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STATUTORY INSTRUMENTS

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**2022 No. 1260**

**The Drivers' Hours, Tachographs, International Road Haulage and Licensing of Operators (Amendment) Regulations 2022**

**Amendment of Regulation (EU) No 165/2014**

**3.—(1)** Regulation (EU) No 165/2014<sup>(1)</sup> 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 is amended as follows.

(2) In Article 2(2) at the end of sub-paragraph (z2) insert—

“,

(z3) “smart tachograph 1” means a tachograph complying with Annex IC to Commission Implementing Regulation (EU) 2016/799<sup>(2)</sup>, as adapted by Appendix 31-B-4-3 to the Trade and Co-operation Agreement between the United Kingdom of Great Britain and Northern Ireland, of the one part, and the European Union and the European Atomic Energy Community, of the other part entered into on 30th December 2020<sup>(3)</sup>;

(z4) “smart tachograph 2” means a tachograph complying with the following requirements—

- (i) automatic recording of border crossings as described in Article 8(1);
- (ii) recording of loading and unloading activities;
- (iii) recording whether the vehicle is used for carriage of goods or passengers; and
- (iv) on or after 21st August 2023, the specifications set out in Implementing Regulation (EU) 2021/1228<sup>(4)</sup>, as adapted by a decision of the Specialised Committee on Road Transport established under the Trade and Co-operation Agreement between the United Kingdom of Great Britain and Northern Ireland, of the one part, and the European Union and the European Atomic Energy Community, of the other part entered into on 30th December 2020”.

(3) In Article 3, after paragraph (1) insert—

**1a.** A smart tachograph 2 shall be installed and used in vehicles registered for the first time on or after 21st August 2023.

**1b.** A smart tachograph 2 shall be installed and used in other vehicles—

- (a) on or after 31st December 2024, in the case of vehicles equipped with an analogue tachograph or a digital tachograph immediately before that date;
- (b) on or after 19th August 2025, in the case of vehicles equipped with a smart tachograph 1 immediately before that date; and

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(1) EUR 165/2014, amended by S.I. 2019/453, 2020/1658 and 2021/135.

(2) EUR 2016/799.

(3) The Trade and Cooperation Agreement can be found at <https://www.gov.uk/government/publications/ukey-and-eaac-trade-and-cooperation-agreement-ts-no82021>.

(4) EUR 2021/1228.

(c) on or after 1st July 2026, in the case of all other vehicles with a maximum permissible mass, including any trailer or semi-trailer, exceeding 2.5 tonnes,

but only when operating on the territory of a Party to the Trade and Co-operation Agreement between the European Union and the United Kingdom entered into on 30th December 2020, other than the territory where they are registered.”.

(4) In Article 8(1)—

(a) after the first indent insert—

- “every time the vehicle crosses the border of the United Kingdom and a member State, or crosses a border between member States, or crosses a border between a member State and another country or territory,
- every time the vehicle performs loading or unloading activities,”;

(b) in the third subparagraph for “36 months after the entry into force of the detailed provisions referred to in the first paragraph of Article 11” substitute “on or after 31st December 2024”;

(c) after the third subparagraph insert—

“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 the United Kingdom or a member State for the first time on or after 21st August 2023, without prejudice to the obligation to retrofit certain vehicles later in accordance with Article 3(1a).”.

(5) In Article 9(1) for “36 months after the entry into force of the detailed provisions referred to in Article 11” substitute “on or after 31st December 2024”.

(6) In Article 10—

- (a) for “36 months after the entry into force of the detailed provisions referred to in Article 11” substitute “on or after 31st December 2024”;
- (b) in point (b) for “Article 11” substitute “Implementing Regulation 2021/1228”;
- (c) at the end insert “The tachographs of vehicles registered for the first time on or after 21st August 2023 in the United Kingdom or a member State shall be equipped with the interface referred to in the first paragraph of this Article.”.

(7) In Article 11 omit “Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 42(3).”.

(8) In Article 34—

(a) in paragraph (1) after “otherwise authorised” insert “or is necessary in order to enter the symbol of the country after having crossed a border”;

(b) in paragraph (5)—

(i) in subparagraph (b)(ii) omit “, as defined in point (a) of Article 3 of [Directive 2002/15/EC](#)”;

(ii) in subparagraph (b)(iii) omit “, as defined in point (b) of Article 3 of [Directive 2002/15/EC](#)”; and

(iii) at the end insert—

“In this paragraph—

“driving” has the same meaning as in the definition of “working time” in regulation 2 of the Road Transport (Working Time) Regulations 2005(5), in relation to England and Wales and Scotland, and in regulation 2(2) of the Road

Transport (Working Time) Regulations (Northern Ireland) 2005(6), in relation to Northern Ireland; and

“availability” has the same meaning as in the definition of “period of availability” in those regulations.”;

(c) in paragraph (6) after subparagraph (e) insert—

“(f) the symbols of the countries in which the daily working period started and finished. The driver shall also enter the symbol of the country that the driver enters after crossing the border of a member State or of the United Kingdom at the beginning of the driver’s first stop in that member State or the United Kingdom. That first stop shall be made at the nearest possible stopping place at or after the border. Where the crossing of the border takes place on a ferry or train, the driver shall enter the symbol of the country at the port or station of arrival.”;

(d) after paragraph (6) insert—

“7. The driver shall enter in the digital tachograph the symbols of the countries in which the daily working period started and finished.

The driver shall also enter the symbol of the country that the driver enters after crossing a border of a member State or the United Kingdom at the beginning of the driver’s first stop in that member State or the United Kingdom. That first stop shall be made at the nearest possible stopping place at or after the border. Where the crossing of the border takes place on a ferry or train, the driver shall enter the symbol of the country at the port or station of arrival.

It shall not be necessary for drivers to enter the information referred to in the first subparagraph if the tachograph is automatically recording location data in accordance with Article 8.”.