

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 (Text with EEA relevance)

## CHAPTER II

### SMART TACHOGRAPH

#### *Article 8*

#### **Recording of the position of the vehicle at certain points during the daily working period**

[<sup>F1</sup> In order to facilitate the verification of compliance with the relevant legislation, the position of the vehicle shall be recorded automatically at the following points, or at the closest point to such places where the satellite signal is available:

- the starting place of the daily working period,
- every time the vehicle crosses the border of a Member State,
- every time the vehicle performs loading or unloading activities,
- every three hours of accumulated driving time, and
- the ending place of the daily working period.

In order to facilitate the verification of compliance by control authorities, the smart tachograph shall also record whether the vehicle has been employed for the carriage of goods or passengers, as required by Regulation (EC) No 561/2006.

For those purposes, vehicles registered for the first time 36 months after the entry into force of the detailed provisions referred to in the first paragraph of Article 11 shall be fitted with a tachograph connected to a positioning service based on a satellite navigation system.

However, the recording of the border-crossing and additional activities referred to in the second and third indents of the first subparagraph and in the second subparagraph shall apply to vehicles that were registered in a Member State for the first time more than two years after the entry into force of the detailed provisions referred to in the second paragraph of Article 11, without prejudice to the obligation to retrofit certain vehicles later in accordance with Article 3(4).]

2 As regards the connection of the tachograph to a positioning service based on a satellite navigation system, as referred to in paragraph 1, use shall be made only of service connections that exploit a positioning service free of charge. No position data other than those expressed, wherever possible, in geographical coordinates for determining the points referred to in paragraph 1, shall be permanently stored in the tachograph. Position data which need to be temporarily stored in order to allow for the automatic recording of the points referred to in paragraph 1 or to corroborate the motion sensor shall not be accessible to any user and shall automatically be deleted once they are no longer required for those purposes.

*Status: Point in time view as at 31/12/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) No 165/2014 of the European Parliament and of the Council, CHAPTER II. (See end of Document for details)*

### Textual Amendments

- F1** Substituted by 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.

## Article 9

### Remote early detection of possible manipulation or misuse

1 In order to facilitate targeted roadside checks by the competent control authorities, tachographs installed in vehicles registered for the first time 36 months after the entry into force of the detailed provisions referred to in Article 11 shall be able to communicate to those authorities while the vehicle is in motion.

[<sup>F12</sup> Three years after the entry into force of detailed provisions referred to in the second paragraph of Article 11, [<sup>F2</sup>the Secretary of State must ensure that control authorities are equipped] to an appropriate extent with the remote early detection equipment necessary to permit the data communication referred to in this Article, taking into account their specific enforcement requirements and strategies. <sup>F3</sup>....]

[<sup>F13</sup> The communication referred to in paragraph 1 shall be established with the tachograph only when so requested by the equipment of the control authorities. It shall be secured to ensure data integrity and authentication of the recording and control equipment. Access to the data communicated shall be restricted to control authorities authorised to check infringements of the Union legal acts referred to in Article 7(1), and of this Regulation and to workshops in so far as it is necessary to verify the correct functioning of the tachograph.]

4 The data exchanged during communication shall be limited to the data necessary for the purpose of targeted roadside checks of vehicles with a potentially manipulated or misused tachograph. Such data shall relate to the following events or data recorded by the tachograph:

- the latest security breach attempt,
- the longest power supply interruption,
- sensor fault,
- motion data error,
- vehicle motion conflict,
- driving without a valid card,
- card insertion while driving,
- time adjustment data,
- calibration data including the dates of the two latest calibrations,
- vehicle registration number,
- speed recorded by the tachograph[<sup>F1</sup>],
- [<sup>F4</sup>exceeding maximum driving time.]

5 The data exchanged shall be used for the sole purpose of verifying compliance with this Regulation. They shall not be transmitted to entities other than authorities controlling driving and rest periods and to judicial bodies, in the framework of an ongoing judicial procedure.

6 The data may only be stored by the control authorities for the duration of a roadside check, and shall be deleted at the latest three hours after their communication, unless the data indicate a possible manipulation or misuse of the tachograph. If, in the course of the ensuing roadside check, the manipulation or misuse is not confirmed, the data transmitted shall be deleted.

7 Transport undertakings which operate vehicles shall be responsible for informing drivers of the possibility of remote communication for the purpose of early detection of possible manipulation or misuse of tachographs.

8 In no case shall a remote early detection communication of the type described in this Article lead to automatic fines or penalties for the driver or transport undertaking. The competent control authority, on the basis of the data exchanged, may decide to carry out a check on the vehicle and the tachograph. The result of the remote communication shall not prevent control authorities from carrying out random roadside checks based on [<sup>F5</sup>a risk rating system based on the relative number and severity of infringements of Regulation (EC) 561/2006 of the European Parliament and of the Council that an individual undertaking has committed].

#### Textual Amendments

- F1** Substituted by 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.
- F2** Words in Art. 9(2) substituted (31.12.2020) by The Drivers' Hours and Tachographs (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/453), regs. 1(3), **79(2)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in Art. 9(2) omitted (31.12.2020) by virtue of The Drivers' Hours and Tachographs (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/453), regs. 1(3), **79(2)(b)** (with reg. 114); 2020 c. 1, Sch. 5 para. 1(1)
- F4** Inserted by 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.
- F5** Words in Art. 9(8) substituted (31.12.2020) by The Drivers' Hours and Tachographs (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/453), regs. 1(3), **79(3)**; 2020 c. 1, Sch. 5 para. 1(1)

### Article 10

#### Interface with Intelligent Transport Systems

The tachographs of vehicles registered for the first time 36 months after the entry into force of the detailed provisions referred to in Article 11 may be equipped with standardised interfaces allowing the data recorded or produced by tachograph to be used in operational mode, by an external device, provided that the following conditions are met:

- (a) the interface does not affect the authenticity and the integrity of the data of the tachograph;
- (b) the interface complies with the detailed provisions of Article 11;

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- (c) the external device connected to the interface has access to personal data, including geopositioning data, only after the verifiable consent of the driver to whom the data relates.

[<sup>F4</sup>The tachographs of vehicles registered for the first time in a Member State more than two years after the entry into force of detailed provisions referred to in the second paragraph of Article 11 shall be equipped with the interface referred to in paragraph 1.]

#### Textual Amendments

- F4** Inserted by 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.

### Article 11

#### Detailed provisions for smart tachographs

[<sup>F1</sup>In order to ensure that smart tachographs comply with the principles and requirements set out in this Regulation, [<sup>F6</sup>the Secretary of State may, by regulations, make] detailed provisions necessary for the <sup>F7</sup>... application of Articles 8, 9 and 10, excluding any provisions which would provide for the recording of additional data by the tachograph.

<sup>F8</sup>  
.....

By 21 February 2022, the Commission shall adopt implementing acts laying down detailed provisions necessary for the uniform application of rules on data requirements and functions, including Articles 8, 9 and 10 of this Regulation, and the installation of tachographs for vehicles referred to in point (aa) of Article 2(1) of Regulation (EC) No 561/2006.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 42(3).]

[<sup>F1</sup>The detailed provisions referred to in the first, second and third paragraphs of this Article shall:]

- (a) in relation to the performance of the functions of the smart tachograph as referred to in this Chapter, include the necessary requirements to guarantee the security, accuracy and reliability of data as provided to the tachograph by the satellite positioning service and the remote communication technology referred to in Articles 8 and 9;
- (b) specify the various conditions and requirements for the satellite positioning service and the remote communication technology referred to in Articles 8 and 9 to be either outside or embedded in the tachograph and, when outside, specify the conditions for the use of the satellite positioning signal as a second motion sensor;
- (c) specify the necessary standards for the interface referred to in Article 10. Such standards may include a provision on the distribution of access rights for drivers, workshops and transport undertakings, and control roles for the data recorded by the tachograph, which control roles shall be based on an authentication/authorisation mechanism defined for the interface, such as a certificate for each level of access and subject to the technical feasibility thereof.

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### Textual Amendments

- F1** Substituted by 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.
- F6** Words in Art. 11 substituted (31.12.2020) by The Drivers' Hours and Tachographs (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/453), regs. 1(3), **80(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F7** Word in Art. 11 omitted (31.12.2020) by virtue of The Drivers' Hours and Tachographs (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/453), regs. 1(3), **80(a)(ii)** (with reg. 114); 2020 c. 1, Sch. 5 para. 1(1)
- F8** Words in Art. 11 omitted (31.12.2020) by virtue of The Drivers' Hours and Tachographs (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/453), regs. 1(3), **80(b)** (with reg. 114); 2020 c. 1, Sch. 5 para. 1(1)

**Status:**

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**Changes to legislation:**

There are currently no known outstanding effects for the Regulation (EU) No 165/2014 of the European Parliament and of the Council, CHAPTER II.