

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

CHAPTER IV

Use of equipment

Article 15

1 Drivers shall not use dirty or damaged record sheets [^{F1}or driver cards]. The sheets [^{F1}or driver cards] shall be adequately protected on this account.

[^{F1}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 [^{F1}or driver card], drivers shall attach the damaged sheet [^{F1}or driver card] to the spare sheet used to replace it.

[^{F1}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.]

[^{F2}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 [^{F1}or driver cards] every day on which they are driving, starting from the moment they take over the vehicle. The record sheet [^{F1}or driver card] shall not be withdrawn before the end of the daily working period unless its withdrawal is otherwise authorized. No record sheet [^{F1}or driver card] may be used to cover a period longer than that for which it is intended.

[^{F3}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.

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EEC) No 3821/85, Article 15. (See end of Document for details)


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)

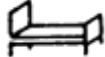
‘^{F3}other work’ means any activity other than driving, as defined in Article 3(a) of Directive 2002/15/EC of the European Parliament and of the Council of 11 March 2002 on the organisation of the working time of persons performing mobile road transport activities⁽¹⁾, and also any work for the same 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.

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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.

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[^{F15a} 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 [^{F5}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.

[^{F37}

- 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:
 - (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).]

[^{F18} 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

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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** 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.
- F2** 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 Regulations (EEC) No 3821/85 and (EC) No 2135/98 and repealing Council Regulation (EEC) No 3820/85 (Text with EEA relevance).
- F3** 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).
- F4** 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).
- F5** 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.

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(1) [^{F3}OJ L 80, 23.3.2002, p. 35.]

Textual Amendments

F3 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).

Changes to legislation:

There are currently no known outstanding effects for the Council Regulation (EEC) No 3821/85, Article 15.