

Regulation (EU) No 165/2014 of the European Parliament and of the Council of 4 February 2014 on tachographs in road transport, repealing Council Regulation (EEC) No 3821/85 on recording equipment in road transport and amending Regulation (EC) No 561/2006 of the European Parliament and of the Council on the harmonisation of certain social legislation relating to road transport (Text with EEA relevance)

CHAPTER V

DRIVER CARDS

Article 26

Issuing of driver cards

1 Driver cards shall be issued, at the request of the driver, by the competent authority of the Member State where the driver has his normal residence. They shall be issued within one month of the receipt by the competent authority of the request and all necessary documentation.

2 For the purposes of this Article, ‘normal residence’ means the place where a person usually lives, that is for at least 185 days in each calendar year, because of personal and occupational ties, or, in the case of a person with no occupational ties, because of personal ties which show close links between that person and the place where he is living.

However, the normal residence of a person whose occupational ties are in a place different from their personal ties and who consequently lives in turn in different places situated in two or more Member States shall be regarded as being the place of their personal ties, provided that such person returns there regularly. This last condition need not be complied with where the person is living in a Member State in order to carry out a fixed-term assignment.

3 Drivers shall give proof of their normal residence by any appropriate means, such as their identity card or any other valid document. Where the competent authorities of the Member State issuing the driver card have doubts as to the validity of a statement as to normal residence, or for the purpose of certain specific controls, they may request any additional information or evidence.

4 In duly justified and exceptional cases, Member States may issue a temporary and non-renewable driver card valid for a maximum period of 185 days to a driver who does not have his normal residence in a Member State or in a State which is a Contracting Party to the AETR Agreement, provided that such driver is in a labour law relationship with an undertaking established in the issuing Member State and, in so far as Regulation (EC) No 1072/2009 of the European Parliament and of the Council⁽¹⁾ applies, presents a driver attestation as referred to in that Regulation.

The Commission shall, on the basis of data provided by Member States, closely monitor the application of this paragraph. It shall report its findings every two years to the European Parliament and to the Council, and shall examine in particular whether temporary driver cards produce any negative impact on the labour market, and whether temporary cards are issued to named drivers ordinarily on more than one occasion. The Commission may make an appropriate legislative proposal to revise this paragraph.

5 The competent authorities of the issuing Member State shall take appropriate measures to ensure that an applicant does not already hold a valid driver card and shall personalise the driver card, ensuring that its data are visible and secure.

6 The driver card shall not be valid for more than five years.

7 A valid driver card shall not be withdrawn or suspended unless the competent authorities of a Member State find that the card has been falsified, or the driver is using a card of which he is not the holder, or the card held has been obtained on the basis of false declarations and/or forged documents. If such suspension or withdrawal measures are taken by a Member State other than the issuing Member State, the former shall return the card to the authorities of the Member State which issued it, as soon as possible, indicating the reasons for the withdrawal or suspension. If the return of the card is expected to take longer than two weeks, the suspending or withdrawing Member State shall inform the issuing Member State within those two weeks of the reasons for suspension or withdrawal.

8 Member States shall take all necessary measures to prevent driver cards from being falsified.

9 This Article shall not prevent a Member State from issuing a driver card to a driver who has his normal residence in a part of that Member State's territory, to which the Treaty on European Union and the Treaty on the Functioning of the European Union do not apply, provided that the relevant provisions of this Regulation are applied in such cases.

Article 27

Use of driver cards

1 The driver card is personal.

2 A driver may hold no more than one valid driver card, and is only authorised to use his own personalised driver card. A driver shall not use a driver card which is defective or which has expired.

Article 28

Renewal of driver cards

1 Where a driver wishes to renew his driver card, he shall apply to the competent authorities of the Member State of his normal residence not later than 15 working days before the expiry date of the card.

2 Where, in the case of renewals, the Member State of the driver's normal residence is different from that which issued his current card, and where the authorities of the former Member State are requested to renew the driver card, they shall inform the authorities which issued the earlier card of the reasons for its renewal.

3 In the event of a request for the renewal of a card which is imminently about to expire, the competent authority shall supply a new card before the expiry date, provided that the request was sent within the time-limits laid down in paragraph 1.

Article 29

Stolen, lost or defective driver cards

1 Issuing authorities shall keep records of issued, stolen, lost or defective driver cards for a period at least equivalent to their period of validity.

2 If a driver card is damaged or if it malfunctions, the driver shall return it to the competent authority of the Member State of his normal residence. Theft of the driver card shall be formally declared to the competent authorities of the State where the theft occurred.

3 Any loss of the driver card shall be reported in a formal declaration to the competent authorities of the issuing Member State and to the competent authorities of the Member State of the driver's normal residence if this is different.

4 If the driver card is damaged, malfunctions or is lost or stolen, the driver shall, within seven calendar days, apply for its replacement to the competent authorities of the Member State of his normal residence. Those authorities shall supply a replacement card within eight working days after their receipt of a detailed request to that effect.

5 In the circumstances set out in paragraph 4, the driver may continue to drive without a driver card for a maximum period of 15 calendar days or for a longer period if this is necessary for the vehicle to return to the premises where it is based, provided that the driver can prove the impossibility of producing or using the card during that period.

Article 30

Mutual recognition and exchange of driver cards

1 Driver cards issued by Member States shall be mutually recognised.

2 Where the holder of a valid driver card issued by a Member State has established his normal residence in another Member State, he may ask for his card to be exchanged for an equivalent driver card. It shall be the responsibility of the Member State which carries out the exchange to verify whether the card produced is still valid.

3 Member States carrying out an exchange shall return the old card to the authorities of the issuing Member State and indicate the reasons for so doing.

4 Where a Member State replaces or exchanges a driver card, the replacement or exchange, and any subsequent replacement or exchange, shall be registered in that Member State.

Article 31

Electronic exchange of information on driver cards

1 In order to ensure that an applicant does not already hold a valid driver card as referred to in Article 26, Member States shall maintain national electronic registers containing the following information on driver cards, including on those referred to in Article 26(4), for a period at least equivalent to the period of validity of those cards:

— surname and first name of the driver,

- birth date and, if available, place of birth of the driver,
- valid driving licence number and country of issue of the driving licence (if applicable),
- status of the driver card,
- driver card number.

2 The Commission and the Member States shall take all necessary measures to ensure that the electronic registers are interconnected and accessible throughout the Union, using the TACHOnet messaging system referred to in Recommendation 2010/19/EU or a compatible system. In the case of the use of a compatible system, the exchange of electronic data with all other Member States shall be possible through the TACHOnet messaging system.

3 When issuing, replacing and, where necessary, renewing a driver card, Member States shall verify through electronic data exchange that the driver does not already hold another valid driver card. The data exchanged shall be limited to the data necessary for the purpose of this verification.

4 Control officers may have access to the electronic register in order to check the status of a driver card.

5 The Commission shall adopt implementing acts to lay down the common procedures and specifications necessary for the interconnection referred to in paragraph 2, including the format for the data exchanged, the technical procedures for electronic consultation of the national electronic registers, access procedures and security mechanisms. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 42(3).

- (1) Regulation (EC) No 1072/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market ([OJ L 300, 14.11.2009, p. 72](#)).