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COVER NOTE

From: Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director

date of receipt: 12 November 2025

To: Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union

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Subject: Annex to the proposal for a COUNCIL DECISION on the position to be taken on behalf of the European Union in the Specialised Committee on Road Transport established by the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part, on a common list of serious infringements which may lead to the loss of good repute

Delegations will find attached document COM(2025) 466 final/2 DOWNGRADED ON 12.11.2025.

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EUROPEAN
COMMISSION

Brussels, 9.9.2025
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ANNEX

ANNEX

to the proposal for a

COUNCIL DECISION

on the position to be taken on behalf of the European Union in the Specialised Committee on Road Transport established by the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part, on a common list of serious infringements which may lead to the loss of good repute

**Decision No [insert number of this Decision – tbc 1/2025] of the Specialised Committee on
Road Transport
established by the Trade and Cooperation Agreement between the European Union and the
European Atomic Energy Community, of the one part, and the United Kingdom of Great
Britain and Northern Ireland, of the other part
of ...
on the categories, types and degrees of seriousness of serious infringements which may lead to
the loss of good repute for a road haulage operator**

THE SPECIALISED COMMITTEE ON ROAD TRANSPORT,

Having regard to the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part¹ ('the Trade and Cooperation Agreement'), and in particular Article 468(5) and Article 6(3) of Section 1 of Part A of Annex 31 thereto,

Whereas:

- (1) Article 463(1) of the Trade and Cooperation Agreement provides that road haulage operators undertaking journeys referred to in Article 462 of the Trade and Cooperation Agreement must hold a valid licence in accordance with Article 463(2) of the Trade and Cooperation Agreement. Point (b) of Article 3 of Section 1 of Part A of Annex 31 to the Trade and Cooperation Agreement lays down that a road haulage operator must be of good repute, in accordance with Article 6 of Section 1 of Part A of Annex 31 to the Trade and Cooperation Agreement.
- (2) Article 6 of Section 1 of Part A of Annex 31 to the Trade and Cooperation Agreement lays down detailed conditions relating to the requirement of good repute for a road haulage operator. In particular, its paragraphs 2 and 3 lay down the conditions in which infringements listed in point (b) of the third subparagraph of its first paragraph incurred by an operator may lead to an administrative procedure by the competent authorities in the Party of establishment, and may lead to the loss of good repute. Appendix 31-A-1-1 further lays down a list of seven most serious infringements which must trigger an administrative procedure by the competent authority in the Party of establishment.
- (3) A common list of infringements of the Trade and Cooperation Agreement or of Union or national laws relating to the matters listed in point (b) of the third subparagraph of Article 6(1) of Section 1 of Part A of Annex 31 to the Trade and Cooperation Agreement can enhance the implementation of the Trade and Cooperation Agreement in the road haulage sector. A list of categories, types and degrees of seriousness of serious infringements which may, in addition to those set out in Appendix 31-A-1-1 of Annex 31 to the Trade and Cooperation Agreement, lead to the loss of good repute, should therefore be adopted by Decision of the Specialised Committee on Road Transport, pursuant to Article 6(3) of Section 1 of Part A of Annex 31 to the Trade and Cooperation Agreement.

¹ OJEU L 149, 30.04.2021, p. 10.

- (4) National legal frameworks may need to be adapted to cater for the introduction of the additional serious infringements contained in this Decision. Furthermore, in order to allow both Parties to agree and set up the modalities of exchange of information relating to serious infringements committed in the other Party of that of establishment in accordance with Article 14(5) of Section 1 of Part A of Annex 31 to the Trade and Cooperation Agreement, it is appropriate to establish a date of application of this Decision. Hence, this Decision should apply from 1 December 2025.

HAS ADOPTED THIS DECISION:

Article 1

Categories, types and degrees of seriousness of infringements

This Decision establishes the list of categories, types and degrees of seriousness of serious infringements of the Trade and Cooperation Agreement rules in the transport of goods by road which, as laid down in the Annexes to this Decision, in addition to those set out in Appendix 31-A-1-1 to Annex 31 to the Trade and Cooperation Agreement, may lead to the loss of good repute of a road haulage operator.

Article 2

Entry into force and application

This Decision shall enter into force on the day following its adoption.

It shall apply from 1 December 2025.

*For the Specialised Committee on Road Transport
The Co-chairs*

ANNEXES

Annex I

The following tables contain categories and types of serious infringements against Annex 31 to the Trade and Cooperation Agreement, divided into three categories of seriousness according to their potential to create a risk of fatalities or serious injuries and/or distorting competition in the road transport market: most serious infringement (MSI), very serious infringement (VSI) and serious infringement (SI).

- (1) Groups of infringements against Section 2 of Part B of Annex 31 to the Trade and Cooperation Agreement, unless stated otherwise.

	LEGAL BASIS	TYPE OF INFRINGEMENT	LEVEL OF SERIOUSNESS			
			MSI	VSI	SI	
Driving periods						
1.	Article 4(1) and Appendix 31-A-1-1	Exceed daily driving time of 9h if possibilities to extend to 10h not allowed	$10h \leq \dots < 11h$			X
2.			$11h \leq \dots$		X	
3.		Exceed daily driving time of 9h by 50 % or more	$13h30 \leq \dots$	X		
4.		Exceed extended daily driving time of 10h if extension allowed	$11h \leq \dots < 12h$			X
5.			$12h \leq \dots$		X	
6.			Exceed daily driving time of 10h by 50 % or more	$15h \leq \dots$	X	
7.	Article 4(2) and Appendix 31-A-1-1	Exceed weekly driving time	$60h \leq \dots < 65h$			X
8.			$65h \leq \dots < 70h$		X	
9.		Exceed weekly driving time by 25 % or more	$70h \leq \dots$	X		
10.	Article 4(3) and Appendix 31-A-1-1	Exceed maximum total driving time during 2 consecutive weeks	$100h \leq \dots < 105h$			X
11.			$105h \leq \dots < 112h30$		X	
12.		Exceed maximum total driving time during 2 consecutive weeks by 25 % or more	$112h30 \leq \dots$	X		
Breaks						
13.	Article 5	Exceed uninterrupted driving time of 4,5 hours before taking the break	$5h \leq \dots < 6h$			X
14.			$6h \leq \dots$		X	
Rest Periods						

15.	Article 6(2)	Insufficient daily rest period of less than 11h if reduced daily rest period not allowed	$8h30 \leq \dots < 10h$			X
16.			$\dots < 8h30$		X	
17.		Insufficient reduced daily rest period of less than 9h if reduce allowed	$7h \leq \dots < 8h$			X
18.			$\dots < 7h$		X	
19.		Insufficient split daily rest period of less than 3h + 9h	$3h + [7h \leq \dots < 8h]$			X
20.			$3h + [\dots < 7h]$		X	
21.	Article 6(5)	Insufficient daily rest period of less than 9h for multi-manning	$7h \leq \dots < 8h$			X
22.			$\dots < 7h$		X	
23.	Article 6(6)	Insufficient reduced weekly resting period of less than 24 h	$20h \leq \dots < 22h$			X
24.			$\dots < 20h$		X	
25.		Insufficient weekly resting period of less than 45 h if reduced weekly resting period not allowed	$36h \leq \dots < 42h$			X
26.			$\dots < 36h$		X	
27.		Exceeding 6 consecutive 24-hour periods following the previous weekly rest period	$3h \leq \dots < 12h$			X
28.			$12h \leq \dots$		X	
29.	Article 6(7)	No compensation rest for two consecutive reduced weekly rest periods			X	
30.	Article 6(9)	Regular weekly rest period or any weekly rest period of more than 45 hours taken in a vehicle			X	
31.		The employer not covering costs for accommodation outside the vehicle				X
Work organisation						
32.	Article 6(10)	Transport undertaking not organising the work of drivers in such a way that the drivers are able to return to the employer's operational centre, or to return to the drivers' place of residence			X	
33.	Article 7(1)	Link between wage/payment and distance travelled, speed of delivery and/or amount of goods carried			X	
34.	Article 7(2)	No or improper organisation of driver's work, no or improper instructions given to driver enabling him to comply with the law			X	

(2) Groups of infringements against Section 4 of Part B and Section 2 of Part C of Annex 31 to the Trade and Cooperation Agreement.

	LEGAL BASIS	TYPE OF INFRINGEMENT	LEVEL OF SERIOUSNESS		
			MSI	VSI	SI
Installation of tachograph					
1.	Articles 3 and 5 of Section 2 of Part C and Appendix 31-A-1-1	Not having type-approved tachograph installed and used	X		
Use of tachograph, driver card or record sheet					
2.	Article 6(1) of Section 2 of Part C	Using a tachograph not inspected by an approved workshop		X	
3.	Article 3 of Section 4 of Part B and Appendix 31-A-1-1	Driver holding and/or using more than one own driver card		X	
4.		Driving with a driver card that has been falsified (<i>considered as driving without driver card</i>)	X		
5.		Driving with a driver card of which the driver is not the holder (<i>considered as driving without driver card</i>)	X		
6.		Driving with a driver card which has been obtained on the basis of false declarations and/or forged documents (<i>considered as driving without driver card</i>)	X		
7.	Article 7(1) of Section 4 of Part B and Article 15(1) of Section 2 of Part C.	Tachograph not correctly functioning (<i>e.g.: tachograph not properly inspected, calibrated and sealed</i>)		X	
8.		Tachograph improperly used (<i>e.g.: deliberate, voluntary or imposed misuse, lack of instructions on correct use, etc.</i>)		X	
9.	Article 7(2) of Section 4 of Part B and Appendix 31-A-1-1	Having in the vehicle and/or using a fraudulent device able to modify the records of the tachograph	X		
10.		Falsifying, concealing, suppressing or destroying data recorded on the record sheets or stored and downloaded from the tachograph and/or the driver card	X		
11.	Article 15(2) of Section 2 of Part C	Undertaking not keeping record sheets, printouts and downloaded data		X	
12.		Recorded and stored data not available for at least a year		X	
13.	Article 6(1) of Section 4 of Part B	Incorrect use of record sheets/driver card		X	
14.		Unauthorised withdrawal of record sheets or driver card which has an impact on the record of relevant data		X	

15.		Record sheet or driver card used to cover a period longer than that for which it is intended, and data is lost		X	
16.	Article 6(2) of Section 4 of Part B	Use dirty or damaged record sheets or drivers card and data not legible		X	
17.	Article 6(3) of Section 4 of Part B	Not using manual input when required to do so		X	
18.	Article 6(4) of Section 4 of Part B	Not using correct record sheet or driver card not in the correct slot (multi-manning)			X
19.	Article 6(5) of Section 4 of Part B	Incorrect use of switch mechanism		X	
Producing information					
20.	Article 6(5), point (b)(v) of Section 4 of Part B	Incorrect use or non-use of the ferry/train sign			X
21.	Article 6(6) of Section 4 of Part B	Required information not entered on the record sheet		X	
22.	Article 6(7) of Section 4 of Part B	Records not showing the symbols of the countries whose borders were crossed by the driver during the daily working period			X
23.	Article 6(7) of Section 4 of Part B	Records not showing the symbols of the countries where the driver's daily working period started and finished			X
24.	Article 10 of Section 4 of Part B	Refusing to be checked		X	
25.		Unable to produce manual records and printouts made during the current day and the previous 56 days		X	
26.		Unable to produce a driver card, if the driver holds one		X	
Malfunctioning					
27.	Article 16(1) and Article 5(1) of Section 2 of Part C	Tachograph not repaired by an approved fitter or workshop		X	
28.	Article 11 of Section 4 of Part B	Driver not marking all required information for the periods of time, which are no longer recorded while tachograph is unserviceable or malfunctioning		X	

(3) Groups of infringements against Section 3 of Part B of Annex 31 to the Trade and Cooperation Agreement

	LEGAL BASIS	TYPE OF INFRINGEMENT	LEVEL OF SERIOUSNESS			
			MSI	VSI	SI	
Maximum weekly working time						
1.	Article 3	Exceeding maximum weekly working time of 48h if possibilities to extend to 60h already consumed	$56h \leq \dots < 60h$			X
2.			$60h \leq \dots$		X	
3.		Exceeding maximum weekly working time of 60h if no derogation under Article 7 granted	$65 \leq \dots < 70h$			X
4.			$70h \leq \dots$		X	
Breaks						
5.	Article 4	Insufficient obligatory break taken when working time between 6 and 9 hours	$10 < \dots \leq 20$ min			X
6.			$\dots \leq 10$ min		X	
7.		Insufficient obligatory break taken when working time over 9 hours	$20 < \dots \leq 30$ min			X
8.			$\dots \leq 20$ min		X	
Night work						
9.	Article 6	Daily working time in each 24h when night work performed if no derogation under Article 7 granted	$11h \leq \dots < 13h$			X
10.			$13h \leq \dots$		X	
Records						
11.	Article 8	Employers falsifying working time records or refusing to provide records to inspection officer			X	

12.		Employed/self-employed drivers falsifying records or refusing to provide records to inspection officer		X	
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(4) Groups of infringements against Section 1 of Part C of Annex 31 to the Trade and Cooperation Agreement

	LEGAL BASIS	TYPE OF INFRINGEMENT	LEVEL OF SERIOUSNESS		
			MSI	VSI	SI
Weights					
1.	Article 1 and Appendix 31-A-1-1	Exceed maximum permissible weights for N3 vehicles	5 % ≤ ... < 10 %		X
2.			10 % ≤ ... < 20 %		X
3.			20 % ≤ ...	X	
4.		Exceed maximum permissible weight for N2 vehicles	5 % ≤ ... < 15 %		X
5.			15 % ≤ ... < 25 %		X
6.			25 % ≤ ...	X	
Lengths					
7.	Article 1	Exceed maximum permissible length	2 % < ... < 20 %		X
8.			20 % ≤ ...		X
Width					
9.	Article 1	Exceed maximum permissible width	2,65 ≤ ... < 3,10 metres		X
10.			3,10 metres ≤ ...		X

(5) Groups of infringements against rules on Technical roadside inspection

	LEGAL BASIS	TYPE OF INFRINGEMENT	LEVEL OF SERIOUSNESS		
			MSI	VSI	SI
Roadworthiness					
1.	Annex 31, Part A, Section 1 Article 6(1)(b)(iv)	Driving without a valid proof of roadworthiness tests passed, as required by the EU and UK law	X		
2.		Not keeping a vehicle in a safe and roadworthy	X		

	and Appendix 31-A-1-1	condition resulting in a very serious deficiency of the braking system, the steering linkages, the wheels/tires, the suspension or chassis or other equipment that would create such an immediate risk to road safety that it leads to a decision to immobilise the vehicle			
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(6) Groups of infringements against rules on Speed limitation devices

	LEGAL BASIS	TYPE OF INFRINGEMENT	LEVEL OF SERIOUSNESS		
			MSI	VSI	SI
1.	Annex 31, Part A, Section 1 Article 6(1)(b)(vii)	Speed limitation device not fitted	X		
2.		Speed limitation device not satisfying the applicable technical requirements		X	
3.		Speed limitation device not fitted by an approved workshop			X
4.		Having and/or using a fraudulent device able to falsify data of speed limitation device or having and/or using a fraudulent speed limitation device	X		

(7) Groups of infringements against Section 1 of Part B of Annex 31 to the Trade and Cooperation Agreement

	LEGAL BASIS	TYPE OF INFRINGEMENTS	LEVEL OF SERIOUSNESS		
			MSI	VSI	SI
Training and Licence					
1.	Article 3	Carrying goods without a compulsory initial qualification and/or compulsory periodic training		X	
2.	Article 9 and Appendix 31-B-1-2	Driver unable to present the valid qualification card or the driving licence with the marking, as required by the national law (e.g.: lost, forgotten, damaged, unreadable)			X

(8) Groups of infringements against driving licence requirements

	LEGAL BASIS	TYPE OF INFRINGEMENTS	LEVEL OF
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			SERIOUSNESS		
			MSI	VSI	SI
1.	Annex 31, Part A, Section 1 Article 6(1)(b)(viii) and Appendix 31-A-1-1	Carrying goods without holding a valid driving licence	X		
2.		Using a driving licence which is damaged or unreadable or not in line with common model			X

(9) Groups of infringements against rules on transport of dangerous goods by road

	LEGAL BASIS	TYPE OF INFRINGEMENTS	LEVEL OF SERIOUSNESS		
			MSI	VSI	SI
1.	Annex 31, Part A, Section 1 Article 6(1)(b)(vi) and Appendix 31-A-1-1	Transporting dangerous goods that are prohibited for transport	X		
2.		Transporting dangerous goods in a prohibited or non-approved means of containment, thus endangering lives or the environment to such extent that it leads to a decision to immobilise the vehicle	X		
3.		Transporting dangerous goods without identifying them on the vehicle as dangerous goods, thus endangering lives or the environment to such extent that it leads to a decision to immobilise the vehicle	X		
4.		Leakage of dangerous substances		X	
5.		Carriage in bulk in a container which is not structurally serviceable		X	
6.		Carriage in a vehicle without an appropriate certificate of approval		X	
7.		Vehicle no longer complies with the approval standards and presents an immediate danger		X	
8.		The rules governing the securing and stowage of the load have not been complied with		X	
9.		The rules governing mixed loading of packages have not been complied with		X	
10.		The provisions limiting the quantities carried in one transport		X	

		unit have not been complied with, including permissible degrees of filling tanks or packages;			
11.		Information relevant to the substance being carried enabling determination of level of seriousness of offence is missing (e.g. UN number, proper shipping name, packing group)		X	
12.		Driver does not hold a valid vocational training certificate		X	
13.		Fire or an unprotected light is being used		X	
14.		The ban on smoking is not being observed.		X	
15.		The vehicle is not properly supervised or parked			X
16.		The transport unit comprises more than one trailer/semi-trailer			X
17.		Vehicle no longer complies with the approval standards but does not present an immediate danger			X
18.		The vehicle is not carrying operational fire extinguishers as required			X
19.		The vehicle does not carry the equipment required in the ADR or in the instructions in writing			X
20.		Packages with damaged packaging, IBCs or large packaging or damaged uncleaned empty packaging are being carried			X
21.		Carriage of packaged goods in a container which is not structurally serviceable			X
22.		Tanks/tank containers (including ones that are empty and uncleaned) have not been closed properly			X
23.		Incorrect labelling, marking or placarding on the vehicle and/or containment			X
24.		There are no instructions in writing conforming to the ADR, or the instructions in writing are not relevant to the goods carried			X

(10) Groups of infringements against Title I of Heading Three of Part Two of the Trade and Cooperation Agreement, unless stated otherwise.

	LEGAL BASIS	TYPE OF INFRINGEMENT	LEVEL OF SERIOUSNESS		
			MSI	VSI	SI

Licence					
1.	Article 463(1) and Appendix 31-A-1-1	Carrying goods without holding a valid licence (i.e.: a licence is non-existent, falsified, withdrawn, expired, etc.)	X		
2.	Article 463(3)	The haulage undertaking or the driver unable to present a valid licence or a valid certified true copy of the licence to the inspecting officer (i.e.: licence or certified true copy of the licence lost, forgotten, damaged, etc.)		X	
Driver attestation					
3.	Annex 31, Part A, Section 1 Article 6(1)(b)(v)	Drivers carrying goods without holding a valid driver attestation (i.e. driver's attestation is non-existent, falsified; withdrawn, expired, etc.)		X	
4.	Annex 31, Part A, Section 1 Article 6(1)(b)(v)	The driver or the haulage undertaking unable to present a valid driver attestation or a valid certified true copy of the driver attestation to the inspecting officer (i.e. driver attestation or certified true copy of the driver attestation lost, forgotten, damaged, etc.)			X
Specific transport operations allowed under the Trade and Cooperation Agreement					
5.	Paragraphs 3 to 7 of Article 462	Carrying out cabotage or other transport operations not in compliance with the laws, regulations and administrative provisions, including limitations on the number of journeys, in force in the host Party.		X	

(11) Groups of infringements against rules on animal transport

	LEGAL BASIS	TYPE OF INFRINGEMENTS	LEVEL OF SERIOUSNESS		
			MSI	VSI	SI
1.	Annex 31, Part A, Section 1 Article 6(1)(b)(x)	Partitions are not strong enough to withstand the weight of animals		X	
2.		Using loading or unloading ramps that has slippery surfaces, that lack lateral protections or that are too steep			X
3.		Using lifting platforms or upper floors that do not have safety barriers preventing animals from falling or escaping during loading and unloading operations			X
4.		Means of transport not approved for long journeys, or not approved for the type of animals being transported.			X
5.		Transporting without valid required documentation, journey log or transporter authorisation or certificate of competence			X

(12) Groups of infringements against laws applicable to contractual obligations

	LEGAL BASIS	TYPE OF INFRINGEMENT	LEVEL OF SERIOUSNESS		
			MSI	VSI	SI
1.	Annex 31, Part A, Section 1 Article 6(1)(b)(xii)	Violation of the law applicable to contractual obligations		X	

(13) Groups of infringements against Section 2 of Part A of Annex 31 to the Trade and Cooperation Agreement

	LEGAL BASIS	TYPE OF INFRINGEMENT	LEVEL OF SERIOUSNESS		
			MSI	VSI	SI
1.	Article 6(1), point	Incomplete information on the posting declaration			X
2.	(a)	Failure to submit a posting declaration to the country ² to which the driver is posted no later than at the commencement of the posting		X	
3.	Article 6(1), point	Falsified posting declaration for drivers		X	
4.	(b)	Impossibility of the driver to present a valid posting declaration		X	
5.		Failure to put at the disposal of the driver a valid posting declaration		X	
6.	Article 6(1), second subparagraph	Failure to submit the requested documents to the host country ³ within eight weeks from the date of the request. Article 6(1) point (c) specifies the types of document that must be provided		X	
7.	Article 6(4)	Failure of the operator to keep the posting declarations up to date in the public interface connected to IMI			X

² Country refers to a Member State of the European Union for the European Union, and the United Kingdom of Great Britain and Northern Ireland for the United Kingdom of Great Britain and Northern Ireland.

³ Country refers to a Member State of the European Union for the European Union, and the United Kingdom of Great Britain and Northern Ireland for the United Kingdom of Great Britain and Northern Ireland.

Annex II

Degrees of seriousness of serious infringements

- (1) The degrees of seriousness of infringements shall be serious ('SI'), very serious ('VSI') and most serious ('MSI').
- (2) Serious and very serious infringements, when committed repeatedly by the same operator, shall be regarded as more serious by the competent authority in the Party of establishment. When calculating the frequency of occurrence of repeated infringements, the competent authorities in the Party shall take into account the following factors:
 - The seriousness of the infringements (SI or VSI);
 - Time (at least one rolling year from the date of a control);
 - Number of vehicles used for the transport activities managed by the transport manager (average per year).
- (3) Taking into account the potential of creating a risk to road safety, the maximum frequency of serious infringements beyond which they should be considered as more serious shall be established as follows:
 - 3 SI per vehicle and per year = 1 VSI;
 - 3 VSI per vehicle and per year = launch of a national procedure on good repute.
- (4) The number of infringements per vehicle per year is an average figure calculated by dividing the total number of all infringements of the same level of seriousness (SI or VSI) by the average number of vehicles used during the year. The frequency formula provides for a maximum threshold for occurrence of serious infringements beyond which they shall be considered more serious. Competent authorities in the Parties may establish stricter thresholds if envisaged in their national administrative procedure for assessing good repute.