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**REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND
THE COUNCIL**

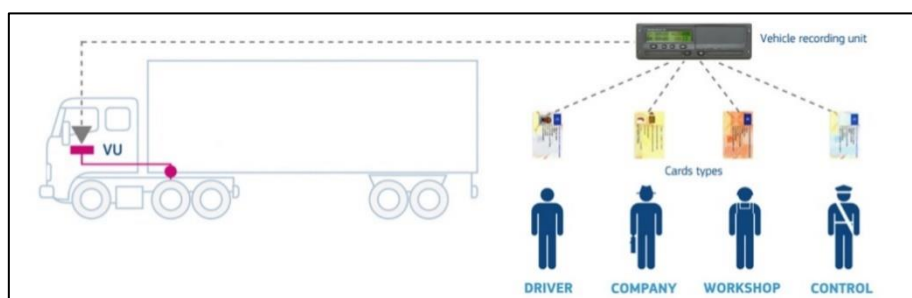
**on the issuance by Member States of temporary driver cards in accordance with Article
26(4) of Regulation (EU) No 165/2014**

Introduction

The tachograph is the device that records driving time, breaks and rest periods as well as periods of other work and availability of drivers engaged in the carriage of goods or passengers by road. The purpose of the tachograph is to enable controls of compliance with the set of EU rules aimed to prevent driver fatigue and to contribute to good working conditions of drivers, road safety and fair competition. Tachographs are installed in certain vehicles used for the carriage of goods or passengers, falling within the scope of Regulation (EU) No 561/2006¹ on driving and rest times and registered in the EU². The EU digital tachograph system is also used in the wider European & Central Asian area under the *European Agreement concerning the work of crews of vehicles engaged in international road transport* ('the AETR')³.

The digital tachograph system functions primarily on the basis of the insertion of a tachograph card in the vehicle unit. Tachograph cards can be issued to drivers, control officers, companies, workshops, and fitters, each for their own purpose. One of the pillars of the EU tachograph system is the principle of interoperability between vehicle units and cards.

Figure 1. The tachograph vehicle unit (VU) and types of tachograph cards (source: JRC)



Driver cards are issued by Member States to drivers engaged in activities falling within the scope of Regulation (EU) No 561/2006. These cards store electronic data about the driver's activity, including driving and rest time, speed, and distances travelled. The issuance process ensures that drivers hold a single and personal driver card to operate a vehicle with a digital tachograph. This system not only facilitates efficient monitoring of compliance with EU road transport regulations but also helps safeguard driver welfare by enforcing rest periods and reducing the risk of fatigue-related accidents. Driver cards are issued by the Member State in which drivers have their 'normal residence'. In certain cases and based on the definition of 'normal residence' in Regulation (EU) No 165/2014⁴, third-country drivers may not be able to immediately prove their 'normal residence' when they arrive in the Union. In such cases,

¹ 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*).

² In accordance with Article 2 of Regulation (EC) No 561/2006, this applies to vehicles which are designed to carry more than nine persons including the driver, vehicles used for the carriage of goods where the mass of the vehicle exceeds 3,5 tonnes, and from 1 July 2026 to vehicles that carry goods in international transport or cabotage operations where the mass of the vehicle exceeds 2,5 tonnes.

³ European Agreement concerning the work of crews of vehicles engaged in international road transport (AETR) (*OJ L 95, 8.4.1978, p. 1*).

⁴ 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*).

Article 26(4) of Regulation (EU) No 165/2014 allows Member States to issue a non-renewable, temporary driver card valid for up to 185 days to drivers not normally residing in a Member State or in a State which is a Contracting Party to the AETR. This provision may support the efforts to address specific deficiencies in driver availability within the EU.

This report presents an analysis of the findings based on Article 26(4) of Regulation (EU) No 165/2014, concerning the practices and experience of Member States in the issuance of these temporary driver cards. The examination includes both quantitative and qualitative data collected from the Member States. Structured into several sections, this report discusses the broader implications for the EU's internal market and labour mobility. Section I details the data collection procedure used by the Commission. Section II details the legal and regulatory framework underpinning the temporary driver card, including how this provision has supported Ukrainian drivers in the immediate aftermath of the start of the war of aggression of Russia against Ukraine. Section III analyses data on the issuance and use of these cards. Section IV evaluates the impacts of these provisions on the transport sector and labour market dynamics, particularly in the light of driver shortage and the consequences of the Russian invasion of Ukraine.

I. Data collection by the Commission

This report on the application of Article 26(4) of Regulation (EU) No 165/2014 is based on national data on the issuance of temporary tachograph driver cards covering the period 2022-2023. Between 2014 and 2022, the Commission monitored the application of this paragraph on a regular basis, with data showing that a negligible amount of temporary driver cards were being issued. As a result, this is the first report of the Commission on the application of this provision, covering the period 2022-2023.

Member States were invited to submit data covering the period 2022-2023 based on a short questionnaire sent by the Commission. The questions were divided into three categories: (i) general information about temporary driver cards issued, (ii) nationalities/country of normal residence of the drivers to whom the temporary driver cards were issued and (iii) potential impacts of the issuance of temporary driver cards on the labour market. All Member States provided feedback to the data collection exercise upon invitation of the Commission.

II. Legal and regulatory framework

Tachograph driver cards are personal and unique, issued with a maximum period of validity of five years. These cards are issued by the competent authorities in the driver's Member State of normal residence, ensuring that each driver is uniquely identified and compliant with EU standards. Similar issuance procedures are adopted by non-EU AETR countries, allowing their drivers to participate in EU road transport under equivalent safety and regulatory conditions. Article 26(4) of Regulation (EU) No 165/2014 allows Member States to issue a temporary, non-renewable driver card valid for up to 185 days to a driver without normal residence in an EU Member State or in a State which is a Contracting Party to the AETR. This provision requires the driver to be in a labour law relationship with an undertaking established in the issuing Member State and, in so far as Regulation (EC) No 1072/2009⁵ applies, presents a driver attestation.

⁵ Regulation (EC) No 1072/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market (*OJL 300, 14.11.2009, p. 72*).

This mechanism allows Member States the flexibility to support driver mobility, subject to further checks, including on driver qualifications. This also allows drivers to submit a new application once the conditions for establishing ‘normal residence’ within the meaning of the Regulation can be fulfilled.

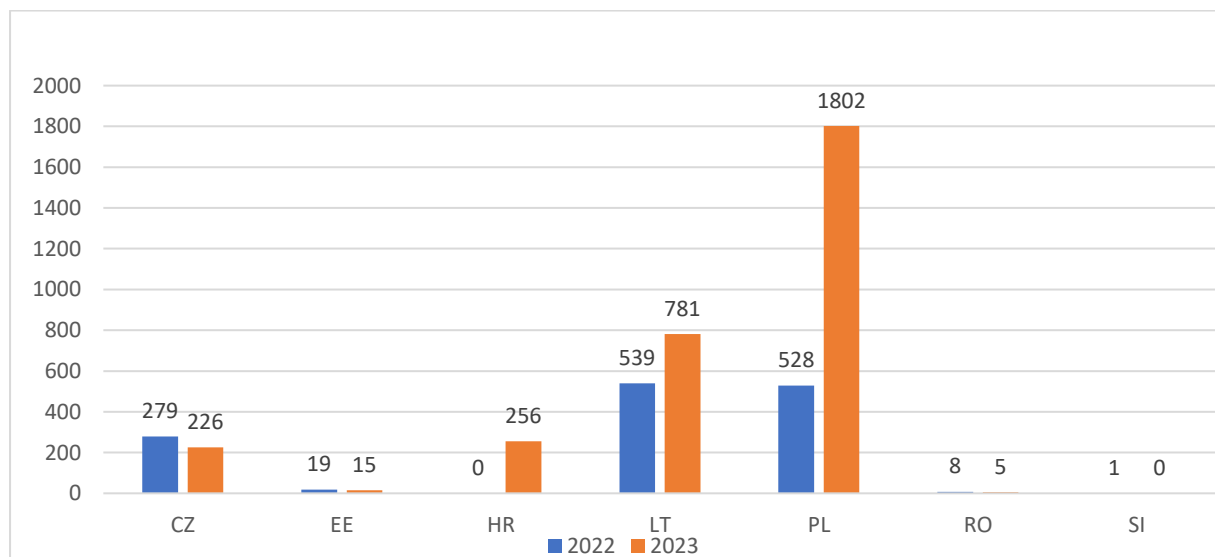
In 2022, upon request of several Member States, the Commission services provided guidance on this provision which allowed for the exceptional issuance of temporary driver cards to drivers with normal residence in Ukraine, despite Ukraine being a Contracting Party to the AETR⁶. This was tailored to accommodate the exceptional circumstances faced by Ukrainian drivers, facilitating their integration into the EU transport systems during a period of crisis, and based on the fact that Ukraine could not be considered a country of ‘normal’ residence while being faced with Russia’s war of aggression on its territory.

III. Overview of the issuance by Member States of temporary driver cards

Over the period 2022-2023, 7 Member States issued temporary driver cards to drivers with normal residence in a ‘non-AETR’ country: Czechia, Estonia, Croatia, Lithuania, Poland, Romania, and Slovenia. All other Member States reported either not providing the possibility to issue temporary cards, or not having issued any during this period.

A total of 4 459 temporary driver cards were issued in 2022 and 2023⁷. A big difference in the amount of temporary driver cards issued can be observed between these countries, ranging from 1 in Slovenia, 13 in Romania, 34 in Estonia, 256 in Croatia, 505 in Czechia, 1 320 in Lithuania, to 2 330 in Poland. Figure 2 illustrates the number of temporary driver cards issued per country over the period 2022-2023.

Figure 2. Total number of temporary driver cards issued in the EU in 2022 and 2023, by issuing Member State



⁶ See also https://transport.ec.europa.eu/ukraine/keeping-transport-running-smoothly/road-transport_en.

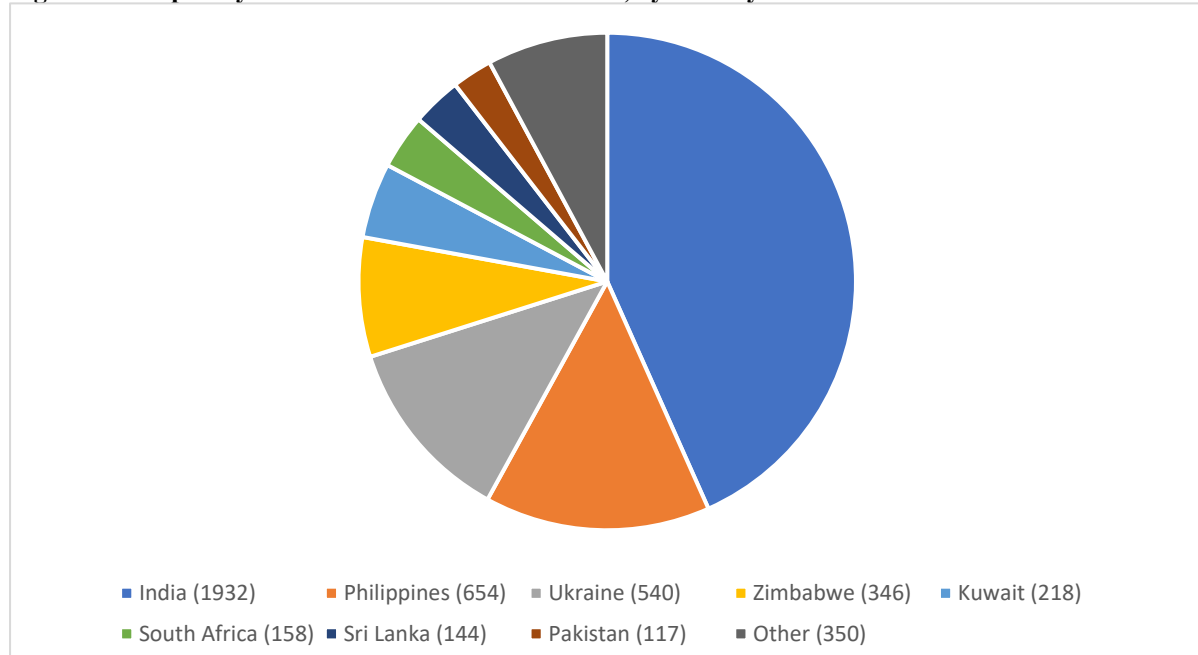
⁷ Among these 4 459 temporary driver cards, 19 were inadvertently issued to drivers normally residing in a non-EU AETR country.

At the same time, the share of temporary driver cards among total driver cards issued remained low, with Lithuania having the highest share at 2.6%, followed by Poland at 0.6%, and Czechia at 0.3%.

A closer examination reveals the prevalent countries of normal residence of drivers to whom these temporary driver cards were issued. India emerged as the most prevalent country, with a total of 1 932 cards issued across in both years. The Philippines followed behind, with 654 cards issued, while Ukraine accounted for 540 cards. Other important recipients included drivers with normal residence in Zimbabwe (346), Kuwait (218), South Africa (158), Sri Lanka (144) and Pakistan (117).

The data shows significant trends in the countries of normal residence of drivers receiving temporary driver cards across the various EU Member States. For example, Ukrainian drivers were the largest recipients of temporary driver cards in Czechia and Estonia both years. Drivers with normal residence in India prominently received temporary driver cards in Lithuania and Poland, being the most issued temporary driver cards in these countries. The Philippines is another notable source of drivers, with significant numbers of them receiving temporary driver cards in Croatia, Lithuania, and Poland. Drivers with normal residence in Zimbabwe were also issued a substantial number of cards in Poland. Figure 3 gives an overview of the number of cards issued to drivers based on their country of normal residence.

Figure 3. Temporary driver cards issued in 2022-2023, by country of normal residence of the card holder



Among the 350 “other” cards issued, the countries of normal residence were the following: Nepal (70), United Arab Emirates (51), Qatar (49), Kosovo* (32), Brazil (37), Tunisia (19), Uganda (12), Bangladesh (10), Saudi Arabia and Albania (9 each), Morocco (8), Belarus and Colombia (7 each), Egypt (5), Cuba and Rwanda (4 each), Iran (3), Botswana and Georgia (2 each), Ghana, Paraguay, Syria, Uzbekistan, and Argentina (1 each)⁸.

⁸ The cards issued to drivers with normal residence in Albania, Belarus, Georgia, and Uzbekistan were inadvertently issued by EU Member States.

* This designation is without prejudice to positions on status and is in line with UNSCR 1244 (1999) and the ICJ Opinion on the Kosovo declaration of independence.

IV. Evaluation of the impact of the provisions on the transport sector and labour market

Based on the analysis of the administrative practices associated with the issuance of temporary driver cards under Regulation (EU) No 165/2014, a distinct pattern of limited use and varying effects on national labour markets can be identified. This analysis encompasses responses from various Member States, including those Member States that have issued temporary driver cards and those that have not.

The majority of countries that have issued temporary driver cards, including Czechia, Estonia, Lithuania, Romania, and Slovenia, reported no additional national legislative conditions beyond what is laid down in EU regulations in order to apply for a temporary driver card. Similarly, these countries do not issue temporary driver cards to the same individual on multiple occasions. The impact of issuing such cards on the national labour markets was generally described as negligible, with Estonia noting a small but necessary positive effect mitigating driver shortages. Poland reported a positive impact on its labour market, particularly in addressing the acute driver shortage exacerbated by the war of aggression against Ukraine. This suggests that temporary driver cards can help support efforts to partially remedy labour shortages.

Conversely, countries such as Spain and Ireland do not issue temporary driver cards. Spain imposes strict residence and work permit requirements for any driver card issuance. Latvia has not received any applications for temporary driver cards but would not anticipate a negative impact on its labour market from such a measure keeping in mind the shortage of drivers on the market.

Furthermore, the Commission has not received any indications that this provision has led to operational difficulties or caused problems within the Member States. This reflects a smooth integration of the provision within the existing frameworks and the apparent absence of negative impacts on the Regulation's objectives.

Conclusion

The possibility to issue temporary driver cards has appeared to help address specific labour market needs within the EU's transport sector without producing negative impacts. The findings indicate that while the uptake of this measure has been limited to seven Member States, a total of 4459 temporary driver cards were issued in 2022 and 2023. No Member State issued more than 2.6% of temporary driver cards among all driver cards issued over the same period. The analysis shows that drivers of normal residence in India, The Philippines, and Ukraine were the primary recipients of these temporary driver cards throughout the EU.

The Commission is therefore of the view that the issuance of temporary driver cards is currently effective and does not produce negative impacts on the labour market. Member States can take advantage of this provision, which may facilitate their response to driver shortages, provided EU law, including EU labour and immigration law, are fully respected. The Commission will also continue to use the social dialogue to discuss any possible policy implications of the findings of this report.

Finally, this provision has also helped support 540 Ukrainian drivers to continue their activities of professional driving in the immediate aftermath of the start of the war of aggression by Russia against Ukraine.