



EUROPEAN
COMMISSION

XXX
[...] (2021) XXX draft

COMMISSION IMPLEMENTING REGULATION (EU) .../...

of XXX

amending Implementing Regulation (EU) 2016/799 as regards the requirements for the construction, testing, installation and inspection of smart tachographs and their components

(Text with EEA relevance)

This draft has not been adopted or endorsed by the European Commission. Any views expressed are the preliminary views of the Commission services and may not in any circumstances be regarded as stating an official position of the Commission.

COMMISSION IMPLEMENTING REGULATION (EU) .../...

of **XXX**

amending Implementing Regulation (EU) 2016/799 as regards the requirements for the construction, testing, installation and inspection of smart tachographs and their components

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 165/2014 of the European Parliament and of the Council of 4 February 2014 on tachographs in road transport¹, and in particular Article 11 thereof,

Whereas:

- (1) Regulation (EU) No 165/2014 has introduced smart tachographs, which include a connection to the global navigation satellite system ('GNSS') facility, a remote early detection communication facility, and an interface with intelligent transport systems.
- (2) The technical requirements for the construction, testing, installation, operation and repair of tachographs and their components are set out in Commission Implementing Regulation (EU) 2016/799².
- (3) Regulation (EU) No 165/2014 and Regulation (EC) No 561/2006 of the European Parliament and of the Council³ have been amended by Regulation (EU) 2020/1054 of the European Parliament and of the Council⁴. Regulation (EU) 2020/1054 requires additional features to be implemented in the smart tachograph. Consequently, a new version of the smart tachograph needs to be defined by amending Regulation (EU) 2016/799.
- (4) In accordance with Article 8(1) of Regulation (EU) No 165/2014, the position of the vehicle should be recorded automatically every time the vehicle crosses the border of a Member State and every time the vehicle performs loading or unloading activities.

¹ OJ L 60, 28.2.2014, p.1.

² Commission Implementing Regulation (EU) 2016/799 of 18 March 2016 implementing Regulation (EU) No 165/2014 of the European Parliament and of the Council laying down the requirements for the construction, testing, installation, operation and repair of tachographs and their components (OJ L 139, 26.5.2016, p.1)

³ Regulation (EC) No 561/2006 of the European Parliament and of the Council of 15 March 2006 on the harmonisation of certain social legislation relating to road transport and amending Council Regulations (EEC) No 3821/85 and (EC) No 2135/98 and repealing Council Regulation (EEC) No 3820/85 (OJ L 102, 11.4.2006, p.1)

⁴ Regulation (EU) 2020/1054 of the European Parliament and of the Council of 15 July 2020 amending Regulation (EC) No 561/2006 as regards minimum requirements on maximum daily and weekly driving times, minimum breaks and daily and weekly rest periods and Regulation (EU) No 165/2014 as regards positioning by means of tachographs (OJ L 249, 31.7.2020, p.1)

- (5) The interface with Intelligent Transport Systems, which is optional in the version of the smart tachograph implemented as of 15 June 2019, should be mandatory for the new version of the smart tachograph.
- (6) The new version of the smart tachograph should be prepared to authenticate the Galileo Satellite signal as soon as the Galileo system becomes operational.
- (7) In order to avoid the physical replacement of the recording equipment whenever a modification to the technical specifications of the tachograph is adopted, it is necessary to ensure that future tachograph functionalities can be implemented and improved through software updates.
- (8) Regulation (EU) 2016/799 allows for an adaptor to be installed between the motion sensor and the tachograph for vehicles that, whilst having a weight below 3.5 tons, may occasionally overcome that threshold, for instance when towing a trailer. Following the amendment to Regulation (EC) No 561/2006, the obligation to fit a tachograph has been extended to vehicles above 2.5 tons. The mandatory fitting of the smart tachograph in light commercial vehicles makes necessary to enhance the level of security provided by the adaptor by fitting an internal sensor inside the tachograph, which is independent of the motion sensor signal.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the committee established by Article 42(1) of Regulation (EU) No 165/2014,

HAS ADOPTED THIS REGULATION:

Article 1

Annex IC to Regulation (EU) 2016/799 is amended in accordance with the Annex to this Regulation.

Article 2

Entry into force

This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.

It shall apply from 21 August 2023.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the Commission
The President
Ursula VON DER LEYEN