

(English version)

**Question for written answer E-003128/26
to the Commission
Ștefan Mușoiu (S&D)
(24 July 2026)**

Subject: Uneven application of Regulation (EC) No 561/2006 and possible malpractices in checks on road transport operators

The Federation of Romanian Transport Operators has informed me of certain administrative practices where there is an uneven application of Article 8(8a) of Regulation (EC) No 561/2006, as amended by Regulation (EU) 2020/1054. Every four weeks, the French and Hungarian control authorities apparently ask for proof, at the roadside, concerning the organisation of drivers' returns and impose penalties if the requested documentation is not presented.

However, Article 8 establishes the obligation of an undertaking to organise its work in such a way that the driver returns to their place of residence or to the operational centre. Furthermore, it is not the driver's responsibility to keep documentation on board the vehicle but the employer's. In addition, the interpretative guidelines on Mobility Package I state that compliance with the relevant obligations is verified by checking documentation kept at the transport undertaking's premises for administrative controls.

1. Could the Commission therefore confirm whether Article 8 establishes or not the obligation to present documentation on a driver's return during roadside checks?
2. Can the Commission clarify whether the practice of some national authorities of applying penalties for simply failing to produce documents during roadside checks, is compatible with Regulation (EC) No 561/2006 and with the obligation to ensure the uniform application of EU law?
3. Furthermore, does the Commission intend to adopt further measures to standardise control practices and prevent divergent interpretations of Article 8 in the Member States?

Submitted: 24.7.2026

**Answer given by Mr Tzitzikostas on behalf of the European Commission
(13 October 2026)**

Pursuant to point (5) of the first paragraph of Part B of Annex I to Directive 2006/22/EC ⁽¹⁾, as introduced by the Mobility Package I, the observance of the obligations of undertakings regarding the organisation of the work of drivers stipulated by Article 8(8a) of Regulation (EC) No 561/2006 ⁽²⁾ must be checked at the premises of the undertakings.

As regards checks performed at the roadside, control authorities may state on the basis of tachograph records, including border crossings data, that the drivers concerned are still operating within the territory of a host Member State at a time when their return to their place of residence or to the operational centre should already have taken place.

It is therefore in undertakings' interest to ensure that documentation proving that Article 8(8a) of the regulation was complied with is also kept on board of vehicles to avoid further investigation at the premises of the undertakings and possible fines to the undertakings.

In accordance with Article 4(6) of Directive 2006/22/EC, the competent authorities of the Member States are required to provide mutual assistance in clarifying situations when the necessary data are lacking.

To facilitate harmonised application and enforcement of EU legislation by Member States, the Commission published a guidance document ⁽³⁾ and engaged several times with the Member States to ensure that checks on the respect of the above-mentioned provision are carried out at the premises of undertakings and that appropriate instructions are issued to the competent national inspection services.

⁽¹⁾ Directive 2006/22/EC of the European Parliament and of the Council of 15 March 2006 on minimum conditions for the implementation of Regulations (EC) No 561/2006 and (EU) No 165/2014 and Directive 2002/15/EC as regards social legislation relating to road transport activities, and repealing Council Directive 88/599/EEC (OJ L 102, 11.4.2006, p. 35).

⁽²⁾ 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 (OJ L 102, 11.4.2006, p. 1).

⁽³⁾ https://transport.ec.europa.eu/transport-modes/road/mobility-package-i/driving-rest-times_en.