

GUIDANCE NOTE 8

Issue: Exceptional situations when driving without a driver card is allowed.

Article: Article 29 of Regulation (EU) 165/2014 (Article 16 of the repealed Regulation 3821/85) and Article 13, paragraph 3 of Annex to the European Agreement concerning the Work of Crews of Vehicles engaged in International Road Transport (AETR)

Approach to be followed:

Article 29 of Regulation (EU) 165/2014 provides that 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 days¹ after the receipt of a detailed request to that effect. In such circumstances, 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. The proof might consist of a police report on the stolen or lost card, formal declaration to competent authorities or confirmation of submitting the request for a card replacement. Even though the period of 15 calendar days might be exceeded if an application for the replacement of a driver card takes place at the end of the period of **seven calendar days** and is followed by a supply of the replacement card by the competent authorities at the end of the period of **eight working days**, this does not change the period of 15 calendar days foreseen in Article 29(5) of Regulation (EU) No 165/2014 when a driver is allowed to continue driving without a driver card or a longer period if this is necessary for the vehicle to return to the premises.

A driver returning to the premises of the transport undertaking following a trip during which his/her driver card is damaged, malfunctions, or is lost or stolen, should be allowed to continue driving without a driver card during possible other trips, within 15 calendar days or for a longer period if this is necessary for the vehicle to return to the premises, as foreseen by Article 29 of Regulation (EU) 165/2014, only if that driver applies for the issuing of a new card to the competent authority within the legitimate period of seven calendar days, in order to be able to prove thereafter that he is expecting for a replacement card to be issued.

Such a conclusion derives from the above-mentioned provisions and also from the idea that the continuity of operations of the transport undertaking must not be disproportionately affected, provided that all the other safeguards (such as printouts and manual records) specific to the driving without a driver card, apply as well.

¹ The period of 8 working days to provide a replacement card will apply from 2 March 2016. Until this time Article 14 (4) a of Regulation (EEC) No 3821/85 stipulating that authority shall supply a replacement card within five working days of receiving a detailed request to that effect is applicable.