

Council Regulation (EEC) No 3821/85 of 20 December  
1985 on recording equipment in road transport

CHAPTER I

**Principles and scope**

*Article 1*

Recording equipment within the meaning of this Regulation shall, as regards construction, installation, use and testing, comply with the requirements of this Regulation [<sup>F1</sup>and of Annexes I or IB and II thereto], which shall form an integral part of this Regulation.

**Textual Amendments**

- F1** Substituted by [Council Regulation \(EC\) No 2135/98 of 24 September 1998 amending Regulation \(EEC\) No 3821/85 on recording equipment in road transport and Directive 88/599/EEC concerning the application of Regulations \(EEC\) No 3820/85 and \(EEC\) No 3821/85.](#)

*[<sup>F2</sup>Article 2*

For the purpose of this Regulation the definitions set out in Article 4 of Regulation (EC) No 561/2006 of the European Parliament and of the Council of 15 March 2006 on the harmonisation of certain social legislation relating to road transport and amending Council Regulations (EEC) No 3821/85 and (EC) No 2135/98<sup>(1)</sup> shall apply.]

**Textual Amendments**

- F2** Substituted by [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 \(Text with EEA relevance\).](#)

*Article 3*

[<sup>F21</sup> Recording equipment shall be installed and used in vehicles registered in a Member State which are used for the carriage of passengers or goods by road, except the vehicles referred to in Article 3 of Regulation (EC) No 561/2006. Vehicles referred to in Article 16(1) of Regulation (EC) No 561/2006 and vehicles, which were exempt from the scope of application of Regulation (EEC) No 3820/85, but which are no longer exempt under Regulation (EC) No 561/2006 shall have until 31 December 2007 to comply with this requirement.

2 Member States may exempt vehicles mentioned in Articles 13(1) and (3) of Regulation (EC) No 561/2006 from application of this Regulation.

3 Member States may, after authorisation by the Commission, exempt from application of this Regulation vehicles used for the transport operations referred to in Article 14 of Regulation (EC) No 561/2006.]

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*Changes to legislation:* There are currently no known outstanding effects for the Council Regulation (EEC) No 3821/85. (See end of Document for details)

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4 In the case of national transport operations, Member States may require the installation and use of recording equipment in accordance with this Regulation in any of the vehicles for which its installation and use are not required by paragraph 1.

#### Textual Amendments

- F2** Substituted by [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 \(Text with EEA relevance\).](#)

## CHAPTER II

### Type approval

#### Article 4

[<sup>F3</sup>For the purposes of this Chapter, the words ‘recording equipment’ shall mean ‘recording equipment or its components’.]

Applications for EEC approval of a type of recording equipment or of a model record sheet [<sup>F3</sup>or memory card shall be submitted, accompanied by the appropriate specifications, by the manufacturer or his agent to a Member State. No application in respect of any one type of recording equipment or of any one model record or memory card] sheet may be submitted to more than one Member State.

#### Textual Amendments

- F3** Inserted by [Council Regulation \(EC\) No 2135/98 of 24 September 1998 amending Regulation \(EEC\) No 3821/85 on recording equipment in road transport and Directive 88/599/EEC concerning the application of Regulations \(EEC\) No 3820/85 and \(EEC\) No 3821/85.](#)

#### Article 5

[<sup>F1</sup>A Member State shall grant EC component type-approval to any type of recording equipment, to any model record sheet or memory card which conforms to the requirements laid down in Annex I or IB to this Regulation, provided the Member State is in a position to check that production models conform to the approved type.]

[<sup>F4</sup>The system's security must comply with the technical requirements laid down in Annex IB. The Commission shall ensure that the said Annex stipulates that recording equipment may not be granted EC component type-approval until the whole system (the recording equipment itself, driver card and electrical gearbox connections) has demonstrated its capacity to resist attempts to tamper with or alter the data on driving times. 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 18(2). The tests necessary to establish this shall be carried out by experts familiar with up-to-date tampering techniques.]

Any modifications or additions to an approved model must receive additional EEC type approval from the Member State which granted the original EEC type approval.

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**Changes to legislation:** There are currently no known outstanding effects for the Council Regulation (EEC) No 3821/85. (See end of Document for details)

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**Textual Amendments**

- F1** Substituted by Council Regulation (EC) No 2135/98 of 24 September 1998 amending Regulation (EEC) No 3821/85 on recording equipment in road transport and Directive 88/599/EEC concerning the application of Regulations (EEC) No 3820/85 and (EEC) No 3821/85.
- F4** Substituted by Regulation (EC) No 219/2009 of the European Parliament and of the Council of 11 March 2009 adapting a number of instruments subject to the procedure referred to in Article 251 of the Treaty to Council Decision 1999/468/EC with regard to the regulatory procedure with scrutiny Adaptation to the regulatory procedure with scrutiny — Part Two.

*Article 6*

Member States shall issue to the applicant an EEC approval mark, which shall conform to the model shown in Annex II, for each type of recording equipment or model record sheet [<sup>F3</sup>or memory card] which they approve pursuant to Article 5.

**Textual Amendments**

- F3** Inserted by Council Regulation (EC) No 2135/98 of 24 September 1998 amending Regulation (EEC) No 3821/85 on recording equipment in road transport and Directive 88/599/EEC concerning the application of Regulations (EEC) No 3820/85 and (EEC) No 3821/85.

*Article 7*

The competent authorities of the Member State to which the application for type approval has been submitted shall, in respect of each type of recording equipment or model record sheet [<sup>F3</sup>or memory card] which they approve or refuse to approve, either send within one month to the authorities of the other Member States a copy of the approval certificate accompanied by copies of the relevant specifications, or, if such is the case, notify those authorities that approval has been refused; in cases of refusal they shall communicate the reasons for their decision.

**Textual Amendments**

- F3** Inserted by Council Regulation (EC) No 2135/98 of 24 September 1998 amending Regulation (EEC) No 3821/85 on recording equipment in road transport and Directive 88/599/EEC concerning the application of Regulations (EEC) No 3820/85 and (EEC) No 3821/85.

*Article 8*

1 If a Member State which has granted EEC type approval as provided for in Article 5 finds that certain recording equipment or record sheets [<sup>F3</sup>or memory cards] bearing the EEC type approval mark which it has issued do not conform to the prototype which it has approved, it shall take the necessary measures to ensure that production models conform to the approved prototype. The measures taken may, if necessary, extend to withdrawal of EEC type approval.

2 A Member State which has granted EEC type approval shall withdraw such approval if the recording equipment or record sheet [<sup>F3</sup>or memory card] which has been approved is not in conformity with this Regulation or its Annexes or displays in use any general defect which makes it unsuitable for the purpose for which it is intended.

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*Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EEC) No 3821/85. (See end of Document for details)*

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3 If a Member State which has granted EEC type approval is notified by another Member State of one of the cases referred to in paragraphs 1 and 2, it shall also, after consulting the latter Member State, take the steps laid down in those paragraphs, subject to paragraph 5.

4 A Member State which ascertains that one of the cases referred to in paragraph 2 has arisen may forbid until further notice the placing on the market and putting into service of the recording equipment or record sheets [<sup>F3</sup>or memory cards. The same applies in the cases mentioned in paragraph 1 with respect to recording equipment or record sheets or memory cards] which have been exempted from EEC initial verification, if the manufacturer, after due warning, does not bring the equipment into line with the approved model or with the requirements of this Regulation.

In any event, the competent authorities of the Member States shall notify one another and the Commission, within one month, of any withdrawal of EEC type approval or of any other measures taken pursuant to paragraphs 1, 2 and 3 and shall specify the reasons for such action.

5 If a Member State which has granted an EEC type approval disputes the existence of any of the cases specified in paragraphs 1 or 2 notified to it, the Member States concerned shall endeavour to settle the dispute and the Commission shall be kept informed.

If talks between the Member States have not resulted in agreement within four months of the date of the notification referred to in paragraph 3 above, the Commission, after consulting experts from all Member States and having considered all the relevant factors, e.g. economic and technical factors, shall within six months adopt a decision which shall be communicated to the Member States concerned and at the same time to the other Member States. The Commission shall lay down in each instance the time limit for implementation of its decision.

#### Textual Amendments

- F3** Inserted by [Council Regulation \(EC\) No 2135/98 of 24 September 1998 amending Regulation \(EEC\) No 3821/85 on recording equipment in road transport and Directive 88/599/EEC concerning the application of Regulations \(EEC\) No 3820/85 and \(EEC\) No 3821/85.](#)

#### Article 9

1 An applicant for EEC type approval of a model record sheet shall state on his application the type or types of recording equipment on which the sheet in question is designed to be used and shall provide suitable equipment of such type or types for the purpose of testing the sheet.

2 The competent authorities of each Member State shall indicate on the approval certificate for the model record sheet the type or types of recording equipment on which that model sheet may be used.

#### Article 10

No Member State may refuse to register any vehicle fitted with recording equipment, or prohibit the entry into service or use of such vehicle for any reason connected with the fact that the vehicle is fitted with such equipment, if the equipment bears the EEC approval mark referred to in Article 6 and the installation plaque referred to in Article 12.

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*Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EEC) No 3821/85. (See end of Document for details)*

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### Article 11

All decisions pursuant to this Regulation refusing or withdrawing approval of a type of recording equipment or model record sheet [<sup>F3</sup>or memory card] shall specify in detail the reasons on which they are based. A decision shall be communicated to the party concerned, who shall at the same time be informed of the remedies available to him under the laws of the Member States and of the time-limits for the exercise of such remedies.

#### Textual Amendments

- F3** Inserted by Council Regulation (EC) No 2135/98 of 24 September 1998 amending Regulation (EEC) No 3821/85 on recording equipment in road transport and Directive 88/599/EEC concerning the application of Regulations (EEC) No 3820/85 and (EEC) No 3821/85.

## CHAPTER III

### Installation and inspection

#### Article 12

1 Recording equipment may be installed or repaired only by fitters or workshops approved by the competent authorities of Member States for that purpose after the latter, should they so desire, have heard the views of the manufacturers concerned.

[<sup>F3</sup>The period of administrative validity of approved workshop and fitter cards shall not exceed one year.

If a card issued to an approved workshop or fitter is to be extended, is damaged, malfunctions, is lost or is stolen, the authority shall supply a replacement card within five working days of receiving a detailed request to that effect.

Where a new card is issued to replace an old one, the new card shall bear the same 'workshop' information number, but the index shall be increased by one. The authority issuing the card shall maintain a register of lost, stolen or defective cards.

Member States shall take any measure necessary to prevent the cards distributed to approved fitters and workshops from being falsified.]

[<sup>F12</sup> The approved fitter or workshop shall place a special mark on the seals which it affixes and, in addition, shall enter for recording equipment in conformity with Annex IB, the electronic security data for carrying out, in particular, the authentication checks. The competent authorities of each Member State shall maintain a register of the marks and electronic security data used and of approved workshop and fitter cards issued.]

[<sup>F13</sup> The competent authorities of the Member States shall forward to the Commission the lists of approved fitters and workshops and the cards issued to them and shall forward to it copies of the marks and of the necessary information relating to the electronic security data used.]

4 For the purpose of certifying that installation of recording equipment took place in accordance with the requirements of this Regulation an installation plaque affixed as provided in [<sup>F1</sup>Annexes I and IB] shall be used.

*Changes to legislation:* There are currently no known outstanding effects for the Council Regulation (EEC) No 3821/85. (See end of Document for details)

[<sup>F55</sup> Any seal may be removed by the fitters or workshops approved by competent authorities under paragraph 1 of this Article, or in the circumstances described in Annex I, Chapter V, paragraph 4 [<sup>F3</sup> or in Annex IB section VI(c)] to this Regulation.]

#### Textual Amendments

- F1** Substituted by Council Regulation (EC) No 2135/98 of 24 September 1998 amending Regulation (EEC) No 3821/85 on recording equipment in road transport and Directive 88/599/EEC concerning the application of Regulations (EEC) No 3820/85 and (EEC) No 3821/85.
- F3** Inserted by Council Regulation (EC) No 2135/98 of 24 September 1998 amending Regulation (EEC) No 3821/85 on recording equipment in road transport and Directive 88/599/EEC concerning the application of Regulations (EEC) No 3820/85 and (EEC) No 3821/85.
- F5** Inserted by Commission Regulation (EEC) No 3688/92 of 21 December 1992 adapting to technical progress Council Regulation (EEC) No 3821/85 on recording equipment in road transport.

## CHAPTER IV

### Use of equipment

#### *[<sup>F1</sup> Article 13*

The employer and drivers shall ensure the correct functioning and proper use of, on the one hand, the recording equipment and, on the other, the driver card where a driver is required to drive a vehicle fitted with recording equipment in conformity with Annex IB.]

#### Textual Amendments

- F1** Substituted by Council Regulation (EC) No 2135/98 of 24 September 1998 amending Regulation (EEC) No 3821/85 on recording equipment in road transport and Directive 88/599/EEC concerning the application of Regulations (EEC) No 3820/85 and (EEC) No 3821/85.

#### *Article 14*

[<sup>F11</sup> The employer shall issue a sufficient number of record sheets to drivers of vehicles fitted with recording equipment in conformity with Annex I, bearing in mind the fact that these sheets are personal in character, the length of the period of service and the possible obligation to replace sheets which are damaged, or have been taken by an authorised inspecting officer. The employer shall issue to drivers only sheets of an approved model suitable for use in the equipment installed in the vehicle.

Where the vehicle is fitted with recording equipment in conformity with Annex IB, the employer and the driver shall ensure that, taking into account the length of the period of service, the printing on request referred to in Annex IB can be carried out correctly in the event of an inspection.]

[<sup>F22</sup> The undertaking shall keep record sheets and printouts, whenever printouts have been made to comply with Article 15(1), in chronological order and in a legible form for at least a year after their use and shall give copies to the drivers concerned who request them. The undertaking shall also give copies of downloaded data from the driver cards to the drivers concerned who request them and the printed papers of these copies. The record sheets, printouts and downloaded data shall be produced or handed over at the request of any authorised inspecting officer.]

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*Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EEC) No 3821/85. (See end of Document for details)*

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[<sup>F33</sup> The driver card as defined in Annex IB shall be issued, at the request of the driver, by the competent authority of the Member State where the driver has his normal residence.

A Member State may require any driver subject to the provisions of Regulation (EEC) No 3820/85 and normally resident on its territory to hold a driver card.

- a For the purposes of this Regulation 'normal residence' means the place where a person usually lives, that is 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.

However, 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 a Member State in order to carry out a fixed-term assignment.

- b Drivers shall give proof of their place of normal residence by any appropriate means, such as their identity card or any other valid document.
- c Where the competent authorities of the Member State issuing the driver card have doubts as to the validity of a statement as to normal residence made in accordance with point (b), or for the purpose of certain specific controls, they may request any additional information or evidence.
- d The competent authorities of the issuing Member State shall, as far as this can be done, ensure that the applicant does not already hold a valid driver card.

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- a The competent authority of the Member State shall personalise the driver card in accordance with the provisions of Annex IB.

For administrative purposes, the driver card may not be valid for more than five years.

The driver may hold one valid driver card only. The driver is authorised to use only his own personalised driver card. The driver shall not use a driver card which is defective or which has expired.

When a new driver card is issued replacing the old, the new card shall bear the same driver card issue number but the index shall be increased by one. The issuing authority shall keep records of issued, stolen, lost or defective driver cards for a period at least equivalent to their period of administrative validity.

If the driver card is damaged, malfunctions or is lost or stolen, the authority shall supply a replacement card within five working days of receiving a detailed request to that effect.

In the event of a request for the renewal of a card whose expiry date is approaching, the authority shall supply a new card before the expiry date provided that the request was sent to it within the time limits laid down in the second subparagraph of Article 15(1).

- b Driver cards shall be issued only to applicants who are subject to the provisions of Regulation (EEC) No 3820/85.
- c The driver card shall be personal. It may not, during its official period of validity, be withdrawn or suspended for whatever reason unless the competent authority of a Member State finds that the card has been falsified, or the driver is using a card of which he is not the holder, or that the card held has been obtained on the basis of false declarations and/or forged documents. If such suspension or withdrawal measures are

*Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EEC) No 3821/85. (See end of Document for details)*

taken by a Member State other than the Member State of issue, the former shall return the card to the authorities of the Member State which issued it and shall indicate the reasons for returning it.

- d Driver cards issued by Member States shall be mutually recognised.

Where the holder of a valid driver card issued by a Member State has established his normal place of residence in another Member State, he may ask for his card to be exchanged for an equivalent driver card; it shall be the responsibility of the Member State which carries out the exchange to verify if necessary whether the card produced is actually still valid.

Member States carrying out an exchange shall return the old card to the authorities of the Member State of issue and indicate the reasons for so doing.

- e Where a Member State replaces or exchanges a driver card, the replacement or exchange, and any subsequent replacement or renewal, shall be registered in that Member State.
- f Member States shall take all the necessary measures to prevent any possibility of driver cards being falsified.

5 Member States shall ensure that data needed to monitor compliance with Regulation (EEC) No 3820/85 and Council Directive 92/6/EEC of 10 February 1992 on the installation and use of speed limitation devices for certain categories of motor vehicles in the Community<sup>(2)</sup> which are recorded and stored by recording equipment in conformity with Annex IB to this Regulation can be made available for at least 365 days after the date of their recording and that they can be made available under conditions that guarantee the security and accuracy of the data.

Member States shall take any measures necessary to ensure that the resale or decommissioning of recording equipment cannot detract, in particular, from the satisfactory application of this paragraph.]

#### Textual Amendments

- F1** Substituted by Council Regulation (EC) No 2135/98 of 24 September 1998 amending Regulation (EEC) No 3821/85 on recording equipment in road transport and Directive 88/599/EEC concerning the application of Regulations (EEC) No 3820/85 and (EEC) No 3821/85.
- F2** Substituted by 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 (Text with EEA relevance).
- F3** Inserted by Council Regulation (EC) No 2135/98 of 24 September 1998 amending Regulation (EEC) No 3821/85 on recording equipment in road transport and Directive 88/599/EEC concerning the application of Regulations (EEC) No 3820/85 and (EEC) No 3821/85.

#### Article 15

1 Drivers shall not use dirty or damaged record sheets [<sup>F3</sup>or driver cards]. The sheets [<sup>F3</sup>or driver cards] shall be adequately protected on this account.

[<sup>F3</sup>Where a driver wishes to renew his driver card, he shall apply to the competent authorities of the Member State in which he has his normal residence not later than 15 working days before the expiry date of the card.]

In case of damage to a sheet bearing recordings [<sup>F3</sup>or driver card], drivers shall attach the damaged sheet [<sup>F3</sup>or driver card] to the spare sheet used to replace it.



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*Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EEC) No 3821/85. (See end of Document for details)*

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[<sup>F3</sup>If the driver card is damaged, malfunctions or is lost or stolen, the driver shall apply within seven calendar days for its replacement to the competent authorities of the Member State in which he has his normal residence.]

[<sup>F6</sup>Where a driver card is damaged, malfunctions, or is not in the possession of the driver, the driver shall:

- a at the start of his journey, print out the details of the vehicle the driver is driving, and shall enter onto that printout:
  - (i) details that enable the driver to be identified (name, driver card or driver's licence number), including his signature;
  - (ii) the periods referred to in paragraph 3, second indent (b), (c) and (d);
- b at the end of his journey, print out the information relating to periods of time recorded by the recording equipment, record any periods of other work, availability and rest undertaken since the printout that was made at the start of the journey, where not recorded by the tachograph, and mark on that document details that enable the driver to be identified (name, driver card or driver's licence number), including the driver's signature.]

2 Drivers shall use the record sheets [<sup>F3</sup>or driver cards] every day on which they are driving, starting from the moment they take over the vehicle. The record sheet [<sup>F3</sup>or driver card] shall not be withdrawn before the end of the daily working period unless its withdrawal is otherwise authorized. No record sheet [<sup>F3</sup>or driver card] may be used to cover a period longer than that for which it is intended.

[<sup>F2</sup>When as a result of being away from the vehicle, a driver is unable to use the equipment fitted to the vehicle, the periods of time referred to in paragraph 3, second indent (b), (c) and (d) shall:

- a if the vehicle is fitted with recording equipment in conformity with Annex I, be entered on the record sheet, either manually, by automatic recording or other means, legibly and without dirtying the sheet; or
- b if the vehicle is fitted with recording equipment in conformity with Annex IB, be entered onto the driver card using the manual entry facility provided in the recording equipment.

Where there is more than one driver on board the vehicle fitted with recording equipment in conformity with Annex IB, each driver shall ensure that his driver card is inserted into the correct slot in the tachograph.]

Drivers shall amend the record sheets as necessary should there be more than one driver on board the vehicle, so that the information referred to in Chapter II (1) to (3) of Annex I is recorded on the record sheet of the driver who is actually driving.

3 Drivers shall:

- ensure that the time recorded on the sheet agrees with the official time in the country of registration of the vehicle,
- operate the switch mechanisms enabling the following periods of time to be recorded separately and distinctly:

(a)

under the sign  : driving time;

(b)


‘[<sup>F2</sup>other work’ means any activity other than driving, as defined in Article 3(a) of Directive 2002/15/EC of the European Parliament and of the Council

*Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EEC) No 3821/85. (See end of Document for details)*


of 11 March 2002 on the organisation of the working time of persons performing mobile road transport activities<sup>(3)</sup>, and also any work for the same or another employer within or outside of the transport sector, and must be recorded under this sign



(c) 'availability' defined in Article 3(b) of Directive 2002/15/EC must be

recorded under this sign ;

(d)

under the sign  : breaks in work and daily rest periods.

<sup>F74</sup> .....

5 Each crew member shall enter the following information on his record sheet:

- a on beginning to use the sheet — his surname and first name;
- b the date and place where use of the sheet begins and the date and place where such use ends;
- c the registration number of each vehicle to which he is assigned, both at the start of the first journey recorded on the sheet and then, in the event of a change of vehicle, during use of the sheet;
- d the odometer reading:
  - at the start of the first journey recorded on the sheet,
  - at the end of the last journey recorded on the sheet,
  - in the event of a change of vehicle during a working day (reading on the vehicle to which he was assigned and reading on the vehicle to which he is to be assigned);
- e the time of any change of vehicle.

<sup>F35a</sup> The driver shall enter in the recording equipment in conformity with Annex IB the symbols of the countries in which he begins and ends his daily work period. However, a Member State may require drivers of vehicles engaged in transport operations inside its territory to add more detailed geographic specifications to the country symbol provided that the Member State has notified them to the Commission before 1 April 1998 and that they do not number more than 20.

The above data entries shall be activated by the driver, and may be entirely manual or automatic if the recording equipment is linked to a satellite tracking system.]

6 The [<sup>F1</sup>recording equipment defined in Annex I] shall be so designed that it is possible for an authorized inspecting officer, if necessary after opening the equipment, to read the recordings relating to the nine hours preceding the time of the check without permanently deforming, damaging or soiling the sheet.

The equipment shall, furthermore, be so designed that it is possible, without opening the case, to verify that recordings are being made.

<sup>F27</sup>

- a Where the driver drives a vehicle fitted with recording equipment in conformity with Annex I, the driver must be able to produce, whenever an inspecting officer so requests:

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*Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EEC) No 3821/85. (See end of Document for details)*

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- (i) the record sheets for the current week and those used by the driver in the previous 15 days;
- (ii) the driver card if he holds one, and
- (iii) any manual record and printout made during the current week and the previous 15 days as required under this Regulation and Regulation (EC) No 561/2006.

However, after 1 January 2008, the time periods referred to under (i) and (iii) shall cover the current day and the previous 28 days.

- b Where the driver drives a vehicle fitted with recording equipment in conformity with Annex IB, the driver must be able to produce, whenever an inspecting officer so requests:

- (i) the driver card of which he is holder;
- (ii) any manual record and printout made during the current week and the previous 15 days as required under this Regulation and Regulation (EC) No 561/2006, and
- (iii) the record sheets corresponding to the same period as the one referred to in the previous subparagraph during which he drove a vehicle fitted with recording equipment in conformity with Annex I.

However, after 1 January 2008, the time periods referred to under (ii) shall cover the current day and the previous 28 days.

- c An authorised inspecting officer may check compliance with Regulation (EC) No 561/2006 by analysis of the record sheets, of the displayed or printed data which have been recorded by the recording equipment or by the driver card or, failing this, by analysis of any other supporting document that justifies non-compliance with a provision, such as those laid down in Article 16(2) and (3).]

[<sup>F38</sup> It shall be forbidden to falsify, suppress or destroy data recorded on the record sheet, stored in the recording equipment or on the driver card, or print-outs from the recording equipment as defined in Annex IB. The same applies to any manipulation of the recording equipment, record sheet or driver card which may result in data and/or printed information being falsified, suppressed or destroyed. No device which could be used to this effect shall be present on the vehicle.]

#### Textual Amendments

- F1** Substituted by Council Regulation (EC) No 2135/98 of 24 September 1998 amending Regulation (EEC) No 3821/85 on recording equipment in road transport and Directive 88/599/EEC concerning the application of Regulations (EEC) No 3820/85 and (EEC) No 3821/85.
- F2** Substituted by 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 (Text with EEA relevance).
- F3** Inserted by Council Regulation (EC) No 2135/98 of 24 September 1998 amending Regulation (EEC) No 3821/85 on recording equipment in road transport and Directive 88/599/EEC concerning the application of Regulations (EEC) No 3820/85 and (EEC) No 3821/85.
- F6** Inserted by 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

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**Changes to legislation:** There are currently no known outstanding effects for the Council Regulation (EEC) No 3821/85. (See end of Document for details)

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- Regulations (EEC) No 3821/85 and (EC) No 2135/98 and repealing Council Regulation (EEC) No 3820/85 (Text with EEA relevance).
- F7** Deleted by 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 (Text with EEA relevance).

### Article 16

1 In the event of breakdown or faulty operation of the equipment, the employer shall have it repaired by an approved fitter or workshop, as soon as circumstances permit.

If the vehicle is unable to return to the premises within a period of one week calculated from the day of the breakdown or of the discovery of defective operation, the repair shall be carried out *en route*.

Measures taken by Member States pursuant to Article 19 may give the competent authorities power to prohibit the use of the vehicle in cases where breakdown or faulty operation has not been put right as provided in the foregoing subparagraphs.

[<sup>F12</sup> While the recording equipment is unserviceable or malfunctioning, drivers shall mark on the record sheet or sheets, or on a temporary sheet to be attached to the record sheet or to the driver card, on which he shall enter data enabling him to be identified (driver's card number and/or name and/or driving licence number), including his signature, all information for the various periods of time which are no longer recorded or printed out correctly by the recording equipment.

If a driver card is damaged, malfunctions or is lost or stolen, the driver shall, at the end of his journey, print out the information relating to the periods of time recorded by the recording equipment and mark on that document the details that enable him to be identified (the driver card number and/or name and/or driving licence number), including his signature.]

[<sup>F33</sup> If a driver card is damaged or if it malfunctions, the driver shall return it to the competent authority of the Member State in which he has his normal residence. Theft of the driver card shall be the subject of a formal declaration to the competent authorities of the State where the theft occurred.

Loss of the driver card must be reported in a formal declaration to the competent authorities of the State that issued it and to the competent authorities of the Member State of normal residence where they are different.

The diver may continue to drive without a driver card for a maximum period of 15 calendar days or for a longer period if this is necessary for the vehicle to return to its premises, provided he can prove the impossibility of producing or using the card during this period.

Where the authorities of the Member State in which the driver has his normal residence are different from those which issued his card and where the latter are requested to renew, replace or exchange the driver card, they shall inform the authorities which issued the old card of the precise reasons for its renewal, replacement or exchange.]

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**Changes to legislation:** There are currently no known outstanding effects for the Council Regulation (EEC) No 3821/85. (See end of Document for details)

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### Textual Amendments

- F1** Substituted by Council Regulation (EC) No 2135/98 of 24 September 1998 amending Regulation (EEC) No 3821/85 on recording equipment in road transport and Directive 88/599/EEC concerning the application of Regulations (EEC) No 3820/85 and (EEC) No 3821/85.
- F3** Inserted by Council Regulation (EC) No 2135/98 of 24 September 1998 amending Regulation (EEC) No 3821/85 on recording equipment in road transport and Directive 88/599/EEC concerning the application of Regulations (EEC) No 3820/85 and (EEC) No 3821/85.

## CHAPTER V

### Final provisions

#### *[<sup>F1</sup>Article 17*

[<sup>F41</sup> The amendments required to adjust the annexes to technical progress, designed to amend non-essential elements of this Regulation, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 18(2).]

2 The technical specifications relating to the following sections of Annex IB shall be adopted as soon as possible and if possible before 1 July 1998 by the same procedure:

- a Chapter II
  - (d) 17: displaying and printing of faults in the recording equipment,
  - (d) 18: displaying and printing of faults in the driver card,
  - (d) 21: displaying and printing of summary reports;
- b Chapter III
  - (a) 6.3: standards for the protection of vehicle electronics against electrical interference and magnetic fields,
  - (a) 6.5: protection (security) of the total system,
  - (c) 1: warning signals indicating the internal malfunctioning of the recording equipment,
  - (c) 5: format of the warnings,
  - (f): maximum tolerances;
- c Chapter IV, A:
  - 4: standards,
  - 5: security, including data protection,
  - 6:

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**Changes to legislation:** There are currently no known outstanding effects for the Council Regulation (EEC) No 3821/85. (See end of Document for details)

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- 8: temperature range,
  - 9: electrical characteristics,
  - 10: logical structure of the driver card,
  - 11: functions and commands,
  - elementary files;
- and Chapter IV, B;
- d Chapter V:  
printer and standard print-outs.]

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**Textual Amendments**

- F1** Substituted by Council Regulation (EC) No 2135/98 of 24 September 1998 amending Regulation (EEC) No 3821/85 on recording equipment in road transport and Directive 88/599/EEC concerning the application of Regulations (EEC) No 3820/85 and (EEC) No 3821/85.
- F4** Substituted by Regulation (EC) No 219/2009 of the European Parliament and of the Council of 11 March 2009 adapting a number of instruments subject to the procedure referred to in Article 251 of the Treaty to Council Decision 1999/468/EC with regard to the regulatory procedure with scrutiny Adaptation to the regulatory procedure with scrutiny — Part Two.

*[<sup>F4</sup> Article 18*

- 1 The Commission shall be assisted by a Committee.
- 2 Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.]

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**Textual Amendments**

- F4** Substituted by Regulation (EC) No 219/2009 of the European Parliament and of the Council of 11 March 2009 adapting a number of instruments subject to the procedure referred to in Article 251 of the Treaty to Council Decision 1999/468/EC with regard to the regulatory procedure with scrutiny Adaptation to the regulatory procedure with scrutiny — Part Two.

*Article 19*

- 1 Member States shall, in good time and after consulting the Commission, adopt such laws, regulations or administrative provisions as may be necessary for the implementation of this Regulation.

Such measures shall cover, *inter alia*, the reorganization of, procedure for, and means of carrying out, checks on compliance and the penalties to be imposed in case of breach.

- 2 Member States shall assist each other in applying this Regulation and in checking compliance therewith.
- 3 Within the framework of this mutual assistance the competent authorities of the Member States shall regularly send one another all available information concerning:

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**Changes to legislation:** There are currently no known outstanding effects for the Council Regulation (EEC) No 3821/85. (See end of Document for details)

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- breaches of this Regulation committed by non-residents and any penalties imposed for such breaches,
- penalties imposed by a Member State on its residents for such breaches committed in other Member States.

#### *Article 20*

Regulation (EEC) No 1463/70 shall be repealed.

However, Article 3 (1) of the said Regulation shall, until 31 December 1989, continue to apply to vehicles and drivers employed in regular international passenger services in so far as the vehicles used for such services are not fitted with recording equipment used as prescribed in this Regulation.

#### *l<sup>F8</sup> Article 20a*

This Regulation shall not apply until 1 January 1991 to vehicles registered in the territory of the former German Democratic Republic before that date.

This Regulation shall not apply until 1 January 1993 to such vehicles where they are engaged only in national transport operations in the territory of the Federal Republic of Germany. However, this Regulation shall apply as from its entry into force to vehicles engaged in the carriage of dangerous goods.]

#### **Textual Amendments**

- F8** Inserted by [Council Regulation \(EEC\) No 3572/90 of 4 December 1990 amending, as a result of German unification, certain Directives, Decisions and Regulations relating to transport by road, rail and inland waterway.](#)

#### *Article 21*

This Regulation shall enter into force on 29 September 1986.

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

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**Changes to legislation:** There are currently no known outstanding effects for the Council Regulation (EEC) No 3821/85. (See end of Document for details)

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- (1) [<sup>F2</sup>OJ L 102, 11.4.2006, p. 1]
- (2) [<sup>F3</sup>OJ L 57, 2.3.1992, p.27.]
- (3) [<sup>F2</sup>OJ L 80, 23.3.2002, p. 35.]

#### **Textual Amendments**

- F2** Substituted by 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 (Text with EEA relevance).
- F3** Inserted by Council Regulation (EC) No 2135/98 of 24 September 1998 amending Regulation (EEC) No 3821/85 on recording equipment in road transport and Directive 88/599/EEC concerning the application of Regulations (EEC) No 3820/85 and (EEC) No 3821/85.



**Changes to legislation:**

There are currently no known outstanding effects for the Council Regulation (EEC) No 3821/85.