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| 1. Назив прописа Eвропске уније :  **Уредба (ЕЗ) брoj 561/2006 европског парламента и савета од 15. марта 2006. o усклађивању одређених прописа социјалног законодавства који се односе на друмски транспорт, којом се мењају и допуњавају Уредбе Савета (ЕЕЗ) број 3821/85 и (ЕЗ) број**  **2135/98 и на основу које престаје да важи Уредба Савета (ЕЕЗ) број 3820/85**  **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** | 2. „CELEX” ознака ЕУ прописа:  **32006R0561**  **32009R1073**  **32014R0165** |
| 3. Орган државне управе, односно други овлашћени предлагач прописа - Влада  **Обрађивач - Министарство грађевинарства, саобраћаја и инфраструктуре** | 4. Датум израде табеле:  **29.10.2015. године** |
| 5. Назив (нацрта, предлога) прописа чије одредбе су предмет анализе усклађености са прописом Европске уније:  **01. Предлог закона о радном времену посаде возила у друмском превозу и тахографима**  **Draft law on working time of mobile worker vehicles in road transport and tachographs**  **02. Закон о безбедности саобраћаја на путевима (Сл. гласник РС бр. 41/09, 53/10, 101/11, 32/13-УС, 55/14)**  **Law on Road Traffic Safety (The Official Gazette of RS, No. 41/09, 53/10, 101/11, 32/13, 55/14)**  **03. Закон о превозу у друмском саобраћају (Сл. гласник РС бр. 46/95 , 66/01 , 61/05 , 91/05 , 62/06 , 31/11)**  **Law on Road Transport (The Official Gazette of RS, No. 46/95 , 66/01 , 61/05 , 91/05 , 62/06 , 31/11)**  **04. Закон о међународном превозу у друмском саобраћају (Сл. лист СРЈ бр. 60/98 , 5/99 - исправка, 44/99 , 74/99 , 4/00 - исправка, Сл. гласник**  **РС бр. 101/05 - др. закон, 101/05 - др. закон, 18/10 )**  **Law on International Road Transport (The Official Gazette of SRJ, No. 60/98 , 5/99 , 44/99 , 74/99 , 4/00 , Official Gazette of RS no. 101/05 , 18/10 )**  **05. Правилник о начину коришћења тахографа (Службени Гласник РС, број 43/11)**  **Rulebook on the use of tachographs (The Official Gazette of RS, No. 43/11)** | 6. Бројчане ознаке (шифре) планираних прописа из базе НПAA:  **2012-519** |
| 7. Усклађеност одредби прописа са одредбама прописа ЕУ: | |

| а) | а1) | б) | б1) | в) | г) | д) |
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| Одредба прописа ЕУ | Садржина одредбе | Одредбе прописа Р. Србије | Садржина одредбе | Усклађеност[[1]](#footnote-1) | Разлози за делимичну усклађеност, неусклађеност или непреносивост | Напомена о усклађености |
| 1. | This Regulation lays down rules on driving times, breaks and rest periods for drivers engaged in the carriage of goods and passengers by road in order to harmonise the conditions of competition between modes of inland transport, especially with regard to the road sector, and to improve working conditions and road safety. This Regulation also aims to promote improved monitoring and enforcement practices by Member States and improved working practices in the road transport industry. | **01.**1. | Овим законом уређују се: радно време, паузе и одмори посаде возила у друмском превозу; време управљања возилом, у циљу повећања безбедности саобраћаја на путевима | ПУ |  |  |
| 2.1. | This Regulation shall apply to the carriage by road:  (a) of goods where the maximum permissible mass of the vehicle, including any trailer, or semi-trailer, exceeds 3,5 tonnes, or  (b) of passengers by vehicles which are constructed or  permanently adapted for carrying more than nine  persons including the driver, and are intended for that  purpose. | **01.**2.1. | Овај закон се примењује на посаду возила која обавља друмски превоз:   1. терета, када је највећа дозвољена маса   возила већа од 3,5 t и   1. путника, возилима која су својом   конструкцијом и опремом прилагођена за  превоз више од девет лица, укључујући возача. | ПУ |  |  |
| 2.2. | This Regulation shall apply, irrespective of the country of registration of the vehicle, to carriage by road undertaken:  (a) exclusively within the Community; or  (b) between the Community, Switzerland and the countries party to the Agreement on the European Economic Area. |  |  | НП | Обавеза за земље чланице ЕУ |  |
| 2.3. | The AETR shall apply, instead of this Regulation, to international road transport operations undertaken in part outside the areas mentioned in paragraph 2, to:  (a) vehicles registered in the Community or in countries which are contracting parties to the AETR, for the whole journey;  (b) vehicles registered in a third country which is not a contracting party to the AETR, only for the part of the journey on the territory of the Community or of countries which are contracting parties to the AETR.  The provisions of the AETR should be aligned with those of this Regulation, so that the main provisions in this Regulation apply, through the AETR, to such vehicles for any part of the journey made within the Community. | **01.**1.2. | При обављању међународног превоза примењују се одредбе потврђеног Европског споразума о раду посаде на возилима која обављају међународне друмске превозе (AETR) (у даљем тексту: AETR споразум), одредбе овог закона и подзаконских аката донетих на основу овог закона. | ПУ |  |  |
| 3. | This Regulation shall not apply to carriage by road by: | **01.**2.2. | Изузетно од става 1. овог члана, одредбе овог закона се не примењују на посаду возила која обавља друмски превоз: | ПУ |  |  |
| 3.(a) | vehicles used for the carriage of passengers on regular services where the route covered by the service in question does not exceed 50 kilometres; | **01.**2.3. | Изузетно од става 1. овог члана, одредбе овог закона се не примењују на посаду возила која обавља међународни превоз возилима у јавном линијском превозу путника на линијама дужине до 50 km. | ПУ |  |  |
| 3.(aa) | vehicles or combinations of vehicles with a maximum permissible mass not exceeding 7,5 tonnes used for carrying materials, equipment or machinery for the driver’s use in the course of his work, and which are used only within a 100 km radius from the base of the undertaking and on the condition that driving the vehicle does not constitute the driver’s main activity; | **01.**2.2.9) | возилима чија највећа дозвољена маса не прелази 7,5 t, која се користе за превоз материјала, опреме или механизације коју возач користи у току свог рада и која се користе најдаље до 100 km од седишта односно огранка превозника, уколико управљање возилом није основно занимање возача. | ПУ |  |  |
| 3.(b) | vehicles with a maximum authorised speed not exceeding 40 kilometres per hour; | **01.**2.2.1) | возилима чија највећа конструктивна брзина не прелази 40 km/h; | ПУ |  |  |
| 3.(c) | vehicles owned or hired without a driver by the armed services, civil defence services, fire services, and forces responsible for maintaining public order when the carriage is undertaken as a consequence of the tasks assigned to these services and is under their control; | **01.**2.2.2) | возилима чији је власник односно корисник војска, полиција, служба цивилне заштите и ватрогасна служба, када се превоз обавља у сврху извршавања задатака ових служби и под њиховим надзором; | ПУ |  |  |
| 3.(d) | vehicles, including vehicles used in the non-commercial transport of humanitarian aid, used in emergencies or rescue operations; | **01.**2.2.3) | возилима која се користе у ванредним ситуацијама или акцијама спашавања, укључујући и возила која се користе за превоз хуманитарне помоћи, када се за овакав превоз не остварује профит; | ПУ |  |  |
| 3.(e) | specialised vehicles used for medical purposes; | **01.**2.2.4) | специјалним возилима која се користе у медицинске сврхе; | ПУ |  |  |
| 3.(f) | specialised breakdown vehicles operating within a  100 km radius of their base; | **01.**2.2.8) | специјалним возилима за превоз оштећених и неисправних возила, а која се користе до 100 km од седишта, односно огранка превозника; | ПУ |  |  |
| 3.(g) | vehicles undergoing road tests for technical development, repair or maintenance purposes, and new or rebuilt vehicles which have not yet been put into service; | **01.**2.2.5) | возилима која се тестирају на путу у сврху техничког развоја или одржавања и новим или ремонтованим возилима која нису регистрована за кретање у саобраћају; | ПУ |  |  |
| 3.(h) | vehicles or combinations of vehicles with a maximum permissible mass not exceeding 7,5 tonnes used for the non-commercial carriage of goods; | **01.**2.2.6) | возилима чија највећа дозвољена маса не прелази 7,5 t, која се користе за превоз терета за сопствене потребе; | ПУ |  |  |
| 3.(i) | commercial vehicles, which have a historic status according to the legislation of the Member State in  which they are being driven and which are used for the non-commercial carriage of passengers or goods. | **01.**2.2.7) | возилима од историјског значаја (олдтајмер), по прописима државе у којој су регистрована, а која се користе за некомерцијални превоз путника или терета; | ПУ |  |  |
| 4. | For the purposes of this Regulation the following definitions shall apply: | **01.**3.1. | Изрази коришћени у овом закону имају следеће  значење: | ПУ |  |  |
| 4.(a) | (a) ‘carriage by road’ means any journey made entirely or in part on roads open to the public by a vehicle, whether laden or not, used for the carriage of passengers or goods; | **03.**2.1.1) | "јавни превоз" јесте превоз који је под једнаким условима доступан свим корисницима превозних услуга и обавља се на основу уговора о превозу. | ПУ |  |  |
| 4.(b) | (b) ‘vehicle’ means a motor vehicle, tractor, trailer or semitrailer or a combination of these vehicles, defined as follows:  — ‘motor vehicle’: any self-propelled vehicle travelling on the road, other than a vehicle permanently running on rails, and normally used for carrying passengers or goods,  — ‘tractor’: any self-propelled vehicle travelling on the road, other than a vehicle permanently running on  rails, and specially designed to pull, push or move trailers, semi-trailers, implements or machines,  — ‘trailer’: any vehicle designed to be coupled to a  motor vehicle or tractor,  — ‘semi-trailer’: a trailer without a front axle coupled  in such a way that a substantial part of its weight and of the weight of its load is borne by the tractor or motor vehicle; | **01.**3.1.1) | **Возило** је свако моторно возило, вучно возило, приколица или полуприколица укључујући и скуп возила, и то:   * + 1. **моторно возило** је свако возило са сопственим погоном намењено и оспособљено за кретање по путу, осим шинских возила, које се у нормалним околностима користи за превоз путника и терета,     2. **вучно возило** је свако возило са сопственим погоном, осим шинских возила, које је по конструкцији намењено и оспособљено да вуче, гура или на било који други начин покреће приколице, полуприколице, прикључке за извођење радова или механизацију,     3. **приколица** је свако прикључно возило конструисано за спајање са моторним или вучним возилом,     4. **полуприколица** је прикључно возило без предње осовине, која се са моторним или вучним возилом спаја на такав начин да се значајан део њене и тежине терета преноси на вучно или моторно возило. | ПУ |  |  |
| 4.(c) | (c) ‘driver’ means any person who drives the vehicle even for a short period, or who is carried in a vehicle as part of his duties to be available for driving if necessary; | **01.**3.1.2)(1) | **возач**, односно лице које макар и на кратко управља возилом или које се налази у возилу у оквиру својих послова, како би по потреби управљало возилом, | ПУ |  |  |
| 4.(d) | (d) ‘break’ means any period during which a driver may not carry out any driving or any other work and which is used exclusively for recuperation; | **01.**3.1.31) | **Пауза** је прекид управљања возилом током којег возач не сме да управља возилом, нити обавља остале послове и које се искључиво користи за одмор и опоравак. | ПУ |  |  |
| 4.(e) | (e) ‘other work’ means all activities which are defined as working time in Article 3(a) of Directive 2002/15/EC except ‘driving’, including any work for the same or another employer, within or outside of the transport sector; | **01.**3.1.34) | **Остали послови** су све радне активности члана посаде возила у оквиру друмског превоза или изван њега осим управљања возилом, укључујући и сваки рад за превозника или другог послодавца. | ПУ |  |  |
| 4.(f) | (f) ‘rest’ means any uninterrupted period during which a driver may freely dispose of his time; | **01.**3.1.28) | **Одмор** је непрекидни временски период током кога члан посаде може слободно да располаже својим временом. | ПУ |  |  |
| 4.(g) | (g) ‘daily rest period’ means the daily period during which a driver may freely dispose of his time and covers a ‘regular daily rest period’ and a ‘reduced daily rest period’:  — ‘regular daily rest period’ means any period of rest of at least 11 hours. Alternatively, this regular daily rest period may be taken in two periods, the first of which must be an uninterrupted period of at least 3 hours and the second an uninterrupted period of at least nine hours,  — ‘reduced daily rest period’ means any period of rest of at least nine hours but less than 11 hours; | **01.**3.1.29) | **Дневни одмор** је одмор који може да буде:   1. пуни дневни одмор који непрекидно траје најмање 11 часова или се може поделити на два дела и то тако да први део одмора траје непрекидно најмање три часа, а други непрекидно не мање од девет часова; 2. скраћени дневни одмор који непрекидно траје мање од 11 часова, али не мање од 9 часова. | ПУ |  |  |
| 4.(h) | (h) ‘weekly rest period’ means the weekly period during which a driver may freely dispose of his time and covers a ‘regular weekly rest period’ and a ‘reduced weekly rest period’:  — ‘regular weekly rest period’ means any period of rest of at least 45 hours,  — ‘reduced weekly rest period’ means any period of  rest of less than 45 hours, which may, subject to the  conditions laid down in Article 8(6), be shortened  to a minimum of 24 consecutive hours; | **01.**3.1.30) | **Недељни одмор** је одмор који може да буде:   1. пуни недељни одмор који непрекидно траје најмање 45 часова, 2. скраћени недељни одмор који непрекидно траје мање од 45 часова, али не мање од 24 часа. | ПУ |  |  |
| 4.(i) | (i) ‘a week’ means the period of time between 00.00 on Monday and 24.00 on Sunday; | **01.**3.1.27) | **Недеља** је временски период који започиње у понедељак у 00:00 а завршава се у недељу у 24:00. | ПУ |  |  |
| 4.(j) | (j) ‘driving time’ means the duration of driving activity recorded:  — automatically or semi-automatically by the recording equipment as defined in Annex I and Annex IB of Regulation (EEC) No 3821/85, or  — manually as required by Article 16(2) of Regulation (EEC) No 3821/85; | **01.**3.1.35) | **Време управљања возилом** је временски период током кога возач управља возилом, а које се евидентира аутоматски, полуаутоматски или ручно под условима предвиђеним у овом закону. | ПУ |  |  |
| 4.(k) | (k) ‘daily driving time’ means the total accumulated driving time between the end of one daily rest period and the beginning of the following daily rest period or between a daily rest period and a weekly rest period; | **01.**3.1.37) | **Дневно време управљања возилом** је укупно време управљања возилом од завршетка последњег одмора, односно између два узастопна одмора. | ПУ |  |  |
| 4.(l) | (l) ‘weekly driving time’ means the total accumulated  driving time during a week; | **01.**3.1.38) | **Недељно време управљања возилом** је укупно време управљања возилом током недеље. | ПУ |  |  |
| 4.(m) | (m) ‘maximum permissible mass’ means the maximum authorised operating mass of a vehicle when fully laden; | **02.**7.1.61) | највећа дозвољена укупна маса возила, односно скупа возила је највећа маса оптерећеног возила, односно скупа возила, који је надлежни државни  орган прописао као највећу дозвољену, | ПУ |  |  |
| 4.(n) | (n) ‘regular passenger services’ means national and international services as defined in Article 2 of Council Regulation (EEC) No 684/92 of 16 March 1992 on common rules for the international carriage of passengers by coach and bus (1); | **04.**3.1.6) | међународни јавни превоз путника, односно ствари је међународни превоз који је, под једнаким условима, доступан свим корисницима превозних услуга; | ПУ |  |  |
| 4.(o) | (o) ‘multi-manning’ means the situation where, during each period of driving between any two consecutive daily rest periods, or between a daily rest period and a weekly rest period, there are at least two drivers in the vehicle to do the driving. For the first hour of multi-manning the presence of another driver or drivers is optional but for the remainder of the period it is compulsory; | **01.**3.1.3) | **Вишечлана посада** представља најмање два возача која могу да управљају возилом, током сваког периода управљања возилом, између два узастопна дневна одмора или између дневног и недељног одмора. Присуство другог, односно других возача није обавезно једино током првог часа управљања возилом. | ПУ |  |  |
| 4.(p) | (p) ‘transport undertaking’ means any natural person, any legal person, any association or group of persons without legal personality, whether profit-making or not, or any official body, whether having its own legal personality or being dependent upon an authority having such a personality, which engages in carriage by road, whether for hire or reward or for own account; | **01.**3.1.4) | **Превозник** је правно лице или предузетник, удружење или група лица које нема статус правног лица, било профитно или непрофитно, или државни орган, орган територијалне аутономије и орган локалне самоуправе, које обавља друмски превоз, било јавни или за сопствене потребе. | ПУ |  |  |
| 4.(q) | (q) ‘driving period’ means the accumulated driving time from when a driver commences driving following a rest period or a break until he takes a rest period or a break.  The driving period may be continuous or broken. | **01.**3.1.36) | **Период управљања возилом** је укупно време управљања возилом од почетка управљања, од завршетка одмора или паузе па све до наредног одмора или паузе, а може бити непрекидан или подељен. | ПУ |  |  |
| 5. | 1. The minimum age for conductors shall be 18 years.  2. The minimum age for drivers' mates shall be 18 years.  However, Member States may reduce the minimum age for drivers' mates to 16 years, provided that:  (a) the carriage by road is carried out within one Member State within a 50 kilometre radius of the place where the vehicle is based, including local administrative areas the centre of which is situated within that radius;  (b) the reduction is for the purposes of vocational training; and  (c) there is compliance with the limits imposed by the Member State's national rules on employment matters. | **02.**180.1. | Возачку дозволу може добити лице које је навршило:  1) 15 година за категорију М,  2) 16 година за категорију F,  3) 16 година за категорије АМ и А1,  4) 18 година за категорију А2,  5) 18 година за категорије B, B1 и BE,  6) 18 година за категорије C1 и C1E,  7) 21 годину за категорије C, CE, D1, D1E,  8) 24 године за категорије D и DE,  9) 24 године за категорију А, осим за лица која возачку дозволу за категорију А2 поседују најмање две године. | ПУ |  |  |
| 6.1. | 1. The daily driving time shall not exceed nine hours. However, the daily driving time may be extended to at most 10 hours not more than twice during the week. | **01.**5.1. | Дневно време управљања возилом не сме да буде дуже од 9 часова. Изузетно, дневно време управљања возилом може да се продужи на 10 часова највише два пута недељно. | ПУ |  |  |
| 6.2. | The weekly driving time shall not exceed 56 hours and shall not result in the maximum weekly working time laid down in Directive 2002/15/EC being exceeded. | **01.**5.2.  **01.**4.1. | Недељно време управљања возилом не сме да буде дуже од 56 часова.  Просечно недељно радно време члана посаде возила у периоду од било која четири узастопна календарска месеца не сме да буде дуже од 48 часова, укључујући и прековремени рад. | ПУ |  |  |
| 6.3. | The total accumulated driving time during any two consecutive weeks shall not exceed 90 hours. | **01.**5.3. | Укупно време управљања возилом у току било које две узастопне недеље не сме да буде дуже од 90 часова. | ПУ |  |  |
| 6.4. | Daily and weekly driving times shall include all driving time on the territory of the Community or of a third country. | **01.**5.6. | Времена управљања возилом обухватају сва времена управљања возилом на територији страна уговорница AETR споразума и држава које нису стране уговорнице AETR споразума. | ПУ |  |  |
| 6.5. | A driver shall record as other work any time spent as described in Article 4(e) as well as any time spent driving a vehicle used for commercial operations not falling within the scope of this Regulation, and shall record any periods of availability, as defined in Article 15(3)(c) of Regulation (EEC) No 3821/85, since his last daily or weekly rest period. This  record shall be entered either manually on a record sheet, a printout or by use of manual input facilities on recording equipment. | **01.**4.9. | Возач мора тачно и адекватно да евидентира време управљања возилом које не спада у област примене овог закона, остале послове дефинисане под осталим радним временом, времена расположивости, одморе и паузе. Ови подаци се уносе ручно на полеђину тахографских листића или термалног папира за испис, односно преко тастера за ручни унос дигиталног тахографа. | ПУ |  |  |
| 7. | After a driving period of four and a half hours a driver shall take an uninterrupted break of not less than 45 minutes, unless he takes a rest period. | **01.**6.1. | Најкасније након периода управљања возилом од четири и по часа, возач мора да користи непрекидну паузу од најмање 45 минута, осим ако не започиње са коришћењем дневних или недељних одмора. | ПУ |  |  |
| 7. | This break may be replaced by a break of at least 15 minutes followed by a break of at least 30 minutes each distributed over the period in such a way as to comply with the provisions of the first paragraph. | **01.**6.3. | Пауза из става 1. овог члана може да се замени првом паузом од најмање 15 минута и другом од најмање 30 минута, распоређеним током поменутог периода управљања возилом или непосредно након њега тако да буду у складу са одредбама става 1. овог члана. | ПУ |  |  |
| 8.1. | A driver shall take daily and weekly rest periods. | **01.**8.1. | Члан посаде возила мора да користи дневне и недељне одморе. | ПУ |  |  |
| 8.2. | Within each period of 24 hours after the end of the previous daily rest period or weekly rest period a driver shall have taken a new daily rest period. | **01.**8.2. | Члан посаде возила мора да искористи нови дневни одмор у року од 24 часа након завршетка претходног дневног или недељног одмора. | ПУ |  |  |
| 8.2. | If the portion of the daily rest period which falls within that 24 hour period is at least nine hours but less than 11 hours, then the daily rest period in question shall be regarded as a reduced daily rest period. | **01.**3.1.  29)(2) | Дневни одмор је одмор који може да буде  скраћени дневни одмор који непрекидно траје мање од 11 часова, али не мање од 9 часова. | ПУ |  |  |
| 8.3. | A daily rest period may be extended to make a regular weekly rest period or a reduced weekly rest period. | **01.**8.3. | Дневни одмор може да се продужи тако да постане пун недељни одмор или скраћени недељни одмор. | ПУ |  |  |
| 8.4. | A driver may have at most three reduced daily rest periods between any two weekly rest periods. | **01.**8.5. | Члан посаде возила може имати највише три скраћена дневна одмора између свака два недељна одмора. | ПУ |  |  |
| 8.5. | By way of derogation from paragraph 2, within 30 hours of the end of a daily or weekly rest period, a driver engaged in multi-manning must have taken a new daily rest period of at least nine hours. | **01.**8.4. | Изузетно од става 2. овог члана возач који је члан вишечлане посаде мора да искористи нови дневни одмор у трајању од најмање девет часова у року од 30 часова од завршетка дневног или недељног одмора. | ПУ |  |  |
| 8.6. | In any two consecutive weeks a driver shall take at least:  — two regular weekly rest periods, or  — one regular weekly rest period and one reduced weekly rest period of at least 24 hours. | **01.**8.6. | У току било које две узастопне недеље, члан посаде возила мора да користи најмање два пуна недељна одмора или један пуни недељни одмор и један скраћени недељни одмор. | ПУ |  |  |
| 8.6. | However, the reduction shall be compensated by an equivalent period of rest taken en bloc before the end of the third week following the week in question. | **01.**8.9. | У случају коришћења скраћеног недељног одмора, члан посаде је дужан да надокнади временску разлику до пуног недељног одмора најкасније до краја треће недеље рачунајући од недеље у којој је коришћен скраћени недељни одмор. | ПУ |  |  |
| 8.6. | A weekly rest period shall start no later than at the end of six 24-hour periods from the end of the previous weekly rest period. | **01.**8.7. | Недељни одмор мора да започне најкасније по завршетку шестог 24-часовног периода од завршетка претходног недељног одмора. | ПУ |  |  |
| 8.6а. | By way of derogation from paragraph 6, a driver engaged in a single occasional service of international carriage of passengers, as defined in Regulation (EC) No 1073/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international market for coach and bus services (1), may postpone the weekly rest period for up to 12 consecutive 24-hour periods following a previous regular weekly rest period, provided that:  (a) the service lasts at least 24 consecutive hours in a Member State or a third country to which this Regulation applies other than the one in which the service started;  (b) the driver takes after the use of the derogation:  (i) either two regular weekly rest periods; or  (ii) one regular weekly rest period and one reduced weekly rest period of at least 24 hours. However, the reduction shall be compensated by an equivalent period of rest taken en bloc before the end of the third week following the end of the derogation period;  (c) after 1 January 2014, the vehicle is equipped with recording equipment in accordance with the requirements of Annex IB to Regulation (EEC) No 3821/85; and  **(d)** after 1 January 2014, if driving during the period from 22,00 to 06,00, the vehicle is multi-manned or the driving period referred to in Article 7 is reduced to three hours. | **01.**8.8. | Изузетно од става 7. овог члана, члан посаде возила који обавља међународни ванлинијски превоз путника, може да одложи коришћење недељног одмора најкасније до завршетка 12 узастопних 24-часовних периода од завршетка претходног пуног недељног одмора, уз истовремено испуњење следећих услова:   * 1. међународни превоз траје најмање 24 узастопна часа ван државе у којој је превоз започет;   2. након одлагања недељног одмора члан посаде користи два пуна недељна одмора или један пун недељни одмор и један скраћени недељни одмор;   3. превоз се обавља возилом у које је уграђен дигитални тахограф;   4. током временског периода између 22:00 и 6:00 часова, возилом управља вишечлана посада или период управљања без паузе из члана 6. овог закона не траје дуже од три часа. | ПУ |  | Чланом 8. став 9. је прописано да у случају коришћења скраћеног недељног одмора, члан посаде је дужан да надокнади временску разлику до пуног недељног одмора најкасније до краја треће недеље рачунајући од недеље у којој је коришћен скраћени недељни одмор. |
| 8.6а. | The Commission shall monitor closely the use made of this derogation in order to ensure the preservation of road safety under very strict conditions, in particular by checking that the total accumulated driving time during the period covered by the derogation is not excessive. By 4 December 2012, the Commission shall draw up a report assessing the consequences of the derogation in respect of road safety as well as social aspects. If it deems it appropriate, the Commission shall propose amendments to this Regulation in this respect. |  |  | НП | Обавеза ЕУ Комисије |  |
| 8.7. | Any rest taken as compensation for a reduced weekly rest period shall be attached to another rest period of at least nine hours. | **01.**8.9. | Сваки одмор који се користи за надокнађивање скраћеног недељног одмора мора да се искористи у целини тако да се надовеже на други одмор у трајању од најмање девет часова. | ПУ |  |  |
| 8.8. | Where a driver chooses to do this, daily rest periods and reduced weekly rest periods away from base may be taken in a vehicle, as long as it has suitable sleeping facilities for each driver and the vehicle is stationary. | **01.**8.12. | Члан посаде возила може да користи дневни одмор и скраћени недељни одмор у возилу, уколико у њему постоји лежај за спавање сваког члана посаде возила и ако је возило у стању мировања. | ПУ |  |  |
| 8.9. | A weekly rest period that falls in two weeks may be counted in either week, but not in both. | **01.**8.11. | Недељни одмор који се протеже у две недеље може да се рачуна у било којој, али искључиво у једној од те две недеље. | ПУ |  |  |
| 9.1. | By way of derogation from Article 8, where a driver accompanies a vehicle which is transported by ferry or train, and takes a regular daily rest period, that period may be interrupted not more than twice by other activities not exceeding one hour in total. During that regular daily rest period the driver shall have access to a bunk or couchette. | **01.**8.13. | Пун дневни одмор који користи возач возила које се превози трајектом или возом, може се прекинути, не више од два пута, осталим активностима које укупно не трају дуже од једног часа. Током овако коришћеног пуног дневног одмора возач мора имати приступ лежају у кабини трајекта или кушет колима. | ПУ |  |  |
| 9.2. | Any time spent travelling to a location to take charge of a vehicle falling within the scope of this Regulation, or to return from that location, when the vehicle is neither at the driver's home nor at the employer's operational centre where the driver is normally based, shall not be counted as a rest or break unless the driver is on a ferry or train and has access to a bunk or couchette. | **01.**8.14.-15. | Време путовања члана посаде возила до места преузимања возила на које се овај закон односи, или у повратку са тог места, при чему се возило о коме је реч не налази у месту боравка члана посаде возила, нити у уобичајеном месту рада члана посаде возила рачуна се и евидентира као време расположивости.  Време из става 14. овог члана, односно време када члан посаде прати возило које се превози трајектом или возом се не сме рачунати и евидентирати као одмор или пауза, осим када члан посаде има приступ лежају у кабини трајекта или кушет колима. | ПУ |  |  |
| 9.3. | Any time spent by a driver driving a vehicle which falls outside the scope of this Regulation to or from a vehicle which falls within the scope of this Regulation, which is not at the driver's home or at the employer's operational centre where the driver is normally based, shall count as other work. | **01.**8.16. | Време управљања возилом које не спада у област примене овог закона до места преузимања возила на које се овај закон односи, при чему се друго поменуто возило не налази у месту боравка возача, нити у уобичајеном месту рада возача, рачуна се као остало радно време. | ПУ |  |  |
| 10.1. | A transport undertaking shall not give drivers it employs or who are put at its disposal any payment, even in the form of a bonus or wage supplement, related to distances travelled and/or the amount of goods carried if that payment is of such a kind as to endanger road safety and/or encourages infringement of this Regulation. | **01.**9.3. | Превозник не сме исплаћивати награде или додатке на зараду возачима које ангажује на основу пређеног пута, односно количине превезеног терета, уколико се тиме угрожава безбедност саобраћаја на путевима, односно подстиче кршење овог закона. | ПУ |  |  |
| 10.2. | A transport undertaking shall organise the work of drivers referred to in paragraph 1 in such a way that the drivers are able to comply with Regulation (EEC) No 3821/85 and Chapter II of this Regulation. The transport undertaking shall properly instruct the driver and shall make regular checks to ensure that Regulation (EEC) No 3821/85 and Chapter II of this Regulation are complied with. | **01.**10.1.  **01.**10.2. | Превозник је дужан да организује рад возача тако да се возачи придржавају одредаба овог закона.  Превозник је дужан да да одговарајућа упутства возачу и да врши њихову редовну контролу како би се обезбедило поштовање одредаба овог закона. | ПУ |  |  |
| 10.3. | A transport undertaking shall be liable for infringements committed by drivers of the undertaking, even if the infringement was committed on the territory of another Member State or a third country. Without prejudice to the right of Member States to hold transport undertakings fully liable, Member States may make this liability conditional on the undertaking's infringement of paragraphs 1 and 2. Member States may consider any evidence that the transport undertaking cannot reasonably be held responsible for the infringement committed. | **01.**10.3. | Превозник је одговоран за сваки прекршај који почини посада возила, изузев у случајевима на које није могао утицати. | ПУ |  |  |
| 10.4. | Undertakings, consignors, freight forwarders, tour operators, principal contractors, subcontractors and driver employment agencies shall ensure that contractually agreed transport time schedules respect this Regulation. | **01.**10.4. | Превозници, пошиљаоци терета, шпедиције, агенције и остали учесници у организацији превоза су одговорни да се превоз организује, односно обави у складу са одредбама овог закона. | ПУ |  |  |
| 10.5.(а) | (a) A transport undertaking which uses vehicles that are fitted with recording equipment complying with Annex IB of Regulation (EEC) No 3821/85 and that fall within the scope of this Regulation, shall: | **01.**14.1.  **01.**14.2. | Превозници и возачи возила у које је уграђен дигитални тахограф су одговорни за исправност тахографа и дужни су да обезбеде прописно коришћење дигиталног тахографа и картица возача.  Превозници и возачи возила у које је уграђен аналогни тахограф су одговорни за исправност тахографа и дужни су да обезбеде прописно коришћење тахографских листића. | ПУ |  |  |
| 10.5.(i) | (i) ensure that all data are downloaded from the vehicle unit and driver card as regularly as is stipulated by the Member State and that relevant data are downloaded more frequently so as to ensure that all data concerning activities undertaken by or for that undertaking are downloaded; | **01.**15.5. | Превозник чија су возила опремљена дигиталним тахографом дужан је да обезбеди да се сви подаци са дигиталног тахографа и картице возача преузимају на рачунар или на друго самостално средство за чување података у прописаним роковима, који му морају бити приступачни. | ПУ |  |  |
| 10.5.(ii) | (ii) ensure that all data downloaded from both the vehicle unit and driver card are kept for at least 12 months following recording and, should an inspecting officer request it, such data are accessible, either directly or remotely, from the premises of the undertaking; | **01.**15.3. | Превозник чува тахографске листиће и исписе по хронолошком реду и у читљивом облику годину дана након датума њиховог коришћења и дужан је да, на захтев надлежног органа, исте пружи на увид. | ПУ |  |  |
| 10.5.(b) | (b) for the purposes of this paragraph ‘downloaded’ shall be interpreted in accordance with the definition laid down in Annex IB, Chapter I, point (s) of Regulation (EEC) No 3821/85; | **01.**3.1.18) | Преузимање података са дигиталног тахографа је поступак копирања, са дигиталним потписом, дела или свих података евидентираних у меморији јединице у возилу или у меморији тахографске картице, под условом да се овим процесом не мењају нити бришу сачувани подаци. | ПУ |  |  |
| 10.5.(c) | (c) the maximum period within which the relevant data shall be downloaded under (a)(i) shall be decided by the Commission in accordance with the procedure referred to in Article 24(2). | **05.**15.6. | Под редовним преузимањем података са дигиталног тахографа сматра се преузимање података најмање једном у 60 дана, а са картица возача најмање једном током 21 дана у којима је возач управљао возилом. | ПУ |  |  |
| 11. | A Member State may provide for longer minimum breaks and rest periods or shorter maximum driving times than those laid down in Articles 6 to 9 in the case of carriage by road undertaken wholly within its territory. In so doing, Member States shall take account of relevant collective or other agreements between the social partners. Nevertheless, this Regulation shall remain applicable to drivers engaged in international transport operations. |  | / | НП |  | Опционе облигације (may) |
| 12. | Provided that road safety is not there by jeopardised and to enable the vehicle to reach a suitable stopping place, the driver may depart from Articles 6 to 9 to the extent necessary to ensure the safety of persons, of the vehicle or its load. The driver shall indicate the reason for such departure manually on the record sheet of the recording equipment or on a printout from the recording equipment or in the duty roster, at the latest on arrival at the suitable stopping place. | **01.**12. | Возач може да одступи од одредаба чл. 5. – 8. овог закона, односно чл. 6. - 8. AETR споразума, у мери у којој је то потребно да би се осигурала безбедност путника, возила или терета, уколико се тиме не угрожава безбедност саобраћаја, а како би се омогућило возилу да стигне до првог погодног простора за паркирање возила. Возач мора да назначи разлог за овакво одступање ручно на полеђини тахографских листића или термалног папира за испис или на другом валидном документу, најкасније по доласку на погодни простор за паркирање возила. | ПУ |  |  |
| 13.1. | Provided the objectives set out in Article 1 are not prejudiced, each Member State may grant exceptions from Articles 5 to 9 and make such exceptions subject to individual conditions on its own territory or, with the agreement of the States concerned, on the territory of another Member State, applicable to carriage by the following: |  | / | НП |  | Опционе облигације (may) |
| 13.a. | (a) vehicles owned or hired, without a driver, by public authorities to undertake carriage by road which do not compete with private transport undertakings; |  | / | НП |  | Опционе облигације (may) |
| 13.b. | (b) vehicles used or hired, without a driver, by agricultural, horticultural, forestry, farming or fishery undertakings for carrying goods as part of their own entrepreneurial activity within a radius of up to 100 km from the base of the undertaking; |  | / | НП |  | Опционе облигације (may) |
| 13.c. | (c) agricultural tractors and forestry tractors used for agricultural or forestry activities, within a radius of up to 100 km from the base of the undertaking which owns, hires or leases the vehicle; | **01.**2.4.8) | тракторима. | ПУ |  |  |
| 13.d. | (d) vehicles or combinations of vehicles with a maximum permissible mass not exceeding 7,5 tonnes used by universal service providers as defined in Article 2(13) of Directive 97/67/EC of the European Parliament and of the Council of 15 December 1997 on common rules for the development of the internal market of Community postal services and the improvement of quality of service ( 1 ) to deliver items as part of the universal service.  These vehicles shall be used only within a 100 kilometre radius from the base of the undertaking, and on condition that driving the vehicles does not constitute the driver's main activity; | **01.**2.2.9)  **01.**2.4.9) | возилима чија највећа дозвољена маса не прелази 7,5 t, која се користе за превоз материјала, опреме или механизације коју возач користи у току свог рада и која се користе најдаље до 100 km од седишта односно огранка превозника, уколико управљање возилом није основно занимање возача.  возилима чија највећа дозвољена маса не прелази 7,5 t, која се користе код пружалаца универзалних услуга, у складу са прописима из области поштанских услуга, за испоруку пошиљака као универзалне услуге која се користе најдаље до 100 km од седишта, односно огранка превозника, под условом да управљање возилом не представља основно занимање возача. | ПУ |  |  |
| 13.e. | (e) vehicles operating exclusively on islands not exceeding 2 300 square kilometres in area which are not linked to the rest of the national territory by a bridge, ford or tunnel open for use by motor vehicles; |  | / | НП |  | Опционе облигације (may) |
| 13.f. | (f) vehicles used for the carriage of goods within a 100 km radius from the base of the undertaking and propelled by means of natural or liquefied gas or electricity, the maximum permissible mass of which, including the mass of a trailer or semi-trailer, does not exceed 7,5 tonnes; |  | / | НП |  | Опционе облигације (may) |
| 13.g. | (g) vehicles used for driving instruction and examination with a view to obtaining a driving licence or a certificate of professional competence, provided that they are not being used for the commercial carriage of goods or passengers; |  | / | НП |  | Опционе облигације (may) |
| 13.h. | (h) vehicles used in connection with sewerage, flood protection, water, gas and electricity maintenance services, road maintenance and control, door-to-door household refuse collection and disposal, telegraph and telephone services, radio and television broadcasting, and the detection of radio or television transmitters or receivers; | **01.**2.4.1)  **01.**2.4.3) | специјалним возилима за одржавање канализационих система, за заштиту од поплава, за одржавање водоводних, гасоводних и електродистрибутивних инсталација, за сакупљање и одлагање смећа;  специјалним возилима за одржавање телефонско-телеграфске мреже, за радио-телевизијску дифузију, и службе за откривање радио или телевизијских предајника и/или пријемника; | ПУ |  |  |
| 13.i. | (i) vehicles with between 10 and 17 seats used exclusively for the non-commercial carriage of passengers; |  | / | НП |  | Опционе облигације (may) |
| 13.j. | (j) specialised vehicles transporting circus and funfair equipment; | **01.**2.4.4) | специјалним возилима за превоз опреме циркуса и забавних паркова; | ПУ |  |  |
| 13.k. | (k) specially fitted mobile project vehicles, the primary purpose of which is use as an educational facility when stationary; |  | / | НП |  | Опционе облигације (may) |
| 13.l. | (l) vehicles used for milk collection from farms and the return to farms of milk containers or milk products intended for animal feed; | **01.**2.4.5) | возилима која се користе за прикупљање млека са сточних газдинстава и за допремање посуда за млеко или млечних производа намењених за животињску исхрану; | ПУ |  |  |
| 13.m. | (m) specialised vehicles transporting money and/or valuables; | **01.**2.4.6) | специјалним возилима за превоз новца и/или драгоцености; | ПУ |  |  |
| 13.n. | (n) vehicles used for carrying animal waste or carcasses which are not intended for human consumption; |  | / | НП |  | Опционе облигације (may) |
| 13.o. | (o) vehicles used exclusively on roads inside hub facilities such as ports, interports and railway terminals; |  | / | НП |  | Опционе облигације (may) |
| 13.p. | (p) vehicles used for the carriage of live animals from farms to local markets and vice versa or from markets to local slaughterhouses within a radius of up to 100 km. |  | / | НП |  | Опционе облигације (may) |
| 13.2. | Member States shall inform the Commission of the exceptions granted under paragraph 1 and the Commission shall inform the other Member States thereof. |  | / | НП | Обавеза за земље чланице |  |
| 13.3. | 3. Provided that the objectives set out in Article 1 are not prejudiced and adequate protection for drivers is provided, a Member State may, after approval by the Commission, grant on its own territory minor exemptions from this Regulation for vehicles used in predefined areas with a population density of less than five persons per square kilometre, in the following cases:  — regular domestic passenger services, where their schedule is confirmed by the authorities (in which case only exemptions relating to breaks may be permitted), and  — domestic road haulage operations for own account or for hire or reward, which have no impact on the single market and are needed to maintain certain sectors of industry in the territory concerned and where the exempting provisions of this Regulation impose a limiting radius of up to 100 km.  Carriage by road under this exemption may include a journey to an area with a population density of five persons or more per square kilometre only in order to end or start the journey. Any such measures shall be proportionate in nature and scope. |  | / | НП |  | Опционе облигације (may) |
| 14. | 1. Provided that the objectives set out in Article 1 are not prejudiced, Member States may, after authorisation by the Commission, grant exceptions from the application of Articles 6 to 9 to transport operations carried out in exceptional circumstances.  2. In urgent cases Member States may grant a temporary exception for a period not exceeding 30 days, which shall be notified immediately to the Commission.  3. The Commission shall inform the other Member States of any exception granted pursuant to this Article. |  | / | НП |  | Опционе облигације (may) |
| 15. | Member States shall ensure that drivers of vehicles referred to in Article 3(a) are governed by national rules which provide adequate protection in terms of permitted driving times and mandatory breaks and rest periods. | **01.**2.3. | Изузетно од става 1. овог члана, одредбе овог закона се не примењују на посаду возила која обавља међународни превоз возилима у јавном линијском превозу путника на линијама дужине до 50 km. | ПУ |  |  |
| 16.1. | Where no recording equipment has been fitted to the vehicle in accordance with Regulation (EEC) No 3821/85, paragraphs 2 and 3 of this Article shall  apply to:  (a) regular national passenger services, and  (b) regular international passenger services whose route terminals are located within a distance of 50 km as the crow flies from a border between two Member States and whose route length does not exceed 100 km. |  | / | НУ | Националним законодавством који регулише превоз путника, превоз путника се обавља аутобусима (возила преко 9 седишта) у која мора бити уграђен тахограф (Предлог закона о радном времену посаде возила и тахографима). |  |
| 16.2. | A service timetable and a duty roster shall be drawn up by the transport undertaking and shall show, in respect of each driver, the name, place where he is based and the schedule laid down in advance for various periods of driving, other work, breaks and availability.  Each driver assigned to a service referred to in paragraph 1 shall carry an extract from the duty roster and a copy of the service timetable. |  | / | НУ | Националним законодавством који регулише превоз путника, превоз путника се обавља аутобусима (возила преко 9 седишта) у која мора бити уграђен тахограф (Предлог закона о радном времену посаде возила и тахографима). |  |
| 16.3. | The duty roster shall:  (a) include all the particulars specified in paragraph 2 for a minimum period covering the previous 28 days; these particulars must be updated on regular intervals, the duration of which may not exceed one month;  (b) be signed by the head of the transport undertaking or by a person authorised to represent him;  (c) be kept by the transport undertaking for one year after expiry of the period covered by it. The transport undertaking shall give an extract from the roster to the drivers concerned upon request; and  (d) be produced and handed over at the request of an authorised inspecting officer. |  | / | НУ | Националним законодавством који регулише превоз путника, превоз путника се обавља аутобусима (возила преко 9 седишта) у која мора бити уграђен тахограф (Предлог закона о радном времену посаде возила и тахографима). |  |
| 17. | 1. Member States, using the standard form set out in Decision 93/173/EEC (1), shall communicate the necessary information to the Commission to enable it to draw up every two years a report on the application of this Regulation and Regulation (EEC) No 3821/85 and developments in the fields in question.  2. This information shall be communicated to the Commission not later than 30 September of the year following the end of the two-year period concerned.  3. The report shall state what use has been made of the exceptions provided for in Article 13.  4. The Commission shall forward the report to the European Parliament and to the Council within 13 months of the end of the two-year period concerned. |  | / | НП | Обавеза ЕУ комисије |  |
| 18. | Member States shall adopt such measures as may be necessary for the implementation of this Regulation. |  | / | ПУ |  | Овај Закон спроводи мере за имплемантацију ове Уредбе |
| 19. | 1. Member States shall lay down rules on penalties applicable to infringements of this Regulation and Regulation (EEC) No 3821/85 and shall take all measures necessary to ensure that they are implemented. Those penalties shall be effective, proportionate, dissuasive and non-discriminatory. No infringement of this Regulation and Regulation (EEC) No 3821/85 shall be subjected to more than one penalty or procedure. The Member States shall notify the Commission of these measures and the rules on penalties by the date specified in the second subparagraph of Article 29. The Commission shall inform Member States accordingly.  2. A Member State shall enable the competent authorities to impose a penalty on an undertaking and/or a driver for an infringement of this Regulation detected on its territory and for which a penalty has not already been imposed, even where that infringement has been committed on the territory of another Member State or of a third country.  By way of exception, where an infringement is detected:  — which was not committed on the territory of the Member State concerned, and  — which has been committed by an undertaking which is established in, or a driver whose place of employment is, in another Member State or a third country, a Member State may, until 1 January 2009, instead of imposing a penalty, notify the facts of the infringement to the competent authority in the Member State or the third country where the undertaking is established or where the driver has his place of employment.  3. Whenever a Member State initiates proceedings or imposes a penalty for a particular infringement, it shall provide the driver with due evidence of this in writing.  4. Member States shall ensure that a system of proportionate penalties, which may include financial penalties, is in force for infringements of this Regulation or Regulation (EEC) No 3821/85 on the part of undertakings, or associated consignors, freight forwarders, tour operators, principal contractors, subcontractors and driver employment agencies. |  | / | ПУ |  | Овај Закон спроводи мере за имплемантацију ове Уредбе |
| 20.1.  20.2. | The driver shall keep any evidence provided by a Member State concerning penalties imposed or the initiation of proceedings until such time as the same infringement of this Regulation can no longer lead to a second proceeding or penalty pursuant to this Regulation.  The driver shall produce the evidence referred to in paragraph 1 upon request. | **01.**18.1.5)  **01.**18.2.5) | Ако управља возилом у које је уграђен аналогни тахограф, на захтев надзорног органа, возач је дужан да носи са собом и пружи на увид: доказ о изреченој санкцији за констатоване повреде AETR споразума, односно овог закона за текући дан и претходних 28 дана.  Ако управља возилом у које је уграђен дигитални тахограф, на захтев надзорног органа, возач је дужан да носи са собом и пружи на увид: доказ о изреченој санкцији за констатоване повреде AETR споразума, односно овог закона за текући дан и претходних 28 дана. | ПУ |  |  |
| 20.3. | A driver who is employed or at the disposal of more than one transport undertaking shall provide sufficient information to each undertaking to enable it to comply with Chapter II. | **01.**4.7. | Превозник, односно послодавац који је ангажовао члана посаде возила из става 6. овог члана, налаже члану посаде возила у писаном или електронском облику да му достави податке о радном времену код другог или других превозника, односно послодаваца. | ПУ |  |  |
| 21. | To address cases where a Member State considers that there has been an infringement of this Regulation which is of a kind that is clearly liable to endanger road safety, it shall empower the relevant competent authority to proceed with immobilisation of the vehicle concerned until such time as the cause of the infringement has been rectified. Member States may compel the driver to take a daily rest period. Member States shall, where appropriate also withdraw, suspend or restrict an undertaking's licence, if the undertaking is established in that Member State, or withdraw, suspend or restrict a driver's driving licence. The Commission, acting in accordance with the procedure in Article 24(2) shall develop guidelines with a view to promoting a harmonised application of this Article. | **01.**44.4. | Надзорни органи су овлашћени да санкционишу возача за прекршај одредаба овог закона, односно AETR споразума, који је уочен на територији Републике Србије, без обзира на државу у којој је прекршај начињен, уколико је за тај прекршај возач, односно превозникније претходно санкционисан. | ПУ |  |  |
| 22. | 1. Member States shall assist each other in applying this Regulation and in checking compliance herewith.  2. The competent authorities of the Member States shall regularly exchange all available information concerning:  (a) infringements of the rules set out in Chapter II committed by non- residents and any penalties imposed for such infringements;  (b) penalties imposed by a Member State on its residents for such infringements committed in other Member States.  3. The Member States shall regularly send relevant information concerning the national interpretation and application of this Regulation to the Commission, which will make this information available in electronic form to other Member States.  4. The Commission shall support dialogue between Member States concerning national interpretation and application of this Regulation through the Committee referred to in Article 24(1). | **01.**44.3. | Министарство надлежно за послове саобраћаја размењује податке прикупљене из надзора с надлежним надзорним органима и органима надлежним за послове саобраћаја других држава. | ПУ |  |  |
| 23. | The Community shall enter into any negotiations with third countries which may prove necessary for the purpose of implementing this Regulation. |  |  | НП | Обавеза ЕУ Комисије |  |
| 24. | 1. The Commission shall be assisted by the Committee set up under Article 18(1) of Regulation (EEC) No 3821/85.  2. Where reference is made to this paragraph, Articles 3 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.  3. The Committee shall adopt its rules of procedure. |  |  | НП | Обавеза ЕУ Комисије |  |
| 25. | 1. At the request of a Member State, or on its own initiative, the Commission shall:  (a) examine cases where differences in the application and enforcement of any of the provisions of this Regulation arise and particularly concerning driving times, breaks and rest periods;  (b) clarify the provisions of this Regulation, with a view to promoting a common approach.  2. In the cases referred to in paragraph 1 the Commission shall take a decision on a recommended approach in accordance with the procedure referred to in Article 24(2). The Commission shall communicate its decision to the European Parliament, the Council and to the Member States. |  |  | НП | Обавеза ЕУ Комисије |  |
| 26. | Regulation (EEC) No 3821/85 is hereby amended as follows:  1. Article 2 shall be replaced by the following:  *‘Article 2*  For the purpose of this Regulation the definitions set out in Article 4 of 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 (\*) shall apply.  2. Article 3(1), (2) and (3) shall be replaced as follows:  ‘1. Recording equipment shall be installed and used in vehicles registered in a Member State which are used for the carriage of passengers or goods by road, except the vehicles referred to in Article 3 of Regulation (EC) No 561/2006. Vehicles referred to in Article 16(1) of Regulation (EC) No 561/2006 and vehicles, which were exempt from the scope of application of Regulation (EEC) No 3820/85, but which are no longer exempt under Regulation (EC) No 561/2006 shall have until 31 December 2007 to comply with this requirement.  2. Member States may exempt vehicles mentioned in Articles 13(1) and (3) of Regulation (EC) No 561/2006 from application of this Regulation.  3. Member States may, after authorisation by the Commission, exempt from application of this Regulation vehicles used for the transport operations referred to in Article 14 of Regulation (EC) No 561/2006.’;  3. Article 14(2) shall be replaced as follows:  ‘2. The undertaking shall keep record sheets and printouts, whenever printouts have been made to comply with Article 15(1), in chronological order and in a legible form for at least a year after their use and shall give copies to the drivers concerned who request them. The undertaking shall also give copies of downloaded data from the driver cards to the drivers concerned who request them and the printed papers of these copies. The record sheets, printouts and downloaded data shall be produced or handed over at the request of any authorised inspecting officer.’;  4. Article 15 shall be amended as follows:  — in paragraph 1, the following subparagraph shall be added:  ‘Where a driver card is damaged, malfunctions, or is not in the possession of the driver, the driver shall:  (a) at the start of his journey, print out the details of the vehicle the driver is driving, and shall enter onto that printout:  (i) details that enable the driver to be identified (name, driver card or driver's licence number), including his signature;  (ii) the periods referred to in paragraph 3, second indent (b), (c) and (d);  (b) at the end of his journey, print out the information relating to periods of time recorded by the recording equipment, record any periods of other work, availability and rest undertaken since the printout that was made at the start of the journey, where not recorded by the tachograph, and mark on that document details that enable the driver to be identified (name, driver card or driver's licence number), including the driver's signature.’,  — paragraph 2, second subparagraph shall be replaced by the following:  ‘When as a result of being away from the vehicle, a driver is unable to use the equipment fitted to the vehicle, the periods of time referred to in paragraph 3, second indent (b), (c) and (d) shall:  (a) if the vehicle is fitted with recording equipment in conformity with Annex I, be entered on the record sheet, either manually, by automatic recording or other means, legibly and without dirtying the sheet; or  (b) if the vehicle is fitted with recording equipment in conformity with Annex IB, be entered onto the driver card using the manual entry facility provided in the recording equipment.  Where there is more than one driver on board the vehicle fitted with recording equipment in conformity with Annex IB, each driver shall ensure that his driver card is inserted into the correct slot in the tachograph.’,  — paragraph 3(b) and (c) shall be replaced by the following:  ‘(b) “other work” means any activity other than driving, as defined in Article 3(a) of 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 (\*), and also any work for the same or another employer within or outside of the transport sector, and must be recorded under this sign ;  (c) “availability” defined in Article 3(b) of Directive 2002/15/EC must be recorded under this sign .  — paragraph 4 shall be deleted,  — paragraph 7 shall be replaced by the following:  ‘7. (a) Where the driver drives a vehicle fitted with recording equipment in conformity with Annex I, the driver must be able to produce, whenever an inspecting officer so requests:  (i) the record sheets for the current week and those used by the driver in the previous 15 days;  (ii) the driver card if he holds one, and  (iii) any manual record and printout made during the current week and the previous 15 days as required under this Regulation and Regulation (EC) No 561/2006.  However, after 1 January 2008, the time periods referred to under (i) and (iii) shall cover the current day and the previous 28 days.  (b) Where the driver drives a vehicle fitted with recording equipment in conformity with Annex IB, the driver must be able to produce, whenever an inspecting officer so requests:  (i) the driver card of which he is holder;  (ii) any manual record and printout made during the current week and the previous 15 days as required under this Regulation and Regulation (EC) No 561/2006, and  (iii) the record sheets corresponding to the same period as the one referred to in the previous subparagraph during which he drove a vehicle fitted with recording equipment in conformity with Annex I.  However, after 1 January 2008, the time periods referred to under (ii) shall cover the current day and the previous 28 days.  (c) An authorised inspecting officer may check compliance with Regulation (EC) No 561/2006 by analysis of the record sheets, of the displayed or printed data which have been recorded by the recording equipment or by the driver card or, failing this, by analysis of any other supporting document that justifies non-compliance with a provision, such as those laid down in Article 16(2) and (3).’ |  |  | НП | Ради се о изменама и допунама Уредбе 3821/85 |  |
| 27. | Regulation (EC) No 2135/98 is hereby amended as follows:  1. Article 2(1)(a) shall be replaced by the following:  ‘1. (a) From the 20th day following the day of publication of 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 (\*) vehicles put into service for the first time shall be fitted with recording equipment in accordance with the requirements of Annex IB to Regulation (EEC) No 3821/85.  2. Article 2(2) shall be replaced by the following:  ‘2. Member States shall take the necessary measures to ensure that they are able to issue driver cards at the latest on the 20th day following the day of publication of Regulation (EC) No 561/2006.’ |  |  | НП | Ради се о изменама и допунама Уредбе 2135/98 |  |
| 28. | Regulation (EEC) No 3820/85 is hereby repealed and replaced by this Regulation.  Notwithstanding, paragraphs 1, 2 and 4 of Article 5 of Regulation (EEC) No 3820/85 shall continue to apply until the dates set out in Article 15(1) of Directive 2003/59/EC. |  |  | НП | Обавеза за земље чланице ЕУ |  |
| 29. | This Regulation shall enter into force on 11 April 2007, with the exception of Articles 10(5), 26(3) and (4) and 27, which shall enter into force on 1 May 2006.  This Regulation shall be binding in its entirety and directly applicable in all Member States. |  |  | НП | Обавеза за земље чланице ЕУ |  |

1. Потпуно усклађено - ПУ, делимично усклађено - ДУ, неусклађено - НУ, непреносиво – НП [↑](#footnote-ref-1)