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REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL

on the exercise of the power to adopt delegated acts conferred on the Commission pursuant to Directive 2006/22/EC

1. Introduction

Directive 2006/22/EC (hereinafter, "the Directive")[1] was adopted to lay down minimum conditions for implementing Regulations (EC) No 561/2006[2] and (EU) No 165/2014[3] and Directive 2002/15/EC[4]. It sets out the minimum checks that need to be carried out at the roadside and on transport undertakings premises to verify whether drivers and undertakings are complying with the social legislation on road transport activities. The principal points to be covered during roadside checks and checks at premises are listed in Annex I. The standard checking equipment that must be available for enforcement units is listed in Annex II. The Directive also requires Member States to set up a risk rating system for undertakings based on the relative number and seriousness of infringements. Annex III lists infringements of the two Regulations and the level of seriousness.

The Directive empowers the Commission to adopt delegated acts to amend Annexes I and II so that adjustments can be made to reflect developments in best enforcement practice. The Commission can also adopt delegated acts to amend Annex III to take account of regulatory developments and road safety considerations.

2. Legal basis for the report

This report is required under Article 15a(2) of the Directive, which allows the Commission to adopt delegated acts for a period of five years from 1 August 2020. This power is tacitly extended for identical periods, unless the European Parliament or the Council object at least three months before the end of each period.

Since the European Parliament and the Council did not oppose the extension of the delegation of power under Article 15a(2) of the Directive and did not revoke it under Article 15a(3), this report covers the five-year period from 1 August 2020 to 31 July 2025.

[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] 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 (OJ L 60, 28.2.2014, p. 1).

[4] Directive 2002/15/EC of the European Parliament and of the Council of 11 March 2002 on the organisation of the working time of persons performing mobile road transport activities (OJ L 80, 23.3.2002, p. 35).

3. Use of the delegation

The delegation was used under Article 15a of the Directive to adopt Directive (EU) 2024/846[5]. This Delegated Directive updated the list of infringements in Annex III to Directive 2006/22/EC following the adoption of Regulation (EU) 2020/1054[6] (which added new provisions on infringements).

Member State and industry experts and other affected groups were among those consulted on the draft delegated directive. European Parliament experts were also invited to a meeting of the Enforcement Working Group on 2 June 2022. The Commission adopted the Delegated Directive on 14 March 2024 and notified the European Parliament and the Council accordingly. Neither institution objected to the delegated act within the two-month period. The Delegated Directive was published in the *Official Journal of the European Union* on 31 May 2024[7] and entered into force on 20 June 2024. Member States had to transpose it into national law by 14 February 2025.

The delegation has not been used to date to amend Annexes I and II to Directive 2006/22/EC for applying Articles 4 and 6. This is because no Member State has submitted any relevant request for changes to the points to be covered during roadside checks and checks at premises and the Commission has not seen the need for changes.

4. Conclusion

The Commission welcomes the tacit extension of the delegation of power, which is necessary for Directive 2006/22/EC to achieve its aims and work properly.

The Commission invites the European Parliament and the Council to take note of this report.

[5] Commission Delegated Directive (EU) 2024/846 of 14 March 2024 amending Directive 2006/22/EC of the European Parliament and of the Council 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 (OJ L, 2024/846, 31.5.2024).

[6] 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 (OJ L 249, 31.7.2020, p. 1).

[7] [Please mention the OJ reference]