

SUBSIDIARY LEGISLATION 65.19**MOTOR VEHICLES (CARRIAGE OF GOODS BY ROAD)
REGULATIONS**

1st May, 2004

LEGAL NOTICE 146 of 2003, as amended by Legal Notices 134 of 2006, and 225 and 408 of 2007; Acts V of 2007 and XV of 2009; and Legal Notices 74 of 2010, 395 of 2011, 423 of 2016, 300 of 2022, 187 and 190 of 2023 and 25 of 2025.

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PART I

PRELIMINARY

1. The title of these regulations is the Motor Vehicles (Carriage of Goods by Road) Regulations. Title.

2. In these regulations, unless the context otherwise requires:

"AETR" means the European Agreement concerning the Work of Crews of Vehicles engaged in International Road Transport; Interpretation.
Amended by:
L.N. 134 of 2006;
L.N. 225 of 2007;
XV. 2009.49;
L.N. 395 of 2011;
L.N. 423 of 2016;
L.N. 300 of 2022;
L.N. 187 of 2023;
L.N. 25 of 2025.

"authorisation" means any permission given by a recognised competent authority entitling the holder to carry out road haulage operations;

"authorised inspecting officer" means an officer appointed by the Authority to carry out inspections under these regulations, an officer of the Customs Department, or a Police Officer or a community officer;

"Authority" means the Authority for Transport in Malta as established by the Authority for Transport in Malta Act; Cap. 499.

"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;

"cabotage transport operations" means the performing of national road haulage operations for hire or reward within Malta by a non-resident haulier who holds a Community authorization; such activity shall not be permanent, frequent, regular or continuous, shall not be carried out systematically, shall be at considerable and infrequent intervals, and the vehicle involved shall leave the country at least once a month;

"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 goods;

"collective agreement" means an agreement entered into between an employer, or one or more organisations of employers, and one or more organisations of employees regarding conditions of employment in accordance with the provisions of any law in force in Malta;

"combined transport" means the transport of goods between Member States where the vehicle uses the public highway on the initial or final leg of the journey and, on the other leg uses rail, inland waterway or maritime services, or a combination of two or more modes of transport, where these portions of the journey exceed 100 km in a straight line, and the vehicle makes the initial or final leg of the journey on the public highway within a radius not exceeding 150 km in a straight line from the inland waterway port or seaport of loading or unloading;

"Commission Implementing Regulation (EU) 2016/480" means Commission Implementing Regulation (EU) 2016/480 of 1 April 2016 establishing common rules concerning the interconnection of national electronic registers on road transport undertakings and repealing Regulation (EU) No 1213/2010;

"Community authorisation" means a licence issued by the competent authorities of a Member State to a haulier established in that Member State in accordance with Articles 5 and 7 of Council Regulation (EEC) No 881/92 on access to the market in the carriage of goods by road within the Community to or from the territory of a Member State or passing across the territory of one or more Member States;

"Commissioner" means the Commissioner of Police;

Cap. 386. "company" has the same meaning as is assigned to it in article 2 of the Companies Act;

Cap. 442. "cooperative society" means a cooperative society registered or provisionally registered under the Cooperative Societies Act;

"country of establishment" means that country in which the non-resident haulier is established and registered;

"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;

"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" as defined under these regulations;

"Directive 2002/15/EC" means 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;

"Directive 2006/1/EC" means Directive 2006/1/EC of the European Parliament and of the Council of 18 January 2006 on the use of vehicles hired without drivers for the carriage of goods by road;

"Directive 2006/22/EC" means 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, as amended by Directive (EU) 2024/846;

"Directive 92/106/EEC" means Council Directive 92/106/EEC of 7 December 1992 on the establishment of common rules for certain types of combined transport of goods between Member States;

"Directive (EU) 2015/719" means Directive (EU) 2015/719 of the European Parliament and of the Council of 29 April 2015 amending Council Directive 96/53/EC laying down for certain road vehicles circulating within the community the maximum authorized dimensions in national and international traffic and the maximum authorized weights in international traffic;

"Directive (EU) 2022/738" means Directive (EU) 2022/738 of the European Parliament and of the Council of 6 April 2022 amending Directive 2006/1/EC on the use of vehicles hired without drivers for the carriage of goods by road;

"Directive (EU) 2024/846" means 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;

"driver" means any person who drives the vehicle even for a short period, or who is carried in the vehicle as part of his duties in order to be available for driving if necessary and duly licensed or recognized in accordance with the Motor Vehicles (Driving Licences) Regulations; S.L. 65.18

"driver's mate" means a person engaged by the haulier who shall accompany the driver in order to assist him, excluding driving, unless he is duly licensed to do so;

"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;

"driving time" means the duration of driving activity recorded automatically or semi-automatically by the recording equipment as defined in the Malta Vehicles (Weights, Dimensions and Equipment) Regulations or recorded manually as required by regulation 37 of the said regulations; S.L. 65.21

"ECMT" means the European Conference of Ministers of Transport;

"employer" means the person by whom a worker is, or, where the employment has ceased, was employed, and includes a partnership, company, cooperative society, association or other body of persons, whether vested with legal personality or not;

"European Union" has the same meaning as is given to it in the European Union Act and includes Norway, Iceland and Liechtenstein; Cap. 460.

"goods vehicle" means rigid-bodied vehicles, tractors, trailers and semi-trailers:

- (a) registered for carrying out road haulage operations in Malta; or
- (b) registered for carrying out road haulage operations in another country; or
- (c) a coupled combination of vehicles, the motor vehicle of which at least is registered in the manner set out in paragraphs (a) and (b) and which are used exclusively for the carriage of goods:

Provided that for the purposes of these regulations a vehicle is considered as a goods vehicle if it has a minimum gross vehicle weight of 3,500 kg.

"haulier" means a person or undertaking who carries out road haulage operations whether for profit or otherwise;

"hired vehicle" means any vehicle which, for remuneration and for a

determined period, is put at the disposal of an undertaking which engages in the carriage of goods by road for hire or reward or for its own account on the basis of a contract with the undertaking which makes the vehicle available;

"hire or reward" means the carriage of goods other than on own account, that is to say against payment or compensation, whether such payment or compensation is made directly or indirectly;

"holder" means the person in whose name a carriage licence or cabotage licence is issued;

"intermodal transport operation" means:

(a) the combined transport operations defined in Article 1 of Council Directive 92/106/EEC engaged in the transport of one or more containers or swap bodies, up to a total maximum length of 45 feet; or

(b) transport operations engaged in the transport of one or more containers or swap bodies, up to a total maximum length of 45 feet, using waterborne transport, provided that the length of the initial or the final road leg does not exceed 150km in the territory of the Union. The distance of 150km referred to above may be exceeded in order to reach the nearest suitable transport terminal for the envisaged service in the case of:

S.L. 65.21

(i) vehicles complying with point 2.2.2(a) or (b) of the First Schedule of Motor Vehicles (Weights, Dimensions and Equipment) Regulations; or

S.L. 65.21

(ii) vehicles complying with point 2.2.2(c) or (d) of the First Schedule of Motor Vehicles (Weights, Dimensions and Equipment) Regulations, in cases where such distances are permitted in the relevant Member State.

For intermodal transport operations, the nearest suitable transport terminal providing a service may be located in a Member State other than the Member State in which the shipment was loaded or unloaded;

"maximum permissible mass" means the maximum authorized operating mass of a vehicle when fully laden;

"Member State" means a Member State of the European Union;

"mobile worker" means any worker forming part of the travelling staff, including trainees and apprentices, who is in the service of an undertaking which operates transport services of goods by road for hire or reward or on its own account and includes any driver who is not a self-employed driver;

"motor vehicle" means any self-propelled vehicle travelling on the road, other than a vehicle permanently running on rails, and normally used for the carriage of goods;

"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;

"night time" means a period of four hours between 01.00 and 05.00;

"night work" means any work performed during night time;

"normal residence" means the place where a person habitually lives, for at least 185 days in each calendar year, because of personal and occupational ties, or, in the case of a person with no occupational ties, because of personal ties which show close links between that person and the place where he is living:

Provided that, the normal residence of a person whose occupational ties are in a different place from his personal ties and who consequently lives in turn in different places situated in two or more Member States shall be regarded as being the place of his personal ties, provided that such person returns there regularly.

This last condition need not be met where the person is living in an Member State in order to carry out a task of a definite duration; attendance at a university or school shall not imply taking up of normal residence;

"occupation of road haulage operator" shall mean the activity of any undertaking consisting of carriage by road for hire or reward by means of a goods vehicle;

"operator's licence for the carriage of goods by road" means a licence issued by the Authority to undertakings established in Malta;

"other work" means all activities as defined in the definition "working times" except driving, including any work for the same or another employer, within or outside the transport sector;

"own account" refers to carriage by road provided the following conditions are fulfilled:

- (a) the goods carried are the property of the undertaking or have been sold, bought, let out on hire or hired, produced, extracted, processed or repaired by the undertaking;
- (b) the purpose of the journey is to carry the goods to or from the undertaking or to move them, either inside the undertaking or outside for its own requirements;
- (c) the motor vehicles used for such carriage are driven by employees of the undertaking;
- (d) the vehicles carrying the goods are owned by the undertaking or have been bought by it on deferred terms or hired, provided that in the latter case they meet the conditions of Directive 2006/1/EC;
- (e) carriage is no more than ancillary to the overall activities of the undertaking;

- Cap. 386. "partnership" includes an association, not registered under the Companies Act, between two or more persons;
- "periods of availability" means periods other than those relating to break times and rest periods during which the mobile worker is not required to remain at his workstation, but must be available to answer any calls to start or resume driving or to carry out other work, including such periods during which the mobile worker is accompanying a vehicle being transported by ferryboat or by train as well as periods of waiting at frontiers and those due to traffic prohibitions;
- "persons performing mobile road transport activities" means any mobile worker or self-employed driver who performs such road transport activities;
- S.L. 65.18 "public highway" means national, arterial, distributor, access and local access roads as defined in the Motor Vehicles (Driving Licences) Regulations;
- "reduced daily rest period" means any period of rest of at least nine hours but less than eleven hours;
- "reduced weekly rest period" means any period of rest of less than forty-five hours, which may, subject to the conditions laid down in regulation 29, be reduced to a minimum of twenty-four consecutive hours;
- "regular daily rest period" means any period of rest of at least eleven 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 three hours and the second an uninterrupted period of at least nine hours;
- "regular weekly rest period" means any period of rest of at least forty-five hours;
- "Regulation (EC) No 561/2006" means 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;
- "Regulation (EC) No 1071/2009" means Regulation (EC) No 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator and repealing Council Directive 96/26/EC;
- "Regulation (EC) No 1072/2009" means 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;
- "Regulation (EU) No 1024/2012" means Regulation (EU) No 1024/2012 of the European Parliament and of the Council of 25 October 2012 on administrative cooperation through the Internal Market Information System and repealing Commission Decision 2008/49/EC ("the IMI Regulation");

"Regulation (EU) No 165/2014" means 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;

"Regulation (EU) 2016/679" means Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation);

"rest" means any uninterrupted period during which the driver may freely dispose of his time;

"rigid bodied vehicle" means any mechanically self-propelled vehicle circulating on the road, other than a vehicle running on rails, and normally used for carrying goods;

"road transport activities" shall include driving, loading and unloading, cleaning and technical maintenance, and all other work intended to ensure the safety of the vehicle, its cargo or to fulfil the legal, or regulatory obligations directly linked to the specific transport operations under way, including dealing with administrative formalities with police, customs and immigration officers;

"self-employed driver" means anyone whose main occupation is to transport goods by road for hire or reward within the meaning of European Union legislation under cover of a licence issued in the European Union or any other professional authorisation to carry out the aforementioned transport, who is entitled to work for himself and who is not tied to an employer by an employment contract or by any other type of working hierarchical relationship, who is free to organise the relevant working activities, whose income depends directly on the profits made and who has the freedom, individually or through a cooperation between self-employed drivers, to have commercial relations with several customers;

"semi-trailer" means 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;

"shipper" means a legal entity or a natural or legal person who is named on the bill of lading or on an equivalent transport document, such as "through" bill of lading, as the shipper and/or in whose name or on whose behalf a contract of carriage has been concluded with the transport company;

"tractor" means 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" means any vehicle designed to be coupled to a motor vehicle or a tractor;

"undertaking" means any natural person, any legal person,

whether profit-making or not, 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 personality;

"valid" shall be associated with any legitimate licence as issued by the competent authority, and to mean that such a licence is in effect and current for the period stated on the licence by virtue of the licence holder having met and continues to meet fully the obligations in accordance with the regulations;

"vehicle" means, for the purpose of these regulations, a motor vehicle, tractor, trailer or semi-trailer or a combination of these vehicles intended exclusively for the carriage of goods;;

"week" means the period between 00.00 hours on Monday and 24.00 hours on the following Sunday;

"weekly driving time" means the total accumulated driving time during a week;

"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" as defined under these regulations;

"working time" means:

- (a) in the case of a mobile worker, the time from the beginning to the end of work, during which the mobile worker is at his workstation, at the disposal of the employer and exercising his functions or activities, being -
 - (i) the time devoted to road transport activities; and
 - (ii) the times during which the mobile worker cannot dispose freely of his time and is required to be at his workstation, ready to take up normal work, with certain tasks associated with being on duty, in particular during periods awaiting loading or unloading where their foreseeable duration is not known in advance, that is to say either before departure or just before the actual start of the period in question, or under collective agreements or any other agreement entered into between the employer and mobile workers employed by him in compliance with national legislation;
- (b) in the case of a self-employed driver, the time from the beginning to the end of work, during which the self-employed driver is at his workstation, at the disposal of the client and exercising his functions or activities, being -
 - (i) the time devoted to road transport activities; and
 - (ii) the times during which the self-employed driver cannot dispose freely of his time and is required to be at his workstation, ready to take up normal

work, with certain tasks associated with being on duty, in particular during periods awaiting loading or unloading where their foreseeable duration is not known in advance, that is to say either before departure or just before the actual start of the period in question, or under agreements between the social partners:

Provided that general administrative work that is not directly linked to the specific transport operation underway shall not be deemed to be working time;;

"workstation" means -

- (a) the location of the main place of business of the undertaking for which the person performing mobile road transport activities carries out duties, together with its various subsidiary places of business, regardless of whether they are located in the same place as its head office or main place of business,
- (b) the vehicle which the person performing mobile road transport activities uses when he carries out duties, or
- (c) any other place in which activities connected with transportation are carried out.

3. If anything contained in these regulations which is inconsistent or in conflict with the Motor Vehicles Regulations, the present regulations shall prevail and to the extent of these inconsistencies or conflicts the Motor Vehicles Regulations shall be deemed to be null and void.

Inconsistencies
with Motor
Vehicles
Regulations.
S.L. 65.11

4. Any information given to the Authority in pursuance of these regulations shall be covered by the Professional Secrecy Act.

Professional
secrecy.
Cap. 377.

PART II

ADMISSION TO THE OCCUPATION OF ROAD HAULAGE OPERATOR

5. (1) No undertaking shall engage in the occupation of road haulage operator for hire or reward unless duly authorized by the Authority under these regulations.

Authorisation.
Substituted by:
L.N. 134 of 2006.

(2) The Authority shall issue an operator's licence for the carriage of goods by road to any undertaking that proposes to use goods transport vehicles and satisfies the conditions of these regulations and other requirements which the Authority may establish.

(3) An operator's licence for the carriage of goods by road shall be issued in the name of a natural person authorized to represent the undertaking.

(4) An operator's licence for the carriage of goods by road shall be valid for a period, specified therein, of up to five years from the date on which it was granted unless revoked or suspended and shall not be transferable.

(5) The Authority shall issue -

- (a) an international operator's licence to any undertaking with an operating centre in Malta which, in the course of its road freight operations, intends carrying goods outside Malta;
- (b) a national operator's licence to any undertaking with an operating centre in Malta which, in the course of its road freight operations, intends carrying goods only in Malta:

Provided that an international operator's licence for the carriage of goods by road shall cover both the carriage of goods by road outside Malta and within Malta.

(6) The number of vehicles authorised on the operator's licence may be varied at anytime upon a request in writing to the Authority, and once the Authority is satisfied that the licence holder still satisfies the requirement of financial standing, it shall vary the operator's licence accordingly without however changing the expiry date on that licence.

(7) The holder of an operator's licence for the carriage of goods by road shall be in possession of an operating centre where vehicles used under the said licence shall be kept while not in use.

Exemptions.

6. (a) The Authority may exempt from the application of all or some of the provisions of regulation 7, road haulage undertakings engaged exclusively in national transport operations having only a minor impact on the transport market because of:

- the nature of the goods carried, or
- the short distance involved.

(b) In the event of unforeseen circumstances, the Authority may grant a temporary exemption pending its final decision.

(2) Road hauliers engaged in removal services, carriage of building supplies, luggage transfer and courier services using vehicles exclusively on national territory, the maximum authorised weights of these vehicles being between 3.5 and 6 tonnes, shall be exempt from authorisation.

Application for an operator's licence for the carriage of goods by road.
Added by:
L.N. 134 of 2006.
Amended by:
L.N. 395 of 2011;
L.N. 187 of 2023.

7. (1) An application for the grant or renewal of an operator's licence for the carriage of goods by road shall be made to the Authority and shall be in the form and contain such particulars as the Authority may require together with:

- (a) the particulars of any relevant offence of which the applicant may have been convicted of in the five years prior to the date of the making of the application;
- (b) a certificate of competence granted to the applicant or to a person designated by the applicant;
- (c) a declaration signed by an auditor or an accountant in the form set out in the First Schedule;
- (d) particulars of the number or class or description of any motor vehicle available for use in the relevant road

freight business or proposed such business. The said vehicles shall be registered with the Authority or leased from another Member State:

Provided that for vehicles leased from another Member State to be used in the relevant road freight business, the lease agreements for the respective vehicles confirming that these vehicles shall be at the sole disposal of the applicant, shall also be submitted:

Provided further that a vehicle leased from another Member State may not be used in Malta for more than two (2) consecutive months in any given calendar year;

- (e) where the vehicle to be covered by the operator's licence is yet not registered in the name of the applicant, a signed declaration from the registered owner in favour of the operation of the said vehicle under that particular operator's licence;
- (f) particulars of the financial resources available as regards any relevant such business; and
- (g) particulars of mobile workers, if any, employed or to be employed by the applicant.

(2) The Authority may require any particulars given by an applicant in relation to an application mentioned in subregulation (1) to be contained in a statutory declaration or in a sworn affidavit in such manner as the Authority shall specify.

(3) An application shall be accompanied by the appropriate fee fixed by the Authority.

8. (1) Where the Authority refuses an application for admission to the occupation of road freight operator, the Authority shall by notice in writing, within seven days, inform the applicant of its decision and the reasons therefor.

Refusal of application.
Added by:
L.N. 134 of 2006.
Amended by:
XV. 2009.49.

(2) Where the Authority refuses an application, the applicant may, within twenty-one days starting on the date of such notice appeal before an appeals board to be set up according to the provisions of the Authority for Transport in Malta Act.

Cap. 499.

9. The Authority shall set up and maintain a national electronic register of goods road transport undertakings, which shall comply with all the requirements set out in Article 16 of Regulation (EC) No 1071/2009.

National Electronic Register.
Added by:
L.N. 134 of 2006.
Substituted by:
L.N. 187 by 2023.

10. (1) An undertaking wishing to engage in the occupation of road haulage operator as set out in these regulations, shall satisfy the requirements as laid down hereunder:

Requirements to engage in the occupation of road haulage operator.
Amended by:
L.N. 134 of 2006.

- (a) where the applicant for an operator's licence for the carriage of goods by road is a natural person, that person shall satisfy the Authority that he is of good repute and conduct and of appropriate financial standing and satisfies the condition as to professional competence;

- (b) where the applicant for an operator's licence for the carriage of goods by road is a partnership, it shall satisfy the Authority that each of the partners is of good repute and conduct and that the said partnership is of appropriate financial standing and satisfies the condition as to professional competence;
- (c) where the applicant for an operator's licence for the carriage of goods by road is a company, it shall satisfy the Authority that each of the directors is of good repute and conduct and the said company is of appropriate financial standing and satisfies the condition as to professional competence;
- (d) where the applicant for an operator's licence for the carriage of goods by road is a cooperative or an association, it shall satisfy the Authority that each member of the committee of the cooperative or association, as the case may be, is of good repute and conduct and that the cooperative or association is of appropriate financial standing and satisfies the condition as to professional competence.

(2) Where the applicant is a natural person and cannot satisfy the requirement of professional competence, the Authority may nevertheless permit that person to engage in the occupation of a road haulage operator provided he designates to the Authority another person who can satisfy the requirements of good repute and conduct and professional competence, on condition that the latter shall continuously and effectively manage the road haulage operation in accordance with these regulations.

(3) Where the application is made by an undertaking that is not a natural person, the requirement of professional competence shall be satisfied by a natural person so designated to the Authority who will continuously and effectively manage the undertaking in accordance with these regulations. That natural person shall also satisfy the requirement of good repute and conduct.

(4) Where, for the purpose of this regulation, an undertaking designates a natural person to continuously and effectively manage the road transport operation and that person ceases to manage the said operation, the undertaking shall within twenty-four days from that occurrence notify the Authority in writing and the Authority shall allow a period not exceeding three months within which the undertaking designates another person, who shall comply with requirements of good repute and conduct and professional competence.

11. A person shall not be deemed to satisfy the requirement of good repute and conduct if he:

- (a) has been convicted of serious criminal offences, including offences of a commercial nature during the last five years, or of a crime carrying a conviction of a term of imprisonment of, or exceeding three months or a fine of at least four hundred and sixty-five euros and eighty-seven cents (465.87); or of two or more crimes

Good repute
criterion.
Amended by:
L.N. 134 of 2006;
L.N. 408 of 2007.

- connected with violence;
- (b) has been found guilty during the last two years of any crime carrying a conviction for an offence concerning the use of any motor vehicle;
 - (c) has been declared unfit to pursue the occupation of road haulage operator under any rules in force;
 - (d) has been convicted of serious, repeated offences against rules in force concerning:
 - the pay and employment conditions in the profession, or
 - road transport, in particular the rules relating to driving, the weights and dimensions and carrying capacity of vehicles, road or vehicle safety or damage to the environment;
 - (e) has been convicted of any corresponding offence under any law of a country or territory outside Malta:

Provided that the applicant was less than eighteen years of age at the time of such a conviction in paragraphs (a) and (b) the periods referred to shall be respectively two years and one year.

12. (1) Appropriate financial standing of the undertaking shall consist in having available sufficient resources to ensure proper launching and proper administration thereafter of the undertaking.

Appropriate financial standing.
Amended by:
L.N. 134 of 2006;
L.N. 408 of 2007.

(2) For the purposes of assessing financial standing, the Authority shall have regard to the type of any operation and to the following:

- (a) the annual accounts of the undertaking, if any;
- (b) the funds available, including cash at bank, overdraft and loan facilities;
- (c) any assets, including property, which are available to provide full or partial security for the undertaking;
- (d) costs, including purchase cost or initial payment for vehicles, premises, plant and equipment, and working capital.

(3) An applicant for, or holder of an authorisation issued under regulation 5 shall not be considered to be of appropriate financial standing unless he has available to him capital and reserves of an amount equal to or exceeding the aggregate of: €8,385.74 for the first or only vehicle which is to be authorised under the licence and, €4,658.75 for each additional vehicle which is to be authorised.

(4) The Authority may accept as evidence of financial standing confirmation or assurance given by a bank or other suitably qualified financial institution. Such confirmation may be given in the form of a bank guarantee, a pledge or security, or by any other means acceptable to the Authority.

13. The conditions relating to professional competence shall be satisfied if the applicant demonstrates that he possesses the requisite skills by passing a written and, or oral examination,

Professional competence.
Amended by:
L.N. 134 of 2006.

corresponding to the level of training for either the National or International operations as the case may be, organised by an approved body in accordance with the syllabus in Part 2 of the Second Schedule and is the holder of a certificate to that effect issued by that body. Such certificate, in the format indicated in the Second Schedule shall serve as proof of professional competence.

Exemptions.
Amended by:
L.N. 134 of 2006.

14. (1) The Authority may exempt from written examination, or part thereof, applicants who can provide proof of at least five years' practical experience as a road haulier in a managerial position.

(2) The Authority may exempt from examination, or part thereof, holders of certain diplomas or technical diplomas equivalent, which provide proof of a sound knowledge of the subjects covered in the relevant national and international syllabi and holders of a certificate of professional competence issued by other Member States.

(3) Individuals or undertakings furnishing proof to the Authority that they were authorised under Maltese rules to engage in the profession of national and, or international road passenger transport operator, on or before 1 January 1997, shall be deemed to satisfy the requirements of regulation 10(1)(b) and (c). The requirement of regulation 10(1)(a) shall be met by all applicants, proof of which shall be submitted to the Authority at the time of application.

Checks on
compliance.

(4) The Authority shall require the haulier to submit evidence at least every five years or at the Authority's discretion that he continues to fulfil the requirements of regulation 10(1).

Withdrawal of
authorisation.
Amended by:
L.N. 134 of 2006;
V. 2007.25.

15. (1) The Authority may withdraw an authorisation on the following grounds:

- (a) where the holder no longer satisfies the conditions laid down in regulation 10(1); or
- (b) where the holder has supplied incorrect information to the Authority in relation to the issue or renewal of the authorisation; or
- (c) where the holder has breached any of the conditions of his authorisation and has not remedied such breach in spite of his having been given written notice of the breach and a reasonable time in which to do so.
- (d) in the event of serious infringements of these regulations, the Authority may suspend the authorisation. Such suspension shall be imposed having regard to the seriousness of the infringement and shall be subject to appeal the Administrative Review Tribunal established in terms of article 5 of the Administrative Justice Act, and the provision of this Act shall apply to such an appeal.
- (e) where the requirement of financial standing is not fulfilled at the time of checking, the Authority may, where the undertaking's other economic circumstances give grounds for assuming that the requirements of

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financial standing will again be sustainably fulfilled within the foreseeable future on the basis of a financial plan, give further notice of not more than one year.

(2) Where offences against the rules governing road haulage have been committed by a non-resident haulier and might lead to withdrawal of the authorisation to practise as a road haulage operator, the Authority shall provide the Member State in which the haulier is established with all the information in its possession concerning those offences and the penalties imposed.

16. In the event of the death or physical or legal incapacity of the natural person engaged in the profession of road haulage operator or of the natural person who satisfies the requirements of regulation 10(1)(a) and (c), the Authority may permit the carrying on of the business of a road haulage operator on a temporary basis for a maximum period of one year, with extension for a maximum period of six months. The Authority may, by way of exception and in certain special cases, definitively authorise a person not fulfilling the requirement of professional competence referred to in regulation 13 to operate the undertaking provided that such person possesses at least three years' practical experience in the day-to-day management of the undertaking.

Death or other incapacity.
Amended by:
L.N. 134 of 2006;
L.N. 225 of 2007.

PART III

SOCIAL MEASURES

General provisions

17. The minimum age for drivers engaged in carriage of goods by road shall be as specified in Motor Vehicles (Driving Licences) Regulations.

Minimum age of drivers.
Amended by:
L.N. 134 of 2006.
S.L. 65.18

18. (1) Regulations 19, 26, 27(2), 27(3), 27(4), 27(5), 28(2), 29 and 30 shall only apply to international carriage of goods by road where the maximum permissible mass of the vehicle, including any trailer, or semi-trailer, exceeds 3.5 tonnes.

International carriage.
Added by:
L.N. 134 of 2006.
Substituted by:
L.N. 225 of 2007.

(2) The types of vehicles listed in Part I of the Fourth Schedule shall be exempt from the provisions of this Part of the regulations.

(3) For the purpose of this part of the regulations, "transport undertaking" shall mean 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 personality, which engages in carriage by road, whether for hire or for own account.

19. The minimum age for drivers engaged in international carriage of goods by road shall be as follows:

Minimum age of drivers engaged in international carriage of goods.
Amended by:
L.N. 134 of 2006;
L.N. 395 of 2011.

- (a) for vehicles, including, where appropriate, trailers or semi-trailers, having a permissible maximum weight of not more than 7.5 tonnes, nineteen years;
- (b) for other vehicles:

- twenty-one years or
- nineteen years provided that the person concerned holds a certificate of professional competence issued by the Authority or by the competent authority of an Member State confirming that he has completed a training course mentioned in regulation 20.

Minimum level of training.
Amended by:
L.N. 134 of 2006.

20. The minimum level of training for drivers aged over nineteen years and under twenty-one to engage in the carriage of goods by road shall consist of a course covering the subjects provided in the Third Schedule.

Driving licence.
Amended by:
L.N. 134 of 2006.
S.L. 65.18

21. (1) Drivers of the ages mentioned in the previous regulation shall also have obtained a national driving licence for vehicles intended for the carriage of goods by road under the Motor Vehicles (Driving Licences) Regulations.

(2) The programme and organisation of the course of vocational training referred to in subregulation (1) shall be laid down by the Authority. Proof that this training has been completed shall be furnished by means of an examination or a check carried out by the Authority.

(3) Upon completion of the said course, drivers referred to in subregulation (1) shall undergo an examination or check to be carried out by the Authority.

(4) Drivers carrying out national transport within Malta and drivers carrying out international transport in vehicles registered in Malta may be required by the Authority to undergo more extensive training than that provided for in the Third Schedule.

Certificate of professional competence.
Amended by:
L.N. 134 of 2006.

22. (1) The Authority shall issue a certificate of professional competence to persons who meet the requirements laid down in regulation 20.

(2) Rights acquired pursuant to the provisions referred to in subregulation (1) prior to the entry into force of these regulations shall remain valid in the same way as certificates issued pursuant to these regulations.

Driver attestation for hauliers using drivers who are nationals of non-Member State.
Amended by:
L.N. 134 of 2006.

23. A driver attestation as contained in the Seventh Schedule shall be issued by the Authority to any haulier who:

- (a) is the holder of a Community authorisation;
- (b) lawfully employs drivers who are nationals of non-Member States in accordance with any laws or regulations governing the conditions of employment and vocational training in force in Malta or by any collective agreement in accordance with such laws or regulations.

Validity period.
Amended by:
L.N. 134 of 2006.

24. The driver attestation shall be subject to a maximum validity period of five years, a true copy of which shall be kept at the haulier's premises.

25. (1) The minimum age for drivers' mates shall be eighteen years.

Minimum ages for drivers' mates.
Amended by:
L.N. 134 of 2006.

(2) In the case of internal transport operations the Authority may reduce the minimum age for drivers' mates to sixteen years on a case-by-case basis, on condition that this is for purposes of vocational training and subject to relevant employment legislation.

26. The European Agreement concerning the Work of Crews of Vehicles engaged in International Road Transport (AETR) shall apply instead of these regulations to international road transport operations -

Applicability of AETR.
Amended by:
L.N. 134 of 2006.

- (a) between Malta and countries that are Contracting Parties to the AETR, or in transit through such countries, for the whole of the journey where such operations are carried out by vehicles registered in Malta, a Member State or in one of the said third countries;
- (b) between Malta and a country which is not a Contracting Party to the AETR in the case of any journey made within the Community or between Malta and the Community where such operations are carried out by vehicles registered in one of those countries.

27.(1)(a) The average weekly working time, including overtime, for a mobile worker and a self-employed driver shall not exceed forty-eight hours:

Working time and driving period.
Amended by:
L.N. 134 of 2006;
L.N. 225 of 2007;
L.N. 395 of 2011.

Provided that the maximum weekly working time for a mobile worker and a self-employed driver may be extended to sixty hours only if, over a period of seventeen consecutive weeks, an average of forty-eight hours a week is not exceeded:

Provided further that the said period may be extended in relation to mobile workers and self-employed drivers for objective or technical reasons or reasons concerning the organization of work, by a collective agreement, agreement between social partners or any other agreement entered into between the employer and mobile workers employed by him in compliance with national legislation, from a period of seventeen weeks to a period not exceeding twenty-six weeks.

- (b) Working time for mobile workers employed by different employers shall be the sum of the working hours. The employer shall ask the mobile worker concerned in writing for an account of time worked for another employer and the mobile worker shall provide such information in writing.
- (c) Where night work is performed, the daily working time of a mobile worker and self-employed driver shall not exceed ten hours in each twenty-four hour period:
Provided that the period of ten hours may be extended in relation to mobile workers and self-employed

drivers for objective or technical reasons or for reasons concerning the organisation of work, by a collective agreement, agreement between the social partners or any other agreement entered into between the employer and mobile workers employed by him in compliance with national legislation.

- (d) An employer shall ensure that the time limits specified in the preceding paragraphs are complied with in the case of each mobile worker employed by him.
 - (e) The times of breaks, rests and periods of availability shall not be included in the calculation of working time.
 - (f) A period of availability shall not be treated as such unless the mobile worker knows about that period of availability and its reasonably foreseeable duration before the commencement of that period of availability.
 - (g) The time spent by a mobile worker driving in a team, the time spent sitting next to the driver or on the couchette while the vehicle is in motion shall be a period of availability for that mobile driver.
- (2) (a) The daily driving time, including all driving time on the territory of the European Union or of a third country, shall not exceed nine hours, but it may be extended up to twice in any week to not more than ten hours.
- (b) A driver must, after no more than six daily driving periods, take a weekly rest period as defined in regulation 29(3).
- (c) The weekly rest period may be postponed until the end of the twelfth day if the total driving time over the twelve days does not exceed the maximum corresponding to twelve daily driving periods.
- (3) The weekly driving time, including all driving time on the territory of the European Union or of a third country, shall not exceed fifty-six hours and shall not result in the maximum weekly working time laid down in subregulation (1)(a).
- (4) The total period of driving in any period of two consecutive weeks shall not exceed ninety hours.

Breaks.
 Substituted by:
 L.N. 134 of 2006.
 Amended by:
 L.N. 225 of 2007;
 L.N. 395 of 2011.

- 28.(1)(a)** Without prejudice to the provisions of subregulation (2), a person performing mobile road transport activities shall work for no more than six consecutive hours without a break.
- (b) Where the working time of a person performing mobile road transport activities exceeds six hours but does not exceed nine hours, working time shall be interrupted by a break of at least thirty minutes.
 - (c) Where the working time of a person performing mobile road transport activities exceeds nine hours,

working time shall be interrupted by a break of at least forty-five minutes.

- (d) Breaks may be subdivided into periods of not less than fifteen minutes each.
- (2) (a) A driver shall take an uninterrupted break of not less than forty-five minutes after a driving period of four and-a-half-hours, unless he takes a rest period.
- (b) This break may be replaced by a break of at least fifteen minutes followed by a break of at least thirty minutes, each distributed over the driving period in such a way as to comply with the provisions of the preceding paragraph.

29. (1) A mobile worker shall take daily and weekly rest periods.

Daily and weekly rest periods.
Amended by:
L.N. 134 of 2006.
Substituted by:
L.N. 225 of 2007.
Amended by:
L.N. 395 of 2011.

(2) A daily rest period of eleven hours shall be taken within each period of twenty-four hours after the end of the previous daily rest period or weekly rest period:

Provided that the daily rest period may be reduced to at least nine hours no more than three times between any two weekly rest periods.

(3) A daily rest period may be extended to make a regular weekly rest period or a reduced weekly rest period.

(4) Notwithstanding subregulation (2), a mobile worker engaged in multi-manning shall, within thirty hours from the end of a daily or weekly rest period, take a new daily rest period of at least nine hours.

(5) (a) In any two consecutive weeks a mobile worker shall take at least -

- two regular weekly rest periods, or
- one regular weekly rest period and one reduced weekly rest period of at least twenty-four hours:

Provided that 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.

- (b) A weekly rest period shall start no later than at the end of six twenty-four-hour periods from the end of the previous weekly rest period.
- (6) (a) Any rest taken as compensation for a reduced weekly rest period shall be attached to another rest period of at least nine hours.
- (b) Where a mobile worker chooses to do this, daily rest periods and reduced weekly rest periods away from base may be taken in a vehicle, as long as the vehicle has suitable sleeping facilities for each mobile worker and the vehicle is stationary.

(7) A weekly rest period that falls in two weeks may be counted in either week, but not in both.

Interruption of
daily rest period.
Amended by:
L.N. 134 of 2006.
Substituted by:
L.N. 225 of 2007.
Amended by:
L.N. 395 of 2011.

30. (1) Notwithstanding regulation 29, a mobile worker engaged in the carriage of goods who accompanies a vehicle which is transported by ferry or train, that mobile worker may interrupt the regular daily rest period not more than twice by other activities not exceeding one hour in total and during that regular daily rest period, the mobile worker shall have access to a bunk or couchette.

(2) Any time spent travelling to a location to take charge of a motor vehicle used for the carriage of goods, or to return from that location, when the vehicle is neither at the mobile worker's home nor at the employer's operational centre where the mobile worker is normally based, shall not be counted as a rest or break unless the mobile worker is on a ferry or train and has access to a bunk or couchette.

(3) Any time spent by a mobile worker driving any other motor vehicle which is not a goods carrying motor vehicle, which is not at the driver's home or at the employer's operational centre where the mobile worker is normally based, shall count as other work.

Liability of
transport
undertakings.
Amended by:
L.N. 134 of 2006.
Substituted by:
L.N. 225 of 2007.

31. (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 these regulations.

(2) A transport undertaking shall be liable, unless proved otherwise, for infringements committed by a driver of the undertaking, even if the infringement is committed on the territory of another Member State or of a third country:

Provided that the contravention was not due to an unavoidable delay in the completion of a journey arising out of circumstances which the undertaking could not reasonably have foreseen, or the contravention was not due to the fact that the driver had for any particular period or periods driven or been on duty otherwise than in the employment of that undertaking.

(3) Transport undertakings shall ensure that -

- (i) all data is downloaded from the vehicle's recording equipment at least every three months and from the driver card at least every twenty-eight days;
- (ii) all data downloaded from both the vehicle's recording equipment and from the driver card is kept for at least twelve months following recording and, should an inspecting officer request it, such data shall be accessible, either directly or remotely, from the premises of the undertaking.

(4) Undertakings, consignors, freight forwarders, principal contractors, subcontractors and driver employment agencies shall ensure that contractually agreed transport time schedules respect these regulations.

32. Insofar as road safety is not thereby jeopardised and to enable him to reach a suitable stopping place, the driver may depart from the provisions of regulations 27(2), 27(3), 27(4), 27(5), 28(2), 29 and 30 to the extent necessary to ensure the safety of persons, of the vehicle or of its load. The driver shall indicate the reason for such departure from those provisions 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.

Road and personal safety.
Amended by:
L.N. 134 of 2006;
L.N. 225 of 2007;
L.N. 395 of 2011.

33. (1) A transport undertaking shall -

- (a) organize the work of mobile workers in such a way that mobile workers are able to comply with the relevant provisions of these regulations and any other relevant legislation,
- (b) notify every driver or any other mobile worker in his employment of the provisions of regulations 27 to 30, the internal rules of the transport undertaking, where applicable, and the provisions of any collective or any other agreement applicable to the said worker reached on the basis of these regulations;
- (c) keep a record of any time worked by each mobile worker in his employment in accordance with regulation 73(1)(b). The working time may be recorded by any recording equipment available for the use of the mobile workers, or in a logbook issued by the Authority for the purposes of recording working time; and
- (d) provide, at the request of a mobile worker, a copy of the record of hours worked by that mobile worker.

Information, records and penalties.
Substituted by:
L.N. 134 of 2006.
Amended by:
L.N. 225 of 2007;
L.N. 408 of 2007;
L.N. 395 of 2011.

(2) A mobile worker shall, on the request of his employer, notify to his employer any time worked for another employer for inclusion in the calculation of the mobile worker's working time.

(3) The records referred to in subregulation (1) shall be kept by the employer for a period of two years after the end of the period covered by the said records.

(4) Employers shall make periodic checks to ensure that all legal requirements have been complied with and if breaches are found to have occurred, the employer shall take appropriate steps to prevent their repetition.

(5) A self-employed driver shall keep a record of any working time by the use of any recording equipment available or in a log book issued by the Authority for such purposes and shall keep such records in his possession at all times during working times.

(6) The records referred to in sub-regulation (5) shall be kept by the self-employed driver for a period of two years after the end of the period covered by the said records.

(7) The self-employed driver and the employer of mobile workers shall, upon the request of the Authority, provide the Authority with copies of any records kept in accordance with this regulation for inspection by the Authority. Such copies shall be

certified by the signature of the self-employed driver or the employer as the case may be.

(8) Any authorised inspecting officer may carry out any inspections at workstations in order to ensure compliance with this regulation.

(9) Any person who contravenes or fails to comply with the provisions of regulations 27 to 29 and 33 shall be guilty of an offence and shall be liable to a minimum fine (*ammenda*) of fifty-eight euros and twenty-three cents (58.23).

Exceptions.
Amended by:
L.N. 134 of 2006.

34. The Authority may grant exceptions from the application of the provisions of regulations 19 to 33 to road haulage operations carried out in exceptional circumstances, if such exceptions do not seriously jeopardise the objectives of these regulations. In urgent cases it may grant a temporary exception for a period not exceeding thirty days.

PART IV

MARKET ACCESS

Access to the national market

Haulier's licence.
Amended by:
L.N. 134 of 2006;
L.N. 423 of 2016.

35. (1) In order to carry out national road haulage operations using goods vehicles on a permanent basis, any undertaking must be authorised as provided for in regulation 5.

(2) The Authority shall provide the holder with a certified true copy of the authorisation for every vehicle for which it is to be used.

(3) The vehicles for which the authorisation is being used shall be at the exclusive disposal of the holder when hired, and must be driven by employees of the holder or the holder himself.

(4) For the transport of containers and swap bodies:

(a) the shipper is to give to the hauler to whom it entrusts the transport of a container or swap body a statement indicating the weight of the container or swap body transported; and

(b) the hauler is to provide access to all relevant documentation provided by the shipper.

(5) The Authority shall lay down such other rules as necessary governing the requirements of national road haulage operations and market access.

Access to the Community market

Liberalisation.
Amended by:
L.N. 134 of 2006;
L.N. 225 of 2007.

36. Under the conditions established in regulation 38, all types of carriage by road for hire or reward and on own account where such carriage is performed to or from or in transit through Malta are liberalised.

Exemptions.
Amended by:
L.N. 134 of 2006;
L.N. 225 of 2007.

37. The types of carriage and unladen journeys made in conjunction with the types of carriage listed in Part II of the Fourth Schedule shall be exempted from the requirement of obtaining an

authorisation under this Part.

38. (1) The Authority shall issue a Community authorisation in accordance with the model set out in the Fifth Schedule to any road haulage operator fulfilling the following conditions:

International
carriage of goods.
Amended by:
L.N. 134 of 2006.

- (a) he is authorised under regulation 5;
- (b) he satisfies the conditions laid down in accordance with rules in the Member States on the admission to the occupation of road haulage operator in national and international transport operations in accordance with regulation 10;
- (c) he meets legal requirements on road safety as far as the standards for drivers and vehicles are concerned.

(2) In order to carry out international road haulage operations using goods vehicles between Malta and Member States for hire and reward any carrier satisfying the criteria laid down in subregulation (1) must hold a Community authorisation in conjunction with a driver attestation if the driver is a national of a non-Member State.

(3) The Authority shall issue the haulier with the original of a Community authorisation, which shall be kept by the haulier, and the number of certified true copies corresponding to the number of vehicles used for the international carriage of goods at the disposal of the holder of the Community authorisation, either in full ownership or any other form, notably by virtue of an instalment-purchase contract, a hire contract or a lease contract.

(4) The Community authorisation shall be issued in the name of the haulier and shall be non-transferable. A certified true copy of the Community licence shall be carried on the vehicle and shall be presented at the request of any authorised inspecting officer.

(5) The Community licence shall be issued for a period of five years and shall be renewable.

(6) The Community authorisation shall replace the document issued by the Authority certifying that the carrier has access to the market for the international carriage of goods or any prior authorisation.

(7) When an application for a licence is submitted, and least every five years thereafter, the Authority shall carry out a review whether the haulier satisfies or continues to satisfy the conditions established under these regulations.

(8) A Community authorisation shall also be valid for national operations.

39. If the conditions established under these regulations are not satisfied, the Authority shall reject the application for the issue or renewal of the application as the case may be, and shall give reasons for such a decision.

Rejecting an
application.
Amended by:
L.N. 134 of 2006.

Withdrawal of
authorisation and
attestation.

Amended by:
L.N. 134 of 2006.

40. (1) The Authority may withdraw an authorisation on the following grounds:

- (a) where the holder no longer satisfies the conditions laid down in regulations 5 to 16 and 23; or
- (b) where the holder has supplied incorrect information to the Authority in relation to the issue or renewal of the authorisation.

(2) In the event of serious infringements or repeated minor infringements of these regulations, the Authority may *inter alia* temporarily or partially suspend the authorisation and may withdraw the driver attestation of such hauliers where they are established in Malta and may also make the issue of driver attestations subject to additional conditions in order to prevent use. Such measures shall be imposed having regard to:

- (a) the seriousness of the infringement; and
- (b) the total number of certified copies of the authorisation held by the holder in respect of international traffic.

Appeals.

Amended by:
L.N. 134 of 2006.
Substituted by:
V. 2007.25.
Cap. 490.

41. Any decision by the Authority in accordance with regulation 40 shall be subject to appeal before the Administrative Review Tribunal established in terms of article 5 of the Administrative Justice Act, and the provision of this Act shall apply to such an appeal.

Access to the market in ECMT member countries

Road haulage in
ECMT Members.

Amended by:
L.N. 134 of 2006.

42. The performance of road haulage operations to or from or within ECMT member countries shall be subject to an ECMT licence.

Obtaining ECMT
licence.

Amended by:
L.N. 134 of 2006.

43. (1) Such licence shall be obtained upon an application being submitted in writing to the Authority accompanied by a manufacturer's certificate of conformity in accordance with guidelines contained in the Sixth Schedule and any information it may require for this purpose.

(2) The Authority shall recognise ECMT licences issued in other ECMT member countries.

(3) An ECMT licence shall only be valid for one vehicle at any one time, and shall be carried on board the vehicle for the entire journey.

Use of ECMT
licence.

Amended by:
L.N. 134 of 2006.

44. The ECMT licence holder may also use such licences for vehicles which are leased or hired without driver.

Vehicle covered by
licence.

Amended by:
L.N. 134 of 2006.

45. (1) The vehicle for which the ECMT licence is being used shall be at the exclusive disposal of the holder when hired, and must be driven by employees of the holder or the holder himself.

(2) The following must also be kept in the vehicle:

- (a) the contract of hire, or a certified extract from that contract giving in particular the name of the lessor, the name of the lessee, the date and duration of the

contract and the vehicle identification number;

- (b) where the driver is not the person hiring the vehicle, the driver's employment contract or a certified extract from that contract giving in particular the name of employer, the name of the employee and the date and duration of the employment contract, or a recent pay slip.

(3) Where the Authority deems it necessary, it may replace the documents referred to in subregulation (2) by an equivalent document issued for that purpose.

(4) An ECMT licence is non-transferable.

46. The name of the person operating the vehicle on behalf of the lessor shall appear on the first page of the licence.

Name of person operating the vehicle.
Amended by:
L.N. 134 of 2006.

47. The transport operations described in Part III of the Fourth Schedule shall be exempt from the requirement of an ECMT licence.

Exemptions.
Amended by:
L.N. 134 of 2006;
L.N. 225 of 2007.

48. (1) The holder of an ECMT licence shall keep a logbook, in the format prescribed by the Authority and made out in his name. Such logbooks shall not be transferable.

Logbook.
Amended by:
L.N. 134 of 2006.

(2) The logbook shall bear the same number as the ECMT licence to which it refers and shall be kept on board the vehicle together with such licence.

(3) The haulier shall produce the logbook for inspection upon demand by an authorised inspecting officer, who may then stamp the logbook.

49. (1) An ECMT licence shall be invalid if it does not contain the following particulars entered indelibly:

Requirements for validity.
Amended by:
L.N. 134 of 2006.

- (a) name or business name and full address of the undertaking;
- (b) signature and stamp of the body issuing the licence;
- (c) dates on which the validity of the licence begins and ends;
- (d) date of issue of the licence.
- (e) Licences for "green" or "greener and safe" or "EUR03 safe" vehicles, as defined in the Sixth Schedule, are also considered invalid, if a spot check shows that the emission or safety requirements laid down for such vehicles are not fulfilled.

(2) Licences may be withdrawn by the Authority, more particularly in the event of serious or repeated infringements and in cases of insufficient use or use for bilateral transport operations only.

(3) In case that it is discovered that a forged, lost or stolen ECMT licence is being used, or that an EMCT licence is being used by a haulier other than the licence holder or in case of use of a

forged certificate, the licence is to be withdrawn immediately and communicated to the competent authority in the country of the haulier's registration.

(4) Likewise if it is discovered that an outdated or expired ECMT licence is being used, it shall be withdrawn immediately and communicated to the relevant authority.

Withdrawn or
surrendered ECMT
licences.
Amended by:
L.N. 134 of 2006.

50. Licences that are withdrawn or surrendered may be re-issued to other hauliers for the remaining period of validity. In such cases, licences shall be cancelled and replaced by a reserve licence before being issued to another haulier for the remaining period of time.

Cancellation or
replacements of
ECMT Licences.
Amended by:
L.N. 134 of 2006.

51. (1) Where licences are cancelled or replaced, the Authority shall inform the ECMT Secretariat.

(2) Similarly, forged certificates for "green" or "greener and safe" or "EUR03 safe" vehicles shall be transmitted to the competent authority of the country in which the vehicle is registered.

(3) In cases where a licence is lost or stolen, the issuing Authority or body must be notified immediately. The Authority may replace it by another licence for the remaining period of validity.

(4) The Authority shall notify the ECMT Secretariat of the serial numbers of lost or stolen licences and of their replacements.

Access to the market in other countries

Bilateral
agreements.
Amended by:
L.N. 134 of 2006.

52. The Authority shall by means of regulations determine the conditions for market access relating to countries with which Malta has bilateral agreements other than Member States or ECMT member countries subject to the provisions of such agreements.

Access to the national market by non-resident hauliers established in Member States ('Cabotage')

Entitlement to
carry out cabotage.
Amended by:
L.N. 134 of 2006.

53. Any haulier for hire or reward who is a holder of a Community authorisation and whose driver, if he is a national of a non-Member State, holds a driver attestation, shall be entitled to carry out cabotage operations on a temporary basis in Malta, without having a registered office or other establishment in Malta.

Own account.
Amended by:
L.N. 134 of 2006.

54. *(Revoked by Legal Notice 225 of 2007).*

Format.

55. *(Revoked by Legal Notice 134 of 2006).*

Holders.

56. *(Revoked by Legal Notice 134 of 2006).*

Title of vehicles.
Amended by:
L.N. 134 of 2006.

57. A non-resident haulier shall have at his disposal the vehicle either under full ownership or under any other title including a hire-purchase, hire or leasing contract.

Hiring by a haulier.
Amended by:
L.N. 134 of 2006.

58. *Repealed by Legal Notice 187 of 2023.*

Period of validity.

59. *(Revoked by Legal Notice 134 of 2006).*

60. (Revoked by Legal Notice 134 of 2006).

Book of record
sheets.

61. The performance of cabotage transport operations shall be subject to any law, regulation or other measure in force in Malta, in particular relating to:

Conditions.
Amended by:
L.N. 134 of 2006.

- (a) the rates and conditions governing the transport contract;
- (b) weights and dimensions of road vehicles shall meet the conditions of the regulations regulating weights, dimensions and equipment for motor vehicles;
- (c) requirements relating to the carriage of certain categories of goods, in particular dangerous goods, perishable foodstuffs and live animals;
- (d) driving and rest time;
- (e) value added tax (VAT) on transport services.

Provided that this regulation shall apply equally to resident and non-resident hauliers established in the Member States.

62. The Community authorisation or a certified true copy thereof shall be kept on board the vehicle and shall be produced when requested by any authorised inspecting officer.

Production of
authorisation.
Amended by:
L.N. 134 of 2006.

63. The technical standards of construction and equipment of vehicles used to carry out cabotage operations shall comply with the requirements for vehicles put into circulation in international transport.

Technical
standards.
Amended by:
L.N. 134 of 2006.

PART V

USE OF VEHICLES WITHOUT DRIVERS UNDER NATIONAL OPERATION

64. (1) It shall be possible to use within the territory of Malta vehicles hired by undertakings established in Member States other than Malta provided that:

Use of vehicles
without drivers.
Amended by:
L.N. 134 of 2006.
Substituted by:
L.N. 187 of 2023.

- (a) the vehicle is registered or put into circulation in compliance with the laws of any Member State and, if applicable, used in compliance with Regulations (EC) No 1071/2009 and (EC) No 1072/2009;
- (b) the contract relates solely to the hiring of a vehicle without a driver, and is not accompanied by a service contract concluded with the same undertaking covering driving employees or accompanying personnel;
- (c) the hired vehicle is at the sole disposal of the undertaking using it during the period of the hire contract;
- (d) the vehicle is driven by personnel of the undertaking hiring it;
- (e) proof of compliance with the conditions of paragraphs (a) to (d) shall be provided by presentation of the

following documents in paper or electronic form, which shall be on board the vehicle:

- (i) the contract of hire, or a certified extract from that contract giving in particular the name of the lessor, the name of the lessee, the date and duration of the contract and the vehicle identification number;
- (ii) where the driver is not the person hiring the vehicle, the driver's employment contract or a certified extract from that contract giving in particular the name of employer, the name of the employee and the date and duration of the employment contract, or a recent pay slip.

(2) Where the Authority deems it necessary, it may replace the documents referred to in paragraph (e) of sub-regulation (1) by an equivalent document issued for that purpose.

(3) The Authority shall enter the registration number of a hired vehicle used by an undertaking which engages in the carriage of goods by road for hire or reward in the national electronic register referred to in regulation 9.

(4) The Authority shall cooperate closely with the competent authorities of other Member States and shall swiftly provide them with mutual assistance and with any relevant information in order to facilitate the implementation and enforcement of this regulation. To this end, the Authority shall designate a national contact point responsible for the exchange of information with the other Member States.

(5) The exchange of information related to this regulation shall take place through the European Registers of Road Transport Undertakings (ERRU) as specified by Commission Implementing Regulation (EU) 2016/480.

(6) The Authority shall ensure that the information received pursuant to this regulation is used only in respect of the matters for which it was requested. Any processing of personal data shall be carried out solely for the purposes of complying with this regulation and shall comply with Regulation (EU) 2016/679.

(7) The Authority shall provide the administrative cooperation and assistance to the competent authorities of other Member States in relation to this regulation free of charge.

(8) A request for information received or made by the Authority in relation to this regulation shall not preclude the requesting competent authorities from taking measures in accordance with the relevant Union and national law to investigate and prevent alleged breaches of rules resulting from the transposition of Directive (EU) 2022/738.

(9) The authority shall take the necessary measures to ensure that the processing of the data referred to in sub-regulation (3) complies with the requirements for the information referred to in Article 16(2), point (g), of Regulation (EC) No 1071/2009 as specified in Article 16(2), third and fifth sub-paragraphs, and in

Article 16(3) and (4) of that Regulation.

(10) The Authority shall ensure that the data referred to in sub-regulation (3) is accessible during roadside checks carried out by the enforcement officers of the Authority..

PART VI

RATES AND CONDITIONS FOR THE CARRIAGE OF GOODS BY ROAD

65. (1) This regulation and regulation 66 shall apply to the carriage of goods by road in Malta for hire or reward even if, at the time of such carriage operations, part of the journey is performed:

Rates to be set by free agreement.
Amended by:
L.N. 134 of 2006.

- in transit through another country; or
- by a road vehicle which is carried by another means of transport, without intermediate reloading of the goods.

(2) The rates for the carriage operations referred to in subregulation (1) shall be set by free agreement between the parties to the haulage contract.

66. For the purposes only of market surveillance the Authority may request hauliers, forwarding agents, freight brokers and other transport agents to provide information concerning the rates charged for international carriage of goods by road.

Power to request information.
Amended by:
L.N. 134 of 2006.

PART VII

USE OF GOODS VEHICLES IN MALTA

67. Any goods vehicle used on the public highway shall be fit and safe for the conveyance of goods.

Vehicle safety.
Amended by:
L.N. 134 of 2006.

68. Any goods vehicle used on the public highway shall have its load firmly secured or appropriately covered so as to prevent any part of it falling or spilling out onto roadway or otherwise endangering the safety of traffic or of persons.

Securing of loads.
Amended by:
L.N. 134 of 2006.

69. In no case shall the load being carried by a goods vehicle:

Load heights.
Amended by:
L.N. 134 of 2006.

- (a) reach a height which will impair the stability of the vehicle;
- (b) reach a height that would render the vehicle in excess of the maximum permissible height contained in the regulations regulating the weights, dimensions and equipment of motor vehicles;
- (c) project beyond the overall width of the body.

In special cases, however, the Commissioner of Police in consultation with the Authority may give temporary permission in writing to the owners of goods vehicles to depart from the conditions laid down in paragraphs (b) and (c) subject to any conditions he deems fit.

Damage to
highways.
Amended by:
L.N. 134 of 2006.

70. In the event of damage of any kind being caused to the public highway or any related equipment or street furniture the haulier shall be responsible for the full costs of restoration of the *status quo ante*. All goods vehicles driving on roads in Malta shall be covered by a valid insurance policy which provides cover for such eventualities.

Exhaust emissions.
Amended by:
L.N. 134 of 2006.

71. No person shall drive or permit to be driven a goods vehicle when, from any cause whatsoever, the exhaust pipe or its connections emit any smoke, grit, sparks, ashes, cinders or oily substances.

Stopping of goods
vehicles.
Amended by:
L.N. 134 of 2006.

72. No person shall stop, whether temporarily or otherwise, and leave unattended, or shall park any goods vehicle or leave a container in any public highway or public open space whether enclosed or otherwise other than in an authorised parking place or at an authorised container storage depot:

Provided that the Commissioner may in exceptional cases, in any particular case, and under such conditions as he may deem fit to impose, grant an exemption from this provision:

Provided further that the Commissioner may also issue a licence for empty containers to be parked or stacked in factory grounds, whether privately owned or otherwise, as specified in such licence, under such conditions as he may deem fit to impose.

Parking of goods
vehicles.
Amended by:
L.N. 134 of 2006.

73. The parking of goods vehicles in an authorised parking place or an authorised storage depot must fully comply with any rules and regulations in force relating to the parking of such vehicles.

Loading and
unloading of goods
vehicles.
Amended by:
L.N. 134 of 2006.

74. The loading and unloading of goods vehicles on the public highway shall be subject to any relevant traffic regulations prevailing at the time.

Carriage of
passengers.
Amended by:
L.N. 134 of 2006.

75. (1) Passengers may not be carried by goods vehicles except that -

- (a) one person may be permitted to sit next to the driver of a goods vehicle whilst it is in use;
- (b) they are the persons who are in charge of the goods or engaged in loading and unloading them.

(2) The Commissioner may, in special cases, grant permission:

- (a) to owners of goods vehicles to carry persons in their vehicles other than those in charge of the goods;
- (b) to bona fide contractors and bona fide bodies to transport workmen free of any charge or reward in their goods vehicles, from the mustering point to their principal place of work and other work sites and return provided such places of work are not situated within easy reach of an established bus route and provided that there is in respect of such goods vehicle an appropriate insurance to cover workmen carried therein free of charge.

76. Fish and fresh meat may not be carried in goods vehicles unless these are specially constructed and approved by the Director General of the Health Division in Malta or a recognised competent authority in a Member State for that purpose.

Carriage of fish and meat.
Amended by:
L.N. 134 of 2006.

77. Any vehicle being operated nationally or internationally carrying dangerous goods as defined in the European Agreement concerning the International Carriage of Dangerous Goods by Road, 2003 ("ADR Agreement") shall comply with the requirements of the regulations regulating the carriage of dangerous goods by road.

Carriage of dangerous goods.
Amended by:
L.N. 134 of 2006.

PART VIII

COMBINED TRANSPORT OF GOODS

78. In the case of combined transport for hire or reward, a transport document shall be presented to the Authority upon request. Such document shall specify the rail loading and unloading stations relating to the rail leg, or the inland waterway loading and unloading ports relating to the inland waterway leg, or the maritime loading and unloading ports relating to the maritime section of the journey, and the road loading or unloading stations or ports relating to a road leg not being the initial or final leg of the journey.

Combined transport.
Amended by:
L.N. 134 of 2006.

79. (1) Details referred to in the previous regulation shall be recorded before the transport operation is carried out and shall be confirmed by means of a stamp affixed by the relevant authority when the Maltese leg of the journey has been completed.

Details to be recorded.
Amended by:
L.N. 134 of 2006.

(2) Any haulier established in a Member State who meets the conditions of regulations 5 to 33 shall have the right to carry out the initial or final road haulage legs of a combined transport operation. In addition, a haulier for hire or reward shall comply with security pass arrangements in force in the port areas.

80. Where a trailer or semi-trailer belonging to an undertaking engaged in own-account haulage is hauled on a final section by a tractor belonging to an undertaking engaged in transport for hire or reward, the transport operation so effected shall be exempt from presentation of the document provided for in regulation 78. However, another document shall be provided giving evidence of the journey covered or to be covered by rail, by inland waterway, by sea or by road, where that part of the journey covered by road does not form the initial or final leg.

Hauling on final section.
Amended by:
L.N. 134 of 2006.

81. (1) Where the dispatching undertaking carries out the initial road haulage leg on its own account, the receiving undertaking may carry out the final leg on its own account, even though the trailer or semi-trailer is registered or hired by the dispatching undertaking.

Own account sections.
Amended by:
L.N. 134 of 2006.

(2) Where the receiving undertaking carries out the initial road haulage leg on its own account, the dispatching undertaking may carry out the final leg on its own account, even though the trailer or semi-trailer is registered or hired by the receiving undertaking.

PART IX

INSPECTIONS

Presentation of
authorisation.
Amended by:
L.N. 134 of 2006.

82. The haulier's authorisation shall be carried on the vehicle and shall be presented at the request of any authorised inspecting officer.

Powers of
inspections.
Amended by:
L.N. 134 of 2006.

83. Hauliers shall allow all inspections intended to ensure that operations are being conducted correctly, in particular as regards driving and rest periods and regarding equipment, weights and dimensions. In order to ensure compliance with these regulations, authorised inspecting officers shall be empowered to:

- (a) check the books and other documentation relating to the operation of the transport undertaking;
- (b) make copies of, or take extracts from, the books and documentation on the premises;
- (c) have access to all the transport undertaking's premises, sites and vehicles;
- (d) require the production of any information contained in books, documentation or databases.

Inspections at
quayside or
roadside.
Amended by:
L.N. 134 of 2006.
Substituted by:
L.N. 225 of 2007.
Amended by:
L.N. 74 of 2010;
L.N. 423 of 2016;
L.N. 300 of 2022;
L.N. 190 of 2023.

84. (1) The Authority shall check on the compliance of the international haulier through random checks carried out at the quayside, roadside or at the premises of the undertaking in particular for the purposes of and in accordance with Directive 2006/22/EC and Directive (EU) 2015/719 and during inspections for the purposes of the said Directives, authorized inspecting officers shall follow the guidelines on the seriousness of infringements provided for in the Eighth Schedule:

Provided that the Authority shall organise checks in such a way that at least three percent (3%) of days worked by drivers of vehicles falling within the scope of Regulation (EC) No 561/2006 and Regulation (EU) No 165/2014 are checked.

(2) Such checks shall be carried out by authorized inspecting officers using -

- (a) equipment capable of downloading data from the vehicle unit and driver card of the digital tachograph, reading data, and analyzing data and, or transmitting findings to a central database for analysis,
- (b) equipment to check the tachograph sheets; and
- (c) specific analysis equipment, with appropriate software, to verify and confirm the digital signature attached to data, as well as specific analysis software to provide a detailed speed profile of vehicles prior to the inspection of their recording equipment:

Provided that quayside and roadside checks on compliance with Part IX of these regulations shall be limited to aspects that can be checked efficiently through the tachograph and related recording equipment and comprehensive checks on compliance with these regulations shall be carried out only at the premises of the undertaking.

(2a) The Authority shall target its checks towards the transport undertaking, in case that one or more of the hauliers working for a transport undertaking is found to be continuously or seriously infringing Regulation (EC) No 561/2006 or Regulation (EU) No 165/2014;

(3) The Authority shall introduce a risk rating system for undertakings for the purposes of Article 9 of Directive 2006/22/EC.

(4) A transport undertaking with a high risk rating under the risk rating system introduced under sub-regulation (3) may make representations to the Authority regarding its rating. The Authority shall consider the representations and notify the undertaking of its conclusions.

(5) The Authority shall submit information to the Commission in accordance with Article 17 of Regulation (EC) No 561/2006 and Article 13 of Directive 2002/15/EC, which shall include the number of drivers checked at the quayside or roadside, the number of checks at the premises of undertakings, the number of working days when inspections were held and the number and type of infringements reported, and shall indicate whether passengers or goods were transported.

(6) In order to facilitate targeted roadside and quayside checks, the data contained in the national risk rating system shall be accessible to all the competent enforcement authorities in Malta concerned at the time of control.

(7) The Authority shall make the information contained in the risk rating system introduced under sub-regulation (3) directly accessible to the enforcement authorities of other Member States in accordance with article 16 of Regulation (EC) No 1071/2009 through interoperable national electronic registers as referred to in article 16(2) of that Regulation.

(8) Without prejudice to the Posting of Workers in Malta Regulations and in order to further enforce the obligations within the Posting of Drivers in Malta Regulations, the Authority shall ensure that a coherent national enforcement strategy is applied in the territory of Malta. This strategy shall focus on undertakings with a high risk rating under the risk rating system, referred to in sub-regulation (3).

S.L. 452.82.
S.L. 499.72.

85. Quayside or roadside checks shall cover -

- (a) daily and weekly driving times, breaks and daily and weekly rest periods, as well as the preceding days' record sheets which have to be carried on board the vehicle and, or the data stored for the same period on the driver card and, or in the memory of the recording equipment and, or on printouts;
- (b) the records of the current day of the check and the records of the twenty-eight (28) days prior, for any cases where the vehicle's authorised speed is exceeded, being any periods of more than one (1) minute during which the vehicle's speed exceeds ninety kilometres per hour (90 km/h) for category N₃ motor vehicles;

Elements of checks.
Amended by:
L.N. 134 of 2006.
Substituted by:
L.N. 225 of 2007.
Amended by:
L.N. 74 of 2010;
L.N. 300 of 2022.

S.L. 452.82.

- (c) where appropriate, momentary speeds attained by the vehicle as recorded by the recording equipment in no more than the previous twenty-four hours' use of the vehicle;
- (d) the correct functioning of the recording equipment, thus determining the possible misuse of the equipment and, or the driver card, and, or record sheets, and, where appropriate, verification that the posting was notified in accordance with regulation 6 of the Posting of Workers in Malta Regulations;
- (e) where appropriate, and with due regard to safety considerations, a verification of the recording equipment installed in vehicles in order to detect the installation and, or use of any device, or devices, intended to destroy, suppress, manipulate or alter any data, or which is intended to interfere with any part of the electronic data exchange between the component parts of recording equipment, or which inhibits or alters the data in such ways prior to encryption;
- (f) technical requirements of the regulations regulating weights, dimensions and equipment for motor vehicles;
- (g) extended maximum weekly working times of sixty (60) hours and other weekly working times as set out in regulation 27, only where technology enables effective checks to be carried out:

Provided that notwithstanding the foregoing paragraphs (a) to (g), during a roadside or quayside check, the driver shall be allowed to contact the operating centre, the transport manager or any other person or entity in order to provide, before the end of the quayside or roadside check, any evidence which is found to be missing on board:

Provided further that this is without prejudice to the driver's obligation to ensure the proper use of tachograph equipment.

Comprehensive
checks.
Amended by:
L.N. 134 of 2006.
Substituted by:
L.N. 225 of 2007;
L.N. 300 of 2022.

86. (1) Checks carried out at the premises of internationally operating hauliers established in Malta shall be planned in the light of past experience in relation to the various types of transport and undertakings and shall be carried out if serious infringements of Regulation (EC) No 561/2006 or Regulation (EU) No 165/2014 or of these regulations have been detected by means of quayside or roadside checks.

(2) Checks carried out at the premises of internationally operating hauliers established in Malta shall in addition to the provisions of regulation 85, include the following:

- (a) weekly rest period and driving times between these rest periods;
- (b) observance of the two-weekly limitations of driving times;

- (c) record sheets, vehicle unit and driver card data and printouts;
- (d) compliance with maximum average weekly working times, breaks and night work requirements;
- (e) observance of the obligations of undertakings as regards the payment for drivers' accommodation and the organization of the drivers' work;

(3) The Authority may, if it deems appropriate, check on the joint liability of other instigators or accessories in the transport chain, such as shippers, freight forwarders or contractors, if an infringement is detected, including verification that contracts for the provision of transport permit compliance with Regulations (EC) No 561/2006 and Regulations (EU) No 165/2014.

87. For the purposes laid down in these regulations, checks carried out on the basis of relevant documents handed over by undertakings at the request of the Authority, shall have the same status as checks carried out at the premises of undertaking.

Checks at the request of the Authority.
Amended by:
L.N. 134 of 2006.

87A. (1) The Authority shall, at least six (6) times per year, carry out concerted roadside or quayside checks, on drivers and vehicles falling within the scope of Regulation (EC) No 561/2006 or Regulation (EU) No 165/2014.

Concerted checks.
Added by:
L.N. 300 of 2022.

(2) The Authority shall organize additional concerted checks at premises of undertakings.

(3) The concerted checks mentioned in sub-regulations (1) and (2) shall be carried out at the same time by the enforcement authorities of two (2) or more Member States, each operating in its own territory.

87B. The Authority shall be responsible for intracommunity relations and shall have the following tasks:

Intracommunity relations.
Added by:
L.N. 300 of 2022.

(a) to ensure coordination with enforcement authorities in the other Member States concerned as regards actions on concerted checks;

(b) to forward the biennial statistical returns to the European Commission under Article 17 of Regulation (EC) No 561/2006;

(c) to be primarily responsible for assisting the competent authorities of other Member States;

(d) to ensure exchange of information with the other Member States pursuant to regulation 87C with regard to the application of these regulations.

87C. (1) Information made available bilaterally under Article 22(3) of Regulation (EC) No 561/2006 shall also be exchanged between the Authority and the competent enforcement authorities of

Exchange of Information.
Added by:
L.N. 300 of 2022.

other Member States and notified to the European Commission in accordance with regulation 87B:

(a) at least once every six (6) months after the 2nd February 2022;

(b) upon reasoned request by a Member State in individual cases.

(2) The Authority shall provide the information requested by another Member State pursuant to sub-regulation (1)(b) within twenty-five (25) working days from the receipt of the request, unless a shorter time-frame is agreed between the Member States. In urgent cases or in cases requiring only a simple consultation of registers, such as registers of a risk rating system, the requested information shall be provided within three (3) working days:

Provided that where the Authority considers that the request is insufficiently reasoned, it shall inform the requesting Member State accordingly, within ten (10) working days from the receipt of the request. The requesting Member State shall further substantiate the request. Where the requesting Member State is unable to further substantiate the request, the Authority may reject the request:

Provided further that where it is difficult or impossible to comply with a request for information or to carry out checks, inspections or investigations, the Authority shall inform the requesting Member State accordingly within ten (10) working days from the receipt of the request and provide reasons to duly justify that difficulty or impossibility. Every effort shall be made with a view of finding a solution.

(3) The exchange of information provided for in this regulation shall be implemented through the Internal Market Information System ("IMI"), established by Regulation (EU) No 1024/2012, unless such information is being exchanged by Member States through direct consultation of national electronic registers referred to in article 16(5) of Regulation (EC) No 1071/2009.

Contraventions and fines.

Added by:

L.N. 134 of 2006.

Amended by:

L.N. 225 of 2007;

L.N. 408 of 2007;

L.N. 423 of 2016.

88. (1) Any person who contravenes regulation 5 shall be guilty of an offence and shall, on summary conviction thereof, be liable to a fine (*multa*) of fifty-eight euro and twenty-three cents (58.23).

(2) Any person who, for the purpose of obtaining for himself or for another person the grant or renewal of a haulier operator's licence, makes a declaration required by these regulations which he knows to be false, shall be liable to criminal action.

(3) Any person who makes use of a vehicle for the carriage of goods for hire or reward when that vehicle is not listed in an operator's licence, shall be guilty of an offence and shall, on conviction, be liable to a fine (*ammenda*) not exceeding fifty-eight

euro and twenty-three cents (58.23).

(4) Any person who contravenes the provisions of regulation 38(2) shall be guilty of an offence and shall, on conviction, be liable to a fine (*ammenda*) of fifty-eight euro and twenty-three cents (58.23).

(5) Any person who contravenes the provisions of regulations 27, 28, 29 and 31 shall, be guilty of an offence and shall, on conviction, be liable to a fine (*ammenda*) of fifty-eight euro and twenty-three cents (58.23).

(6) Any person who contravenes the provisions of regulation 35(4) shall be guilty of an offence and shall, on conviction, be liable to a fine (*ammenda*) of fifty eight euro and twenty-three cents (58.23).

(7) Any person who contravenes regulation 62 shall be guilty of an offence and shall, on conviction, be liable to a fine (*ammenda*) of fifty-eight euro and twenty-three cents (58.23).

FIRST SCHEDULE

(Regulation 7)

*Amended by:
L.N. 134 of 2006.
Substituted by:
L.N. 408 of 2007.*

PART I

HAULIER TRADING AS SOLE TRADER / PARTNERSHIP

ACCOUNTANT'S REPORT

1. We have prepared, without carrying out an audit, a statement of affairs as at (date) from the accounting records of, hereinafter referred to as "the firm", having its principal business address at and from information and explanations supplied to us.

2. In making this report we have had regard to the unaudited statement of affairs referred to above and, in particular, to the amounts and other information included in that statement of affairs in respect of:

- i. funds available, including cash at banks and overdraft and loan facilities;
- ii. assets, including property, available to provide security;
- iii. costs, including purchase cost or initial payment for vehicles, premises, plant and equipment; and
- iv. working capital.

3. We confirm that the unaudited statement of affairs of the firm at (date) shows Total Assets less Total Liabilities of € at (date) which, on the basis of the licence application for vehicles exceed €8,385.74 for the first vehicle with a maximum authorised weight in excess of 3.5 tonnes and €4,658.75 for each additional vehicle to be authorised for use under the firm's authorisation.

Firm of Accountants

Address:

Auditor's/Accountant's signature:

Date:

i.e. an auditor or accountant as defined by the Accountancy Profession Act.

PART 2

HAULIER TRADING AS A LIMITED LIABILITY COMPANY

ACCOUNTANT'S REPORT

1) We have audited in accordance with auditing standards the financial statements of, hereinafter referred to as "the company" whose registered office is at for the year / period ended at (date)

2) Our audit report on those financial statements, was without qualification.

OR

Our audit report on those financial statements, which was qualified, was as follows:

3) In making this report we have had regard to the financial statements referred to above and, in particular, to the amounts and other information including those financial statements, in respect of:

- i. funds available, including cash at banks and overdraft and loan facilities;
- ii. assets, including property, available to provide security;
- iii. costs, including purchase cost or initial payment for vehicles, premises, plant and equipment; and
- iv. working capital.

4) We confirm that the audited balance sheet of the company at (date) shows Capital and Reserves of € which, on the basis of the licence for vehicles exceed €8,385.74 for the first vehicle with a maximum authorised vehicles with a maximum authorised weight in excess of 3.5 metric tonnes and €4,658.75 for each additional vehicle to be authorised for use under the company's authorisation.

Firm of Accountants

Address:

Auditor's/Accountant's signature:

Date:

i.e. an auditor or accountant as defined by the Accountancy Profession Act.

Amended by:
L.N. 134 of 2006;
L.N. 225 of 2007;
XV. 2009.49.

SECOND SCHEDULE

(Regulation 13)

PART 1

CERTIFICATE OF PROFESSIONAL COMPETENCE

MALTA

(Stout fawn paper - Format: DIN A4)

M

Authority for Transport in Malta

CERTIFICATE OF PROFESSIONAL COMPETENCE IN NATIONAL [AND
INTERNATIONAL] ⁽¹⁾ ROAD HAULAGE ⁽¹⁾

We, the Authority for Transport in Malta, hereby certify:

- (a) that
(Surname and forenames)
born in (place) on (date)
has passed the tests of the examination (year:.....; session:)
organised for the award of the certificate of professional competence in
national/international ⁽¹⁾ road haulage in accordance with the Motor
Vehicles (Carriage of Goods by Road) Regulations.
- (b) that the person referred to in (a) is qualified to work in a professional
capacity in an undertaking responsible for road haulage:
- engaging solely in national transport ⁽¹⁾
 - engaging in international transport ⁽¹⁾

This certificate constitutes the sufficient proof of professional competence
referred to in regulation 13 of the Motor Vehicles (Carriage of Goods by Road)
Regulations.

Issued at, on

.....
Stamp of the Authority and Signature of an Authorised Representative

⁽¹⁾ Delete as appropriate

PART 2

LIST OF SUBJECTS REFERRED TO IN REGULATION 13

The knowledge to be taken into consideration for the official recognition of professional competence by the Authority must cover at least the subjects listed below for road haulage. In relation to these subjects, applicant road haulage operator must have the levels of knowledge and practical aptitude necessary for the management of a transport undertaking.

A. Civil law

The applicant must, in particular:

1. be familiar with the main types of contract used in road transport and with the rights and obligations arising therefrom;
2. be capable of negotiating a legally valid transport contract, notably with regard to conditions of carriage;
3. be able to consider a claim by his principal regarding compensation for loss of or damage to goods during transportation or for their late delivery, and to understand how such a claim affects his contractual liability;
4. be familiar with the rules and obligations arising from the CMR Convention on the contract for the international carriage of goods by road.

B. Commercial law

The applicant must, in particular:

1. be familiar with the conditions and formalities laid down for plying the trade, the general obligations incumbent upon transport operators (registration, keeping records, etc.) and the consequences of bankruptcy;
2. have appropriate knowledge of the various forms of commercial company and the rules covering their constitution and operation.

C. Social laws

The applicant must, in particular:

1. be familiar with the role and function of the various social institutions which are concerned with road transport (trade unions, works councils, shop stewards, labour inspectors, etc.);
2. be familiar with the employers' social security obligations;
3. be familiar with the rules governing work contracts for the various categories of workers employed by road transport undertakings (form of the contracts, obligations of the parties, working conditions and working hours, paid leave, remuneration, breach of contract, etc.);
4. be familiar with the Motor Vehicles (Carriage of Goods by Road) Regulations and the regulations regulating weights, dimensions and equipment for motor vehicles.

D. Fiscal law

The applicant must, in particular, be familiar with the rules governing:

1. VAT on transport services;
2. motor-vehicle tax;
3. the taxes on certain road haulage vehicles and tolls and infrastructure user charges;

4. income tax.

E. Business and financial management of the undertaking The applicant must, in particular:

1. be familiar with the laws and practices regarding the use of cheques, bills of exchange, promissory notes, credit cards and other means or method of payment;

2. be familiar with the various forms of credit (bank credit, documentary credit, guarantee deposits, mortgages, leasing, renting, factoring, etc.) and with the charges and obligations arising from them;

3. know what a balance sheet is, how it is set out and how to interpret it;

4. be able to read and interpret a profit and loss account;

5. be able to assess the undertaking's profitability and financial position, in particular on the basis of financial ratios;

6. be able to prepare a budget;

7. be familiar with his undertaking's cost elements (fixed costs, variable costs, working capital, depreciation, etc.), and be able to calculate costs per vehicle, per kilometre, per journey or per tonne;

8. be able to draw up an organisation chart relating to the undertaking's personnel as a whole and to organise work plans, etc.;

9. be familiar with the principles of marketing, publicity and public relations, including transport services sales promotion and the preparation of customer files, etc.;

10. be familiar with the different types of insurance relating to road transport (liability, accidental injury/life insurance, non-life and luggage insurance) and with the guarantees and obligations arising therefrom;

11. be familiar with the applications of electronic data transmission in road transport:

12. be able to apply the rules governing the invoicing of road haulage services and know the meaning and implications of Incoterms;

13. be familiar with the different categories of transport auxiliaries, their role, their functions and, where appropriate, their status.

F. Access to the market

The applicant must, in particular:

1. be familiar with the occupational regulations governing road transport for hire or reward, industrial vehicle rental and sub-contracting, and in particular the rules governing the official organisation of the occupation, admission to the occupation, authorisations for intra- and extra-Community road transport operations, inspections and sanctions;

2. be familiar with the rules for setting up a road transport undertaking;

3. be familiar with the various documents required for operating road transport services and be able to introduce checking procedures for ensuring that the approved documents relating to each transport operation, and in particular those relating to the vehicle, the driver, the goods and luggage are kept both in the vehicle and on the premises of the undertaking;

4. be familiar with the rules on the organisation of the market in road haulage services, on freight handling and logistics;

5. be familiar with frontier formalities, the role and scope of T documents and TIR carnets, and the obligations and responsibilities arising from their use.

G. Technical standards and aspects of operation

The applicant must, in particular:

1. be familiar with the rules concerning the weights and dimensions of vehicles in the Member States and the procedures to be followed in the case of abnormal loads which constitute an exception to these rules;

2. be able to choose vehicles and their components (chassis, engine, transmission system, braking system, etc.) in accordance with the needs of the undertaking;

3. be familiar with the formalities relating to the type approval, registration and technical inspection of these vehicles;

4. understand what measures must be taken to reduce noise and to combat air pollution by motor vehicle exhaust emissions;

5. be able to draw up periodic maintenance plans for the vehicles and their equipment;

6. be familiar with the different types of cargo-handling and loading devices (tailboards, containers, pallets, etc.) and be able to introduce procedures and issue instructions for loading and unloading goods (load distribution, stacking, stowing, blocking and chocking, etc.);

7. be familiar with the various techniques of "piggy-back" and roll-on roll-off combined transport;

8. be able to implement procedures for complying with Maltese laws and regulations in force governing the carriage of dangerous goods and waste;

9. be able to implement procedures for complying with the rules on the carriage of perishable foodstuffs, notably those arising from the Agreement on the international carriage of perishable foodstuffs and on the special equipment to be used for such carriage (ATP);

10. be able to implement procedures for complying with the rules on the transport of live animals.

H. Road safety

The applicant must, in particular:

1. know what qualifications are required for drivers (driving licence, medical certificates, certificates of fitness, etc.);

2. be able to take the necessary steps to ensure that drivers comply with the traffic rules, prohibitions and restrictions in force in different Member States (speed limits, priorities, waiting and parking restrictions, use of lights, road signs, etc.);

3. be able to draw up drivers' instructions for checking their compliance with the safety requirements concerning the condition of the vehicles, their equipment and cargo, and concerning preventive measures to be taken;

4. be able to lay down procedures to be followed in the event of an accident and to implement appropriate procedures for preventing the recurrence of accidents or serious traffic offences.

ORGANISATION OF THE EXAMINATION

1. The Authority shall organise a compulsory written examination which it may supplement by an optional oral examination to establish whether applicant road transport operators have achieved the required level of knowledge in the subjects listed in A, in particular, their capacity to use the instruments, and techniques relating thereto and to fulfil the corresponding executive and co-ordination duties.

(a) The compulsory written examination shall involve two tests, namely:

- written questions consisting of either multiple choice questions (each with four possible answers), questions requiring direct answers or a combination of both systems,
- written exercises/case studies.

The minimum duration of each test is two hours.

(b) Where an oral examination is organised, Member States may stipulate that participation is subject to successful completion of the written examination.

2. Where the Authority also organises an oral examination, they must provide, in respect of each of the three tests, for a weighting of marks of a minimum of 25% and a maximum of 40% of the total number of marks to be given.

Where the Authority organises only a written examination it shall provide, in respect of each test, for a weighting of marks of a minimum of 40% and a maximum of 60% of the total number of marks to be given.

3. With regard to all the tests, applicants must obtain an average of at least 60% of the total number of marks to be given, achieving in any given test not less than 50% of the total number of marks possible. In one test only, the Authority may reduce that mark from 50% to 40%.

THIRD SCHEDULE
(Regulations 20 and 21)

*Amended by:
L.N. 134 of 2006.*

MINIMUM TRAINING NECESSARY FOR THE AWARD OF A CERTIFICATE OF
PROFESSIONAL COMPETENCE FOR INTERNATIONAL DRIVERS UNDER
THE AGE OF 21

Training leading to the award of a certificate of professional competence shall include at least the following subjects, to the extent that they are not already covered by training for a driving licence under the Motor Vehicles (Driving Licences) Regulations 2002.

1. Knowledge of the construction and main component parts of a vehicle
 - 1.1. Knowledge of the construction and functioning of:
 - internal combustion engines,
 - lubrication and cooling systems,
 - the fuel system,
 - the electrical system,
 - the ignition system,
 - the transmission system (clutch, gearbox, etc.)
 - 1.2. General knowledge of lubrication and antifreeze protection
 - 1.3. Knowledge of the precautions to be taken during the removal and replacement of wheels
 - 1.4. Knowledge of the construction, fitting, correct use and care of tyres
 - 1.5. Knowledge of the types, operation, main parts, connection, use and day-to-day maintenance of brake fittings, and knowledge of coupling systems
 - 1.6. Knowledge of methods of locating causes of breakdowns
 - 1.7. Knowledge of how to repair minor breakdowns with the aid of the correct equipment
 - 1.8. General knowledge of preventive maintenance of vehicles and necessary running repairs.
2. General knowledge of transport and administrative procedures
 - 2.1. General ability and sufficient geographical knowledge to use road maps and their indexes
 - 2.2. Economical use of vehicles
 - 2.3. Knowledge of the steps to be taken after an accident or similar occurrence (e.g. fire) in connection with vehicle insurance
 - 2.4. Knowledge of the national legislation applicable to drivers of goods vehicles
 - 2.5. Elementary knowledge of the driver's responsibility in respect of the receipt, carriage and delivery of goods in accordance with the agreed conditions
 - 2.6. Knowledge of the vehicle and transport documents required for the national and international carriage of goods
 - 2.7. Knowledge of the techniques of loading and unloading goods and of the

use of loading and unloading equipment

2.8. Basic knowledge of the precautions to be taken in the handling and carriage of dangerous goods

3. Experience of driving goods vehicles

3.1. Practical experience of driving and manoeuvring vehicles of more than 7.5 metric tons and using a coupling device

FOURTH SCHEDULE

*Amended by:
L.N. 134 of 2006;
L.N. 225 of 2007;
L.N. 395 of 2011.*

PART I

(Regulation 18)

TYPES OF VEHICLES EXEMPTED FROM THE REQUIREMENTS
OF PART III OF THESE REGULATIONS

1. Vehicles with a maximum authorised speed not exceeding 40 kilometres per hour;
2. 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;
3. vehicles, including vehicles used in the non-commercial transport of humanitarian aid, used in emergencies or rescue operations;
4. specialized vehicles used for medical purposes;
5. specialised breakdown vehicles operating within a 100 km radius of their base;
6. vehicles undergoing road tests for technical development, repair or maintenance purposes, and new or rebuilt vehicles which have not yet been put into service;
7. vehicles or combinations of vehicles with a maximum permissible mass not exceeding 7.5 tonnes used for the non-commercial carriage of goods; and
8. commercial vehicles, which have a historic status, which are used for the non-commercial carriage of goods.

PART II

(Regulation 37)

TYPES OF CARRIAGE TO BE EXEMPTED FROM AUTHORISATION

Types of carriage to be exempted from any carriage authorisation

1. Carriage of mail as a public service.
2. Carriage of vehicles which have suffered damage or breakdown.
3. Carriage of goods in motor vehicles the permissible laden weight of which, including that of trailers, does not exceed six tonnes or the permissible payload of which, including that of trailers, does not exceed 3.5 tonnes.
4. Carriage of goods in motor vehicles engaged in "own account" transport.
5. Carriage of medicinal products, appliances, equipment and other articles required for medical care in emergency relief, in particular for natural disasters.

PART III

(Regulation 47)

CATEGORIES OF TRANSPORT EXEMPTED FROM PERMIT REQUIREMENTS
UNDER THE ECMT

1. The transport of goods by motor vehicles whose Total Permissible Laden Weight (TPLW), including trailers, does not exceed 6 tonnes, or when the permitted payload, including trailers, does not exceed 3.5 tonnes.
 2. The transport of goods on an occasional basis, to or from airports, in cases where services are diverted.
 3. The transport of vehicles which are damaged or have broken down and the movement of breakdown repair vehicles.
 4. Unladen runs by a goods vehicle sent to replace a vehicle, which has broken down in another country, and also the return run, after repair, of the vehicle that had broken down.
 5. Transport of livestock in vehicles purpose-built or permanently converted for the transport of livestock and recognised as such by the Authority.
 6. Transport of spare parts and provisions for ocean-going ships and aircraft.
 7. Transport of medical supplies and equipment needed for emergencies, more particularly in response to natural disasters and humanitarian needs.
 8. Transport for non-commercial purposes of works and objects of art for fairs and exhibitions.
 9. Transport for non-commercial purposes of properties, accessories and animals to or from theatrical, musical, film, sports or circus performances, fairs or fetes, and those intended for radio recordings, or for film or television production.
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FIFTH SCHEDULE
(Regulation 38)

*Amended by:
L.N. 134 of 2006;
XV. 2009.49.*

European Community

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Authority for Transport in Malta

Authorisation No

for the international carriage of goods by road for hire or reward

This authorisation entitles ¹
.....
to engage in the international carriage of goods by road for hire or reward by any route, for journeys or parts of journeys effected for hire or reward within the territory of the Community, as laid down in Council Regulation (EEC) No 881/92 of 26 March 1992 and subject to the general provisions of this authorization.

Authorised Holder of Authorisation

Name and Surname

Permanent Address

Passport Number:

Place of Issue:

Date of Issue:

Date of Expiry:

Particular remarks:

This authorisation shall be valid from to

Issued in on

.....²

¹ Name or business name and full address.

² Signature and stamp of the Authority.

(Second page of the authorisation)

General provisions

This authorisation is issued under Council Regulation (EEC) No 881/92 of 26 March 1992, on access to the market in the carriage of goods by road within the Community to or from the territory of a Member State or passing across the territory of one or more Member States.

It entitles the holder to engage in the international carriage of goods by road for hire or reward by any route for journeys or parts of journeys effected within the territory of the Community and, where appropriate, subject to the conditions laid down herein:

- where the point of departure and the point of arrival are situated in two different Member States, with or without transit through one or more Member States or non-member countries,
- from a Member State to a non-member country or vice versa, with or without transit through one or more Member States or non-member countries,
- between non-member countries with transit through the territory of one or more Member States,

and unladen journeys in connection with such carriage.

In the case of carriage from a Member State to a non-member country or vice versa, this authorisation is valid for that part of the journey effected on the territory of the Member State of loading and unloading upon conclusion of the necessary agreement between the Community and the non-member country in question in accordance with Regulation (EEC) No 881/2.

The authorisation is personal to the holder and is not transferable.

It may be withdrawn by the Authority for Transport in Malta, notably where the haulier has:

- not complied with all the conditions for using the authorisation,
- supplied incorrect information with regard to the data needed for the issue or extension of the authorisation.

The original of the authorisation must be kept by the haulage undertaking.

A certified copy of the authorisation must be kept in the vehicle. In the case of a coupled combination of vehicles it must accompany the motor vehicle. It covers the coupled combination of vehicles even if the trailer or semi-trailer is not registered or authorised to use the roads in the name of the authorisation holder or if it is registered or authorised to use the roads in another Member State.

The authorization must be produced whenever required by an authorised inspecting officer.

Within the territory of each Member State the holder must comply with the laws, regulations and administrative provisions in force in that State, in particular with regard to transport and traffic.

SIXTH SCHEDULE
(Regulations 43 and 49)

*Amended by:
L.N. 134 of 2006;
L.N. 423 of 2016.*

1. The "green" lorry scheme

Member countries that participate in the "green" lorry scheme have more licences than they would have had if they kept "basic" licences, although their licences can only be used for the carriage of goods by means of lorries complying with the following standards:

a) Noise emissions for the vehicle

(as laid down in the Motor Vehicle (EC Type Approval Regulations L.N. 95/02 published under the Product Safety Act (Cap 427) 2001 or ECE Regulation No. 51/02 and KDV 1967*)

78 dB (A) for vehicles with power up to 150 kW

80 dB (A) for vehicles with power over 150 kW.

b) Chemical exhaust emissions for diesel engines

(as laid down in the Motor Vehicle (EC Type Approval) Regulations L.N. 95/02 published under the Product Safety Act (Cap 427) 2001, or in ECE Regulation No. 49/02, approval A ["EUR01"], as far as production conformity is concerned)

CO: 4.9g/kWh

HC: 1.23g/kWh

Nox: 9.0g/kWh

Part: 0.4g/kWh[†]

A certificate of conformity with these standards is to be carried on board the vehicle together with the logbook. People authorised to fill it in are either the manufacturer or the authorised representative of the manufacturers in the State of registration. In the latter case, the authorised representative has also to indicate the name of the manufacturer of whom he is the authorised representative. The certificate is issued once for the vehicle and does not have to be renewed, unless the basic data indicated on it, for any kind of emissions, have been changed. The certificate is available either in English or in French or in German. It must be accompanied by translations into the other two languages. In any event, should an on-the-spot check show that the emission values given on the certificate are exceeded, it is considered that the technical specifications have not been met. In such a case, the certificate is deemed to be invalid.

To facilitate and speed up frontier crossings, it is strongly recommended that "green lorries" should display at the front of the vehicle a magnetic "badge" or sticker. The badge should be green (background) and white (border) and bear the inscription "U" or "E" (Umwelt=Environment).

2. The "greener and safe" lorry scheme

The requirements for the "greener and safe" lorry are the following:

Noise emissions for the vehicle

*KDV - Kraftfahrzeuggesetz-Durchführungsverordnung HGV Act implementing regulations (Austria).

†In the case of engines of 85 kW or less, a coefficient of 1.7 is applied to the limit value for particles emissions.

(as laid down in the Motor Vehicle (EC Type Approval) Regulations L.N. 95/02 published under the Product Safety Act (Cap 427) or in ECE Regulation No. 51/02 and KDV 1967*)

78 dB(A) for vehicles < 150 kW

80 dB(A) for vehicles > 150 kW

Chemical exhaust emissions for diesel engines

(as laid down in the Motor Vehicle (EC Type Approval) Regulations L.N. 95/02 published under the Product Safety Act (Cap 427) 2001 or in ECE Regulation No. 49/02, approval B, ["EURO 2"])

CO: 4.0g/kWh

HC: 1.1 g/kWh

Nox: 7.0g/kWh

particle: 0.15g/kWh

Minimum technical and safety requirements

1. Vehicles and their trailers must have a minimum tread depth of 2 mm on all tyres.
2. Vehicles (semi-trailer tractors excepted) and their trailers, as referred to in the regulations quoted must have a rear underrun protection device (according to ECE Regulation No 58/01 or in the Motor Vehicle (EC Type Approval) Regulations L.N. 95/02 published under the Product Safety Act (Cap 427)).
3. Vehicles (semi-trailer tractors excepted) and their trailers, as referred to in the regulations quoted, must have lateral underrun protection guards, in accordance with ECE Regulation No. 73/00 or in the Motor Vehicle (EC Type Approval) Regulations L.N. 95/02 published under the Product Safety Act (Cap 427).
4. Vehicles must have hazard warning signal, in accordance with ECE Regulation No. 6/01 or in the Motor Vehicle (EC Type Approval) Regulations L.N. 95/02 published under the Product Safety Act (Cap 427), and a red warning triangle, in accordance with ECE Regulation No. 27/03.
5. Vehicles must use a tachograph, in accordance with ECE/UN "AETR Agreement" or these Regulations and any other relevant regulations issued under the Traffic Regulation Ordinance (Cap 65).
6. Vehicles must have speed limitation devices according to ECE Regulation 89 or according to the Motor Vehicle (EC Type Approval) Regulations L.N. 95/02 published under the Product Safety Act (Cap 427).
7. Heavy and long vehicles must have retroreflecting rear marking plates according to ECE Regulation No 70/01.
8. Vehicles must have anti-lock brakes (in accordance with ECE Regulation 13/09 or the Motor Vehicle (EC Type Approval) Regulations L.N. 95/02 published under the Product Safety Act (Cap 427)).
9. Vehicles must have a steering device in accordance with ECE Regulation 79/01 or the Motor Vehicle (EC Type Approval) Regulations

*KDV = kraftiahrgesetz-Durdfuhrungsvuerordnung = HGV Act implementing regulations (Austria)

L.N. 95/02 published under the Product Safety Act (Cap 427).

10. Vehicles must fulfil the requirements concerning the roadworthiness test as laid down in the Motor Vehicles (Roadworthiness Test) Regulations. In compliance with this Regulation, the roadworthiness test has to be passed every year; so that the certificate of compliance must not be older than 12 months.

Furthermore, ECMT licences for the "greener and safe" lorry can only be used by vehicles which comply with the technical specifications set out above and are valid only if they are accompanied by fully completed certificates indicating compliance with these technical standards. The certificates are available either in English or in French. They must be accompanied by translations into two other languages, which are German and the national language of the country of registration of the vehicle.

The certificates are available either in French or in English. They must be accompanied by translations into two other languages, which are German and the national language of the country of registration of the vehicle.

The certificate concerning noise and exhaust emissions requirements for "greener and safe" lorries, can be filled in by the vehicle manufacturer, or the authorised representative of the manufacturer in the country of registration. In the latter case, the authorised representative has also to indicate the name of the manufacturer of whom he is the authorised representative.

The certificate is issued once for the vehicle and does not have to be renewed, unless the basic data indicated on it, for any kind of emissions, have been changed. The certificates already filled-in (2001) will therefore remain valid as far as the basic data indicated on them have not been changed. For certificates to be issued for new vehicles or for vehicles where the basic data have been changed, countries should however gradually use the new models for certificates as shown in Annex 5 of the ECMT Agreement, at the latest as of 1 January 2002.

The certificate concerning safety requirements for "greener and safe" lorries can be filled in either by:

- the competent validation services in the country of registration, if this country does not authorise representatives of manufacturers;
- the vehicle manufacturer, or the authorised representative of the manufacturer in the country of registration, or
- a combination of the competent validation services in the country of registration and the vehicle manufacturer, or the authorised representative of the manufacturer in the country of registration, when all the equipment is not fitted by the vehicle manufacturer.

In case of an "authorised representative", he has also to indicate the name of the manufacturer of whom he is the authorised representative. The certificate concerning safety requirements for "greener and safe" lorries has to be renewed at least every year, by means of a roadworthiness test.

Furthermore, minimum safety requirements are required for both the vehicle itself and the trailer. Therefore, a specific certificate should be filled-in for trailers when they are registered and checked for roadworthiness test.

These various certificates must be filled-in according to the provisions set out in the respective Annexes of the ECWT Agreement, by:

- the body or establishment designated and directly supervised by the State of registration for the purpose of (Motor Vehicle (EC Type Approval) Regulations L.N. 95/02 published under the Product Safety

Act (Cap 427)), or for newly manufactured vehicles;

- the competent validation services in the country of registration;
- the vehicle manufacturer, or the authorised representative of the manufacturer in the country of registration, or
- a combination of the competent validation services in the country of registration and the vehicle manufacturer, or the authorised representative of the manufacturer in the country of registration, when all the equipment is not fitted by the vehicle manufacturer.

In any event, should an on-the-spot check show that the emission values and safety requirements given on the certificate are not fulfilled, it is considered that the technical specifications have not been met. In such a case, the certificate is deemed to be invalid.

To facilitate and speed up frontier crossing, it is strongly recommended that greener and safe lorries should display at the front of the vehicle a "magnetic" badge or sticker modelled on that reproduced in Annex 10 of the ECMT Agreement. The badge shall be green (background) and white (border) and bear the inscription "S" in white (Sur=Safe=Sicher).

3. The "EURO3 sale" lorry scheme

The requirements for the "EURO3 safe" lorry are the following:

Noise emissions for the vehicle

(as laid down in the Motor Vehicle (EC Type Approval) Regulations L.N. 95/02 published under the Product Safety Act (Cap 427) or in ECE Regulation No. 51/02 and KDV 1967*)

78 dB (A) for vehicles < 150 kW

80 dB (A) for vehicles > 150 kW

Chemical exhaust emissions for diesel engines

(as laid down in ECE Regulation No. 49/03[†], approval A or the Motor Vehicle (EC Type Approval) Regulations L.N. 95/02 published under the Product Safety Act (Cap 427), and according to ESC and ELR test cycles)

CO: 2.1 g/kWh

HC: 0.66g/kWh

NOx: 5.0g/kWh

Particles: 0.10 [0.13[‡]]g/kW corrected value of the absorption coefficient 0.8m⁻¹

(as laid down in ECE Regulation No. 49/035, approval A or in the Motor Vehicle (EC Type Approval) Regulations L.N. 95/02 published under the Product Safety Act (Cap 427), and according to ETC test cycle)

CO: 5.45g/k/WH

NM.HC: 0.78g/kWh

CH4* 1.6 g/kWh

Nox: 5.0g/kWh

*KDV - Krattfahrgegesetz-Durchführungsverordnung = HGV Act implementing regulations (Austria).

[†]As soon as the amendment including the provisions of Directive 1999/96/EC is implemented.

[‡]For engines having each cylinder under a 0.75 dm³ and nominal regime above 3000 min

Particles: 0.16 [0.21*]g/kWh

Minimum technical and safety requirements

1. Vehicles and their trailers must have a minimum tread depth of 2 mm on all tyres.
2. Vehicles (semi-trailer tractors excepted) and their trailers, as referred to in the regulations quoted must have a rear underrun protection device (according to ECE Regulation No. 58/01 or the Motor Vehicle (EC Type Approval) Regulations L.N. 95/02 published under the Product Safety Act (Cap 427) and any other relevant regulations issued under the Traffic Regulation Ordinance (Cap. 65)).
3. Vehicles (semi-trailer tractors excepted) and their trailers, as referred to in the regulations quoted, must have lateral underrun protection guards, in accordance with ECE Regulation No. 73/00 or the Motor Vehicle (EC Type Approval) Regulations L.N. 95/02 published under the Product Safety Act (Cap 427).
4. Vehicles must have rear mirror according to ECE/UN Regulation R.46/01 or to the Motor Vehicle (EC Type Approval) Regulations L.N. 95/02 published under the Product Safety Act (Cap 427).
5. Vehicles must have lighting and light signalling devices, in accordance with ECE Regulation R.48/01 or with the Motor Vehicle (EC Type Approval) Regulations L.N. 95/02 published under the Product Safety Act (Cap 427).
6. Vehicles must use a tachograph, in accordance with ECE "AETR Agreement" or the regulations regulating weights, dimensions and equipment for motor vehicles.
7. Vehicles must have speed limitation devices according to ECE Regulation R.89 or according to any other relevant regulations issued under the Traffic Regulation Ordinance (Cap 65).
8. Heavy and long vehicles must have retroreflecting rear marking plates according to ECE Regulation R. 70/01.
9. Vehicles must have anti-lock brakes (in accordance with ECE Regulation R.13/09 or the Motor Vehicle (EC Type Approval) Regulations L.N. 95/02 published under the Product Safety Act (Cap 427)).
10. Vehicles that are registered in Malta must have an on-board weighing equipment in accordance with Motor Vehicles (Weights, Dimensions and Equipment) Regulations, S.L. 65.21.
11. The aerodynamic devices referred to in the Motor Vehicles (Weights, Dimensions and Equipment) S.L. 65.21 shall fulfil the following operational conditions:
 - a. in circumstances where the safety of other road users or of the driver is at risk, they shall be folded, retracted or removed by the driver;
 - b. their use on urban and inter urban road infrastructures shall take into account the special characteristics of areas where the speed limit is less than or equal to 50 km/h and where vulnerable road

*Only for natural gas engines and according to the provisions set up for ETC tests (cf. Annex III, Appendix 2, point 3.9 Directive 1999/96/EC).

- users are more likely to be present; and
 - c. their use shall be compatible with intermodal transport operations and, in particular, when retracted/folded, they shall not exceed the maximum authorized length by more than 20 cm.
12. Vehicles must have a steering device in accordance with ECE Regulation R.79/01 or the Motor Vehicle (EC Type Approval) Regulations L.N. 95/02 published under the Product Safety Act (Cap 427).

Vehicles must fulfil the requirements concerning the roadworthiness test as laid down in the Motor Vehicle (Roadworthiness Test) Regulations. In compliance with these Regulations, the roadworthiness test has to be passed every year, so that the certificate of compliance must not be older than 12 months.

Furthermore, ECMT licences for the "EURO3 safe" lorry can only be used by vehicles which comply with the technical specifications set out above and are valid only if they are accompanied by fully completed certificates indicating compliance with these technical and safety standards.

The certificates are available either in English or in French. They must be accompanied by translations into two other languages, which are German and the national language of the country of registration of the vehicle.

The certificate concerning noise and exhaust emissions requirements for "EURO3 safe" lorries, can be filled in by the vehicle manufacturer, or the authorised representative of the manufacturer in the country of registration. In the latter case, the authorised representative has also to indicate the name of the manufacturer of whom he is the authorised representative.

This certificate is issued once for the vehicle and does not have to be renewed, unless the basic data indicated on it, for any kind of emissions, have been changed. The certificate concerning safety requirements for "EURO3 safe" lorries, can be filled in either by the competent validation services in the country of registration, if this country does not authorise representatives of manufacturers:

- the vehicle manufacturer, or the authorised representative of the manufacturer in the country of registration, or
- a combination of the competent validation services in the country of registration and the vehicle manufacturer, or the authorised representative of the manufacturer in the country of registration, when all the equipment is not fitted by the vehicle manufacturer.

In case of an "authorised representative", he has also to indicate the name of the manufacturer of whom he is the authorised representative. The certificate concerning safety requirements for "EURO3 safe" lorries has to be renewed at least every year, by means of a roadworthiness test.

Furthermore, minimum safety requirements are required for both the vehicle itself and the trailer. Therefore, a specific certificate should be filled-in for trailers when they are registered and checked for roadworthiness test.

These various certificates must be filled-in according to the provisions set out in the respective Annexes of the ECMT Agreement, by:

- the body or establishment designated and directly supervised by the State of registration for the purpose of the Motor Vehicle (Roadworthiness Test) Regulations, or
- for newly manufactured vehicles:

- the competent validation services in the country of registration;
- the vehicle manufacturer, or the authorised representative of the manufacturer in the country of registration, or
- a combination of the competent validation services in the country of registration and the vehicle manufacturer, or the authorised representative of the manufacturer in the country of registration, when all the equipment is not fitted by the vehicle manufacturer.

In any event, should an on-the-spot check show that the emission values and safety requirements given on the certificate are not fulfilled, it is considered that the technical specifications have not been met. In such a case, the certificate is deemed to be invalid.

To facilitate and speed up frontier crossing, it is strongly recommended that EURO3 safe lorries should display at the front of the vehicle a "magnetic" badge or sticker modelled on that reproduced in Annex 10 of the ECMT Agreement. The badge should be green (background) and white (border) and bear the inscription "3" in white (3 = EUR 03).

European Community

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Authority for Transport in Malta

Driver Attestation No ...

for the international carriage of goods by road for hire or reward
under a Community Authorisation

This attestation certifies that on the basis of the documents presented by

.....
.....
.....
.....

(Name and business address of the haulier)

the following driver:

Name and Forename:

Date and place of birth: Nationality:

Date of issue: Place of issue:

Driving Licence Number:

Date of issue: Place of issue:

Social Security Number:

Is employed, in accordance with the laws, regulations or administrative provisions
and, as appropriate, the collective agreements, in accordance with the laws and
regulations in force in Malta, on the conditions of employment and of vocational
training of drivers in force in Malta to carry out road transport operations in Malta.

Particular Remarks:

.....

This attestation shall be valid from to

Issued in on

.....

Signature and stamp of the Authority

(Second page of the Attestation)

(Text in Maltese or English)

GENERAL PROVISIONS

This attestation is issued under Council Regulation (EEC) No 881/92 of 26 March 1992, as amended, on access to the market in the carriage of goods within the Community to or from the territory of a Member State or passing across the territory of one or more Member States.

It certifies that the driver named therein is employed, in accordance with the laws, regulations or administrative provisions and, as appropriate, the collective agreements, in accordance with the rules applicable in Malta mentioned on the attestation, on the conditions of employment and vocational training or drivers applicable in Malta to carry out road transport operations in Malta.

The driver attestation shall belong to the haulier, who puts it at the disposal of the driver designated therein when that driver drives a vehicle as defined in the regulations, engaged in carriage using a community authorisation issued to that haulier. The driver attestation is not transferable. The driver attestation shall be valid only as long as the conditions under which it was issued are still satisfied and must be returned immediately by the haulier to the Authority if these conditions are no longer met.

It may be withdrawn by the Authority, in particular where the haulier has:

- not complied with all the conditions for using the attestation;
- supplied incorrect information with regard to the data needed for the issue or extension of the attestation.

A certified true copy of the attestation must be kept in the vehicle and must be produced by the driver whenever required by an authorised inspecting officer.

Added by:
L.N. 74 of 2010.
Substituted by:
L.N. 25 of 2025.

EIGHTH SCHEDULE
(Regulation 84)

Guidelines on a common range of infringements against Regulation (EC) No 561/2006 of the European Parliament and of the Council dated 15 March, 2006 on the harmonisation of certain social legislation relating to road transport and Council Regulation (EEC) No 3821/85 of the 20 December 1985 on recording equipment in road transport, as amended, divided into categories according to their gravity.

1. Groups of infringements against Regulation (EC) No 561/2006:

No	LEGAL BASIS	TYPE OF INFRINGEMENT		LEVEL OF SERIOUSNESS			
				MSI	VSI	SI	MI
A	Crew						
A1	Article 5.1	Not respecting minimum ages for drivers				X	
B	Driving periods						
B1	Article 6.1	Exceed daily driving time of 9 hours when possibilities to extend to 10 hours is not allowed	$9h < \dots < 10h$				X
B2			$10h \leq \dots < 11h$			X	
B3			$11h \leq \dots$		X		
B4		Exceed daily driving time of 9 hours by 50% or more	$13h30 \leq \dots$	X			
B5		Exceed extended daily driving time of 10 hours if extension is allowed	$10h < \dots < 11h$				X
B6			$11h \leq \dots < 12h$			X	
B7			$12h \leq \dots$		X		
B8		Exceed daily driving time of 10 hours by 50% or more	$15h \leq \dots$	X			
B9	Article 6.2	Exceed weekly driving time	$56h < \dots < 60h$				X
B10			$60h \leq \dots < 65h$			X	
B11			$65h \leq \dots < 70h$		X		
B12		Exceed weekly driving time by 25% or more	$70h \leq \dots$	X			

B13	Article 6.3	Exceed maximum total driving time during two (2) consecutive weeks	90h < ... < 100h				X
B14			100h ≤ ... < 105h			X	
B15			105h ≤ ... < 112h30		X		
B16		Exceed maximum total driving time during two (2) consecutive weeks by 25% or more	112h30 ≤ ...	X			
C	Breaks						
C1	Article 7	Exceed uninterrupted driving time of 4.5 hours before taking the break	4h30 < ... < 5h				X
C2			5h ≤ ... < 6h			X	
C3			6h ≤ ...		X		
D	Rest Periods						
D1	Article 8.2	Insufficient daily rest period of less than 11 hours if reduced daily rest period is not allowed	10h ≤ ... < 11h				X
D2			8h30 ≤ ... < 10h			X	
D3			... < 8h30		X		
D4		Insufficient reduced daily rest period of less than 9 hours if reduce is allowed	8h ≤ ... < 9h				X
D5			7h ≤ ... < 8h			X	
D6			... < 7h		X		
D7		Insufficient split daily rest period of less than 3 hours + 9 hours	3h + [8h ≤ ... < 9h]				X
D8			3h + [7h ≤ ... < 8h]			X	
D9			3h + [... < 7h]		X		
D10	Article 8.5	Insufficient daily rest period of less than 9 hours for multi-manning vehicle	8h ≤ ... < 9h				X
D11			7h ≤ ... < 8h			X	
D12			... < 7h		X		
D13	Article 8.6	Insufficient reduced weekly resting period of less than 24 hours	22h ≤ ... < 24h				X
D14			20h ≤ ... < 22h			X	
D15			... < 20h		X		
D16		Insufficient weekly resting period of less than 45 hours if reduced weekly resting period is not allowed	42h ≤ ... < 45h				X
D17			36h ≤ ... < 42h			X	
D18			... < 36h		X		

In the above Table "MSI" means Most Serious Infringement, "VSI" means Very Serious Infringement", "SI" means Serious Infringement, and "MI" means Minor Infringement.

2. Groups of infringements against Regulation (EU) No 165/2014:

No	LEGAL BASIS	TYPE OF INFRINGEMENT	LEVEL OF SERIOUSNESS		
			MSI	VSI	SI
G	Installation of tachograph				
G1	Articles 3(1), (4), (4a) and 22	Not having type-approved tachograph installed and used	X		
H	Use of tachograph, driver card or record sheet				
H1	Article 23(1)	Using a tachograph not inspected by an approved workshop		X	
H2	Article 27	Driver holding and, or using more than one own driver card		X	
H3		Driving with a driver card that has been falsified (<i>considered as driving without driver card</i>)	X		
H4		Driving with a driver card of which the driver is not the holder (<i>considered as driving without driver card</i>)	X		
H5		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		
H6	Article 32(1)	Tachograph not correctly functioning (<i>e.g.: tachograph not properly inspected, calibrated and sealed</i>)		X	
H7	Articles 32(1) and 33(1)	Tachograph improperly used (<i>e.g.: deliberate, voluntary or imposed misuse, lack of instructions on correct use, etc.</i>)		X	
H8	Article 32(3)	Having in the vehicle and, or using a fraudulent device able to modify the records of the tachograph	X		
H9		Falsifying, concealing, supressing or destroying data recorded on the record sheets or stored and downloaded from the tachograph and, or the driver card	X		
H10	Article 33(2)	Undertaking not keeping record sheets, printouts and downloaded data		X	
H11		Recorded and stored data not available for at least a year		X	

H12	Article 34(1)	Incorrect use of record sheets and, or driver card		X	
H13		Unauthorised withdrawal of record sheets or driver card which has an impact on the record of relevant data		X	
H14		Record sheet or driver card used to cover a period longer than that for which it is intended and data is lost		X	
H15	Article 34(2)	Use dirty or damaged record sheets or driver card and data not legible		X	
H16	Article 34(3)	Not using manual input when required to do so		X	
H17	Article 34(4)	Not using correct record sheet or driver card not in the correct slot (multi-manning)			X
H18	Article 34(5)	Incorrect use of switch mechanism		X	
I	Producing information				
I1	Article 34(5), point (b)(v)	Incorrect use or non-use of the ferry and, or train sign			X
I2	Article 34(6)	Required information not entered on the record sheet		X	
I3	Article 34(7)	Records not showing the symbols of the countries whose borders were crossed by the driver during the daily working period			X
I4	Article 34(7)	Records not showing the symbols of the countries where the driver's daily working period started and finished			X
I5	Article 36	Refusing to be checked		X	
I6	Article 36	Unable to produce manual records and printouts made during the current day and the previous 28 days (until 30 December 2024) Unable to produce manual records and printouts made during the current day and the previous 56 days (as of 31 December 2024)		X	
I7	Article 36	Unable to produce a driver card, if the driver holds one		X	
J	Malfunctioning				
J1	Articles 37(1) and 22(1)	Tachograph not repaired by an approved fitter or workshop		X	
J2	Article 37(2)	Driver not marking all required information for the periods of time, which are no longer recorded while tachograph is unserviceable or malfunctioning		X	
In the above Schedule "MSI" means Most Serious Infringement, "VSI" means Very Serious Infringement", and "SI" means Serious Infringement.					