

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 (Text with EEA relevance)

### CHAPTER III

#### LIABILITY OF TRANSPORT UNDERTAKINGS

##### *Article 10*

[<sup>F1</sup> A transport undertaking shall not give drivers it employs or who are put at its disposal any payment, even in the form of a bonus or wage supplement, related to distances travelled, the speed of delivery and/or the amount of goods carried if that payment is of such a kind as to endanger road safety and/or encourages infringement of this Regulation.]

2 A transport undertaking shall organise the work of drivers referred to in paragraph 1 in such a way that the drivers are able to comply with [<sup>F2</sup>Regulation (EU) No 165/2014] and Chapter II of this Regulation. The transport undertaking shall properly instruct the driver and shall make regular checks to ensure that Regulation (EEC) No 3821/85 and Chapter II of this Regulation are complied with.

[<sup>F3</sup> A transport undertaking, whether established in the United Kingdom, a member State, or another country or territory, shall be liable for infringements committed by drivers of the undertaking, even if the infringement was committed on a territory other than the territory in which it is established. Liability is conditional on the transport undertaking's infringement of paragraphs 1 and 2. Evidence that the transport undertaking cannot reasonably be held responsible for the infringement committed can be considered.]

4 Undertakings, consignors, freight forwarders, tour operators, principal contractors, subcontractors and driver employment agencies shall ensure that contractually agreed transport time schedules respect this Regulation.

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a A transport undertaking which uses vehicles that are fitted with recording equipment complying with Annex IB of [<sup>F4</sup>Regulation (EU) No 165/2014] and that fall within the scope of this Regulation, shall:

(i) ensure that all data are downloaded from the vehicle unit and driver card [<sup>F5</sup>in accordance with sections 97D and 97E of the Transport Act 1968 or regulations 6B and 6C of the Passenger and Goods Vehicles (Recording Equipment) Regulations (Northern Ireland) 1996 (as applicable)];

(ii) ensure that all data downloaded from both the vehicle unit and driver card are kept for at least 12 months following recording and, should an inspecting officer request it, such data are accessible, either directly or remotely, from the premises of the undertaking;

b for the purposes of this paragraph 'downloaded' [<sup>F6</sup>means copied, together with the digital signature, from a part, or from a complete set, of data files recorded in the data memory of the vehicle unit or in the memory of a tachograph card, provided that this process does not alter or delete any stored data];

<sup>F7</sup>c .....

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**Changes to legislation:** This version of this Regulation was derived from EUR-Lex on IP completion day (31 December 2020 11:00 p.m.). It has not been amended by the UK since then. Find out more about legislation originating from the EU as published on [legislation.gov.uk](http://legislation.gov.uk). (See end of Document for details)

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### Textual Amendments

- F1** Substituted by Regulation (EU) 2020/1054 of the European Parliament and of the Council of 15 July 2020 amending Regulation (EC) No 561/2006 as regards minimum requirements on maximum daily and weekly driving times, minimum breaks and daily and weekly rest periods and Regulation (EU) No 165/2014 as regards positioning by means of tachographs.
- F2** Words in Art. 10(2) substituted (31.12.2020) by The Drivers' Hours and Tachographs (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/453), regs. 1(3), **63(2)**; 2020 c. 1, Sch. 5 para. 1(1)
- F3** Art. 10(3) inserted (24.12.2022) by The Drivers' Hours, Tachographs, International Road Haulage and Licensing of Operators (Amendment) Regulations 2022 (S.I. 2022/1260), regs. 1(1), **2(9)**
- F4** Words in Art. 10(5)(a) substituted (31.12.2020) by The Drivers' Hours and Tachographs (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/453), regs. 1(3), **63(4)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F5** Words in Art. 10(5)(a)(i) substituted (31.12.2020) by The Drivers' Hours and Tachographs (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/453), regs. 1(3), **63(4)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F6** Words in Art. 10(5)(b) substituted (31.12.2020) by The Drivers' Hours and Tachographs (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/453), regs. 1(3), **63(5)**; 2020 c. 1, Sch. 5 para. 1(1)
- F7** Art. 10(5)(c) omitted (31.12.2020) by virtue of The Drivers' Hours and Tachographs (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/453), regs. 1(3), **63(6)** (with reg. 114); 2020 c. 1, Sch. 5 para. 1(1)

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