

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 (recast) (Text with EEA relevance)

CHAPTER II

INTERNATIONAL CARRIAGE

Article 5

Driver attestation

1 A driver attestation shall be issued by a Member State, in accordance with this Regulation, to any haulier who:

- a is the holder of a Community licence; and
- b in that Member State, either lawfully employs a driver who is neither a national of a Member State nor a long-term resident within the meaning of Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents⁽¹⁾, or lawfully uses a driver who is neither a national of a Member State nor a long-term resident within the meaning of that Directive and who is put at the disposal of that haulier in accordance with the conditions of employment and of vocational training laid down in that Member State:
 - (i) by laws, regulations or administrative provisions; and, as appropriate;
 - (ii) by collective agreements, in accordance with the rules applicable in that Member State.

2 The driver attestation shall be issued by the competent authorities of the Member State of establishment of the haulier, at the request of the holder of the Community licence, for each driver who is neither a national of a Member State nor a long-term resident within the meaning of Directive 2003/109/EC whom that haulier lawfully employs, or for each driver who is neither a national of a Member State nor a long-term resident within the meaning of that Directive and who is put at the disposal of the haulier. Each driver attestation shall certify that the driver named therein is employed in accordance with the conditions laid down in paragraph 1.

3 The driver attestation shall correspond to the model set out in Annex III. It shall contain at least two of the security features listed in Annex I.

4 The Commission shall adapt Annex III to technical progress. Those measures, designed to amend non-essential elements of this Regulation, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 15(2).

5 The driver attestation shall bear the seal of the issuing authority as well as a signature and a serial number. The serial number of the driver attestation may be recorded in the national electronic register of road transport undertakings as part of the data relating to the haulier who puts it at the disposal of the driver designated therein.

6 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 using a Community licence issued to that haulier. A certified true copy of the driver attestation issued by the competent authorities of

Changes to legislation: There are outstanding changes not yet made to Regulation (EC) No 1072/2009 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

the haulier's Member State of establishment shall be kept at the haulier's premises. The driver attestation shall be presented at the request of any authorised inspecting officer.

7 A driver attestation shall be issued for a period to be determined by the issuing Member State, subject to a maximum validity of 5 years. Driver attestations issued before the date of application of this Regulation shall remain valid until their date of expiry.

The driver attestation shall be valid only as long as the conditions under which it was issued are satisfied. Member States shall take appropriate measures to ensure that if those conditions are no longer met, the haulier returns the attestation immediately to the issuing authorities.

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(1) [OJ L 16, 23.1.2004, p. 44.](#)

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Changes and effects yet to be applied to :

- Art. 5 para. 4 replacement by [EUR 2020/1055 Regulation](#) (This amendment by the EU not applied to [legislation.gov.uk](#) because it is brought into force after IP completion day.)
- Art. 5(1) omitted by [S.I. 2019/708 reg. 13\(6\)\(a\)](#)
- Art. 5(2) omitted by [S.I. 2019/708 reg. 13\(6\)\(b\)](#)
- Art. 5(4) substituted by [S.I. 2019/708 reg. 13\(6\)\(c\)](#)
- Art. 5(6)(7) substituted by [S.I. 2019/708 reg. 13\(6\)\(d\)](#)

Changes and effects yet to be applied to the whole legislation item and associated provisions

- Annex 1 words substituted by [S.I. 2019/708 reg. 13\(19\)](#)
- Annex 1 heading words substituted by [S.I. 2019/708 reg. 13\(19\)](#)
- Art. 1(5)(c) word substituted by [S.I. 2022/293 reg. 13](#)
- Annex 23 substituted by [S.I. 2019/708 Sch. 2](#)
- Art. 2(1) words inserted by [S.I. 2019/708 reg. 13\(3\)](#)
- Art. 2(2)(a)-(f) substituted for Art. 2(2)(a)-(d) by [S.I. 2019/708 reg. 13\(3\)\(b\)](#)
- Art. 2(2)(b) words inserted by [S.I. 2022/1260 reg. 4\(2\)](#)
- Art. 2(2)(e) word omitted by [2020 c. 29 s. 24\(2\)\(a\)](#)
- Art. 2(2)(g) and word inserted by [2020 c. 29 s. 24\(2\)\(b\)](#)
- Art. 2(3) substituted by [S.I. 2019/708 reg. 13\(3\)\(c\)](#)
- Art. 2(4) word omitted by [S.I. 2019/708 reg. 13\(3\)\(d\)](#)
- Art. 2(6) word omitted by [S.I. 2019/708 reg. 13\(3\)\(d\)](#)
- Art. 2(7) words inserted by [S.I. 2019/708 reg. 13\(3\)\(e\)\(ii\)](#)
- Art. 2(7) words substituted by [S.I. 2019/708 reg. 13\(3\)\(e\)\(i\)](#)
- Art. 2(8)-(14) inserted by [S.I. 2019/708 reg. 13\(3\)\(f\)](#)
- Art. 4(7) inserted by [S.I. 2019/708 reg. 13\(5\)\(f\)](#)
- Art. 5(1A) inserted by [S.I. 2019/708 reg. 13\(6\)\(a\)](#)
- Art. 5(2A) inserted by [S.I. 2019/708 reg. 13\(6\)\(b\)](#)
- Art. 5(8) inserted by [S.I. 2019/708 reg. 13\(6\)\(e\)](#)
- Art. 7(2)(b) words substituted by [S.I. 2019/708 reg. 13\(8\)\(c\)\(ii\)](#)
- Art. 10(5A) inserted by [S.I. 2019/708 reg. 13\(11\)\(f\)](#)
- Art. 10(7)-(9) inserted by [S.I. 2019/708 reg. 13\(11\)\(h\)](#)
- Art. 10a addition by [EUR 2020/1055 Regulation](#) (This amendment by the EU not applied to [legislation.gov.uk](#) because it is brought into force after IP completion day.)
- Art. 12(7) inserted by [S.I. 2019/708 reg. 13\(13\)\(h\)](#)
- Art. 14(2) words substituted by [S.I. 2019/708 reg. 13\(15\)](#)
- Art. 14a addition by [EUR 2020/1055 Regulation](#) (This amendment by the EU not applied to [legislation.gov.uk](#) because it is brought into force after IP completion day.)
- Art. 14b addition by [EUR 2020/1055 Regulation](#) (This amendment by the EU not applied to [legislation.gov.uk](#) because it is brought into force after IP completion day.)
- Art. 15A15B inserted by [S.I. 2019/708 reg. 13\(17\)](#)