within the term established by law the circumstances that led to the suspension of the validity of the permissive act;

(1¹) Withdrawal of the permissive act in cases other than those provided for in para. (1) of this article is carried out in accordance with the provisions of Law no. 235/2006 regarding the basic principles of regulation of entrepreneurial activity.

(2) The permissive act is also withdrawn in other cases expressly provided for by the law regulating the respective type of activity.

(3) The date and number of the decision to withdraw the permissive act shall be entered in the Register of permissive acts at the latest on the working day immediately following the day on which the decision was issued.

(4) In the case of withdrawal of the permissive act, the fee for issuing the permissive act, if provided for by law, is not refunded.

(5) In the case of withdrawal of the permissive act for the basis provided for in para. (1) lit. c), will be applied the sanction provided for in art. 263 para. (8) of the Contravention Code, according to the legal procedure.

(6) The holder of the permissive act is obliged, within 10 working days from the date of communication of the decision to withdraw the act, to submit the withdrawn permissive act to the issuing authority. Failure to comply with this provision is sanctioned according to art. 541 of the ~~Criminal~~ Contravention Code.

(7) The withdrawal of the permissive act within the framework of state control or as a result thereof is carried out in accordance with the provisions of Law no. 131/2012 regarding state control over entrepreneurial activity.

(8) In order to initiate the procedure of withdrawal of the permissive act in cases other than those established in paragraph. (1) of this article, the issuing authorities that do not have the functions of control body and/or ascertaining agent in the contravention process, to establish non-compliance by the permissive act holder with the requirements and conditions established by law, if for the validation and the finding of non-conformities requires an on-site check, they will request and use the documents issued by the control body and/or the ascertaining agent with attributions in the corresponding field, according to art. 111.

Law regarding the basic principles of regulation of entrepreneurial activity No. 235 dated 20 July 2006

Article 17. The principle of fairness (proportionality) in the suspension of entrepreneurial activity

(1) For the purposes of this law, the suspension (limitation) of the activity of an entrepreneur means the temporary suspension of the validity and/or the withdrawal of the license/authorization for the activity of an entrepreneur, which has the effect of making it impossible to continue this activity at the level of an enterprise or an authorized functional unit.

(2) The activity of an entrepreneur can be suspended by a court decision, adopted pursuant to the law. The decision of the court regarding the suspension of the entrepreneur's activity is adopted at the request of the public administration authorities and/or other institution authorized by law with regulatory and control functions.

(3) In the cases expressly provided by law, the activity of an entrepreneur can be suspended, with the subsequent address to the court of the authority that ordered the suspension. Addressing the court must be done within 3 working days. In case of non-compliance with this deadline, the suspension is cancelled. The authority's decision regarding the suspension (limitation) of the entrepreneur's activity is applied until the court adopts a definitive decision. The decision of the authority regarding the suspension (limitation) of the entrepreneurial activity ceases if, by court decision, it was annulled.

(4) The court decision regarding the suspension of the entrepreneur's activity is adopted within 5 working days and is executed in accordance with the legislation.

(4¹) If the suspension of the license/authorization did not result in a court decision, and the public administration authority and/or another institution authorized by law with regulatory and control functions is obliged, by law, to addresses the court with an action to withdraw the license/authorization, the actions are combined in a single judicial procedure according to the rules and conditions established by the Code of Civil Procedure.

(6) The resumption of the activity as an entrepreneur is carried out on the basis of the decision of the court that issued the decision to suspend this activity or of the decision of the hierarchically superior court, in accordance with the legislation in force.

APPENDIX**II.****(i) Draft Law on the amendment of the Road Transport Code**

1. In art. 18. paragraph (1) (a) is set out in the following editorial:

a) „a) there is no serious reason to question the good reputation of the transport manager or the transport company, such as convictions or sanctions resulting from any serious violations of the national rules in force in the following areas:

- (i) commercial law;
- (ii) insolvency legislation;
- (iii) remuneration and working conditions of the profession;
- (iv) road traffic;
- (v) professional liability;
- (vi) human trafficking or drug trafficking;
- (vii) fiscal law;".

2. Art. 18 par. (1) is completed with letter d), with the following content:

"d) the transport manager or the transport company has not been convicted or sanctioned for serious violations of legal norms, in particular with regard to:

- (i) drivers' rest periods, working time and the installation and use of recording equipment;
- (ii) mass and maximum dimensions of vehicles used in international traffic;
- (iii) initial qualification and continuous training of drivers;
- (iv) technical control of vehicles, including mandatory technical inspections of motor vehicles;
- (v) access to the international road freight transport market or, as the case may be, access to the road passenger transport market;
- (vi) the safety of road transport of dangerous goods;
- (vii) the installation and use of speed limiting devices on certain categories of vehicles;
- (viii) driver's license;
- (ix) access to employment;
- (x) transport of animals;".

3. In art. 18 par. (1) existing letters b) and c) become appropriate c) and d);

4. In art. 18 par. (3) the phrase "contraventions" shall be amended to "very serious infringements".

5. In art. Article 18 (3) (e) after the words "a road vehicle" the words "driving without a valid roadworthiness certificate, or" shall be included.

6. In art. 18 par. (3) shall be completed with the letter h) as follows:

"h) driving by a person without a driving license;"

7. In art. 18 par. (3) shall be completed with the letter j) as follows:

"j) driving with a counterfeit driver's tachograph memory card, or with a card of which the driver is not the holder, or which has been obtained on the basis of false declarations and/or forged documents;"

8. Article 18 shall be completed with paragraph (4), which shall read as follows:

"(4) If the transport undertaking or its transport manager has or have been convicted of an offence, in one or more Member countries, or sanctioned for one of the most serious infringements referred to in this Article, the competent authority of the country of establishment shall initiate, in an appropriate and timely manner, an administrative procedure in due form to determine on the retention or the loss of good repute of the transport manager and transport undertaking ".

9. In art. 21 par. (2) is set out in the following editorial:

(2) The transport manager shall be responsible for effective and ongoing management of the transport activities of the road transport undertaking, which includes vehicle maintenance management, verification of transport contracts and documents, the assignment of loads or services to drivers and vehicles, and the verification of safety procedures. The transport manager must be a citizen of the Republic of Moldova, be employed and remunerated by the enterprise.

10. In art. Article 43 includes par. (11) ¹ and (11) ² in the following editorial:

(11) ¹ The certificate of professional competence of the road transport manager shall be canceled by the Agency if his actions have led to the loss of the good repute of a transport undertaking.

(11) ² In the event of cancellation of the road transport manager's professional competence certificate, he may obtain a new certificate only after one year from the date of cancellation, with the repeated attendance of the road transport manager courses and the promotion of the tests.

11. In paragraph (2) of art. 152, letter (a) the phrase "1%" is replaced by the phrase "2% ". At the end, the following text is added: "This percentage can be gradually increased up to a maximum of 4%." And respectively letter (b) the phrase "15%" is replaced by the phrase "30%" and the phrase "25%" is replaced by the phrase "50%".

12. In art. 152 a new paragraph (3) is inserted with the following content:

(3) Checks on compliance with rules on driving times, breaks and rest periods for drivers in traffic include the following aspects:

- daily and weekly driving times, breaks and daily and weekly rest periods, the preceding days' record sheets which have to be carried on board the vehicle and/or the data stored for the same period on the driver card and/or in the memory of the recording equipment and/or on print-outs;

- 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;

- 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 equipment and/or the driver card and/or record sheets).

13. At art. 152 a new paragraph (4) is inserted with the following content:

(4) In addition to the matters referred to in paragraph 3 of this Article, control over compliance with rules on driving times, breaks and rest periods of drivers at the premises of undertakings shall include in addition the following aspects:

- weekly rest periods and driving times between these rest periods;

- compliance with the provisions of paragraph (3) of art. 139;
- record sheets, vehicle unit and driver card data and print-outs.

15. At art. 152 a new paragraph (5) is inserted with the following content:

(5) Infringements of rules on driving times and rest periods are classified as minor, serious and very serious, in accordance with the table in Annex 3 to this Code.

No	Type of infringement	Level of seriousness[1]		
		VSI	SI	MI
A	Crew			
A1	Not respecting minimum ages for drivers		X	
B	Driving periods			
B1	Exceeding daily driving time of 9 h if possible extension to 10 h has not been authorised	9 h<...<10 h		X
B2		10 h<...<11 h		X
B3		11 h<...	X	
B4	Exceeding extended daily driving time of 10 h if extension has been authorised	10 h<...<11 h		X
B5		11 h<...<12 h		X
B6		12 h<...	X	
B7	Exceeding weekly driving time	56 h<...<60 h		X
B8		60 h<...<70 h		X
B9		70 h<...	X	
B10	Exceeding accumulated driving time in 2 consecutive weeks	90 h<...<100 h		X
B11		100 h<...<112 h 30		X
B12		112 h 30<...	X	
C	Breaks			
C1	Exceeding uninterrupted driving time	4 h 30<...<5 h		X
C2		5 h<...<6 h		X
C3		6 h<...	X	
D	Rest periods			
D1	Insufficient daily rest period of less than 11 h if reduced daily rest period has not been authorised	10 h<...<11 h		X
D2		8 h 30<...<10 h		X
D3		...<8 h 30	X	
D4	Insufficient reduced daily rest period of less than 9 h if reduced daily rest period has been authorised	8 h<...<9 h		X
D5		7 h<...<8 h		X
D6		...<7 h	X	
D7	Insufficient splitting of daily rest period into less than 3 h + 9 h	3 h+(8 h<...<9 h)		X
D8		3 h+(7 h<...<8 h)		X
D9		3 h+(...<7 h)	X	
D10	Insufficient daily rest period of less than 9 h for multi-manning	8 h<...<9 h		X
D11		7 h<...<8 h		X
D12		...<7 h	X	

D13	Insufficient reduced weekly resting period of less than 24 h	22 h<...<24 h			X
D14		20 h<...<22 h		X	
D15		...<20 h	X		
D16	Insufficient weekly resting period of less than 45 h if reduced weekly resting period has not been authorised	42 h<...<45 h			X
D17		36 h<...<42 h		X	
D18		...<36 h	X		
E	Types of payment				
E1	Link between wage and distance travelled or amount of goods carried		X		
F	Installation of recording equipment				
F1	No type-approved recording equipment installed and used		X		
G	Use of recording equipment, driver card or record sheet				
G1	Recording equipment not correctly functioning (for example: recording equipment not properly inspected, calibrated or sealed)		X		
G2	Recording equipment used incorrectly (not using a valid driver card, deliberate interference, etc.)		X		
G3	Not carrying a sufficient number of record sheets			X	
G4	Model of record sheet not approved			X	
G5	Not carrying enough paper for print-outs				X
G6	Undertaking not keeping record sheets, print-outs and downloaded data		X		
G7	Driver holding more than one valid driver card		X		
G8	Use of a driver card which is not the driver's own valid card		X		
G9	Use of a defective or expired driver card		X		
G10	Recorded and stored data not available for at least 365 days		X		
G11	Use of dirty or damaged sheets or driver cards and data not legible				X
G12	Use of dirty or damaged sheets or driver cards and data not legible		X		
G13	Failure to apply for replacement of damaged, malfunctioning, lost or stolen driver card within 7 calendar days			X	
G14	Incorrect use of record sheets/driver cards		X		
G15	Unauthorised withdrawal of sheets or driver card which has an impact on the record of relevant data		X		
G16	Unauthorised withdrawal of sheets or driver card without any impact on data recorded				X
G17	Record sheet or driver card used to cover a period longer than that for which it is intended but without loss of data				X
G18	Record sheet or driver card used to cover a period longer than that for which it is intended with loss of data		X		
G19	Not using manual input when required to do so		X		
G20	Not using correct sheet or driver card not in the correct slot (multi-manning)		X		
G21	Time recorded on the sheet does not agree with official time of country of registration of the vehicle			X	
G22	Incorrect use of switch mechanism		X		

H	Fill in information			
H1	Surname missing on record sheet	X		
H2	First name missing on record sheet	X		
H3	Date of start or end of use of the sheet missing		X	
H4	Place of start or end of use of the sheet missing			X
H5	Registration number missing on record sheet			X
H6	Odometer reading (start) missing on record sheet		X	
H7	Odometer reading (end) missing on record sheet			X
H8	Time of change of vehicle missing on record sheet			X
H9	Symbol of country not entered on record sheet			X
I	Producing information			
I1	Refusal to be checked	X		
I2	Unable to produce records of current day	X		
I3	Unable to produce records of previous 28 days	X		
I4	Unable to produce records of the driver card if the driver holds one	X		
I5	Unable to produce manual records and print-outs made during the current week and the previous 28 days	X		
I6	Unable to produce driver card	X		
I7	Unable to produce print outs made during the current week and the previous 28 days	X		
J	Fraud			
J1	Falsify, suppress, destroy data recorded on record sheets, stored in the recording equipment or on the driver card or print-outs from the recording equipment	X		
J2	Manipulation of recording equipment, record sheet or driver card which may result in data and/print-outs information being falsified	X		
J3	Manipulation device that could be used to falsify data and/print-outs information present on vehicle (switch/wire ...)	X		
K	Breakdown			
K1	Not repaired by an approved fitter or workshop	X		
K2	Not repaired en route		X	
L	Manual input on print-outs			
L1	Driver not marking all information for the periods of time which are no longer recorded while recording equipment is unserviceable or malfunctioning	X		
L2	Driver card number and/or name and/or driving licence number missing on temporary sheet	X		
L3	Signature missing on temporary sheet		X	
L4	Loss or theft of driver card not formally declared to the competent authorities of the Member country where the theft occurred	X		