

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 (Text with EEA relevance)

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

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 71(1) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Economic and Social Committee<sup>(1)</sup>,

After consulting the Committee of the Regions,

Acting in accordance with the procedure laid down in Article 251 of the Treaty<sup>(2)</sup>, in the light of the joint text approved by the Conciliation Committee on 8 December 2005,

Whereas:

- (1) Council Regulations (EEC) No 3820/85 of 20 December 1985 on the harmonisation of certain social legislation relating to road transport<sup>(3)</sup> and (EEC) No 3821/85 of 20 December 1985 on recording equipment in road transport<sup>(4)</sup> and Directive 2002/15/EC of the European Parliament and the Council of 11 March 2002 on the organisation of the working time of persons performing mobile road transport activities<sup>(5)</sup> are important for the creation of a common market for inland transport services, for road safety and for working conditions.
- (2) In its White Paper ‘European transport policy for 2010: time to decide’, the Commission indicated the need to tighten up checks and sanctions particularly for social legislation on road transport activities, and specifically to increase the number of checks, to encourage the systematic exchange of information between Member States, to coordinate inspection activities and to promote the training of enforcement officers.

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- (3) It is therefore necessary to ensure proper application and harmonised interpretation of the social rules on road transport through the establishment of minimum requirements for the uniform and effective checking by the Member States of compliance with the relevant provisions. Those checks should serve to reduce and prevent infringements. Furthermore, a mechanism should be introduced which ensures that undertakings with a high risk rating are checked more closely and more often.
- (4) The risks arising from driver fatigue should also be addressed through enforcement of Directive 2002/15/EC.
- (5) The measures provided for in this Directive should not only lead to greater road safety but should also contribute to a harmonisation of working conditions in the Community and promote a level playing field.
- (6) The replacement of analogue tachographs by digital tachographs will progressively enable a greater volume of data to be checked more swiftly and more precisely and, for that reason, Member States will be increasingly able to undertake more checks. In terms of checks, the percentage of days worked by drivers of vehicles falling within the scope of the social legislation that are checked should therefore be gradually increased to 4 %.
- (7) As regards checking systems, the aim must be that national systems develop towards European interoperability and practicability.
- (8) Sufficient standard equipment and appropriate legal powers should be available to all enforcement units to enable them to carry out their duties effectively and efficiently.
- (9) Member States should seek to ensure, without prejudice to the proper execution of the tasks imposed by this Directive, that roadside checks are executed efficiently and quickly, with a view to completing the check in the shortest time possible and with the least delay for the driver.
- (10) Within each Member State there should be a single body for intracommunity liaison with other relevant competent authorities. That body should also compile relevant statistics. Member States should also apply a coherent national enforcement strategy on their territory and may designate a single body to coordinate its implementation.
- (11) Cooperation between Member State enforcement authorities should be further promoted through concerted checks, joint training initiatives, the electronic exchange of information, and the exchange of intelligence and experience.
- (12) Best practice in road transport enforcement operations, particularly to ensure a harmonised approach to the issue of proof of a driver's annual leave or sick leave, should be facilitated and promoted through a forum for Member State enforcement authorities.
- (13) The measures necessary for the implementation of this Directive should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission<sup>(6)</sup>.
- (14) Since the objective of this Directive, namely to lay down clear, common rules on minimum conditions for checking the correct and uniform implementation of Regulations (EEC) No 3820/85 and (EEC) No 3821/85 and Regulation (EC) No

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561/2006 of 15 March 2006 of the European Parliament and of the Council 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<sup>(7)</sup>, cannot be sufficiently achieved by the Member States and can, by reason of the need for coordinated transnational action, be better achieved at Community level, the Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective.

- (15) Council Directive 88/599/EEC<sup>(8)</sup> on standard checking procedures for the implementation of Regulations (EEC) No 3820/85 and (EEC) No 3821/85 should therefore be repealed,

HAVE ADOPTED THIS DIRECTIVE:

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- (1) [OJ C 241, 28.9.2004, p. 65.](#)
- (2) Opinion of the European Parliament of 20 April 2004 ([OJ C 104 E, 30.4.2004, p. 385](#)), Council Common Position of 9 December 2004 ([OJ C 63 E, 15.3.2005, p. 1](#)) and Position of the European Parliament of 13 April 2005 ([OJ C 33 E, 9.2.2006, p. 415](#)). Legislative resolution of the European Parliament of 2 February 2006 and Decision of the Council of 2 February 2006.
- (3) [OJ L 370, 31.12.1985, p. 1.](#) Regulation as amended by Directive 2003/59/EC of the European Parliament and of the Council ([OJ L 226, 10.9.2003, p. 4](#)).
- (4) [OJ L 370, 31.12.1985, p. 8.](#) Regulation as last amended by Commission Regulation (EC) No 432/2004 ([OJ L 71, 10.3.2004, p. 3](#)).
- (5) [OJ L 80, 23.3.2002, p. 35.](#)
- (6) [OJ L 184, 17.7.1999, p. 23.](#)
- (7) See [OJ L 102, 11.4.2006, p. 1.](#)
- (8) [OJ L 325, 29.11.1988, p. 55.](#) Directive as amended by Regulation (EC) No 2135/98 ([OJ L 274, 9.10.1998, p. 1](#)).