Commission Implementing Regulation (EU) 2018/502 of 28 February 2018 amending Implementing Regulation (EU) 2016/799 laying down the requirements for the construction, testing, installation, operation and repair of tachographs and their components (Text with EEA relevance)

COMMISSION IMPLEMENTING REGULATION (EU) 2018/502

of 28 February 2018

amending Implementing Regulation (EU) 2016/799 laying down the requirements for the construction, testing, installation, operation and repair of 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 transport[(1)], and in particular Articles 11 and 12(7) thereof,

Whereas:

(1) Regulation (EU) No 165/2014 has introduced smart tachographs, second-generation digital tachographs which include a connection to the global navigation satellite system ('GNSS') facility, a remote early detection communication facility, and an optional 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) 2016/799[(2)].

(3) In accordance with Articles 8, 9 and 10 of Regulation (EU) No 165/2014, tachographs installed in vehicles registered for the first time on or after 15 June 2019 shall be smart tachographs. Implementing Regulation (EU) 2016/799 must therefore be amended so that the technical provisions laid down therein apply from that date.

(4) In order to comply with Article 8 of Regulation (EU) No 165/2014, which establishes that the position of the vehicle must be recorded every 3 hours of accumulated driving time, Implementing Regulation (EU) 2016/799 should be amended to enable information on the position of the vehicle to be stored with a 3-hour frequency, using a metric that cannot be reset, and to avoid confusion with 'continuous driving time', which is a metric with a different function.

(5) The vehicle unit may be a single unit or several units distributed in the vehicle. The GNSS and the Dedicated Short Range Communication ('DSRC') facilities could therefore be internal or external to the vehicle unit main body. When they are external, it should be possible that both facilities and the main body of the vehicle unit can be type-

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2018/502. (See end of Document for details)*

approved as components, in order to adapt the smart tachograph type-approval process to the needs of the market.

(6) The rules on the storage of time conflict events and time adjustments must be modified, in order to distinguish between the automatic time adjustments that are triggered following a possible tampering attempt or malfunctioning of the tachograph, and the time adjustments that are due to other reasons such as maintenance.

(7) The data identifiers should be able to distinguish between data downloaded from a smart tachograph and data downloaded from a tachograph of a previous generation.

(8) The validity period of the company card must be extended from 2 to 5 years, in order to align it with the validity period of the driver card.

(9) The description of certain faults and events, the validation of the entries of places where daily work period begins and/or end, the use of the driver consent for Intelligent Transport System ('ITS') interface regarding data transmitted by the vehicle unit through the vehicle network and other technical issues should be better defined.

(10) In order to ensure that the certification of tachograph seals is up to date, they need to be adjusted to the new standard on the security of the mechanical seals used on tachographs.

(11) This Regulation concerns the construction, testing, installation and operation of systems which are also comprised of radio equipment regulated by Directive 2014/53/EU of the European Parliament and of the Council[(3)]. This Directive regulates the placement on the market and putting into service of electronic and electrical equipment using radio waves for communication and/or radiodetermination at a horizontal level, with particular respect to electrical safety, compatibility with other systems, access to radio spectrum, access to emergency services and/or any additional delegated provisions. In order to guarantee the efficient use of radio spectrum, to prevent harmful radio interferences, to ensure the safety and the electromagnetic compatibility of the radio equipment and to allow any other specific delegated requirements, this Regulation should be without prejudice to that Directive.

(12) Implementing Regulation (EU) 2016/799 should therefore be amended.

(13) The measures provided for in this Regulation are in accordance with the opinion of the Committee referred to in Article 42(3) of Regulation (EU) No 165/2014,

HAS ADOPTED THIS REGULATION:

Article 1

Implementing Regulation (EU) 2016/799 is amended as follows:

(1) Article 1 is amended as follows:

(a) the second and third paragraphs are replaced by the following:

2. The construction, testing, installation, inspection, operation and repair of smart tachographs and their components, shall comply with the technical requirements set out in Annex IC to this Regulation.

3 Tachographs other than smart tachographs shall continue, as regards construction, testing, installation, inspection, operation and repair, to comply with the requirements of either Annex I to Regulation (EU) No 165/2014 or Annex IB to Council Regulation (EEC) No 3821/85[(4)], as applicable;;

(b) the following paragraph 5 is added:

5. This Regulation shall be without prejudice to Directive 2014/53/EU of the European Parliament and of the Council[(5)].;

(2) Article 2 is amended as follows:

(a) definition (3) is replaced by the following:

(3) "information folder" means the complete folder, in electronic or paper form, containing all the information supplied by the manufacturer or its agent to the type-approval authority for the purpose of the type-approval of a tachograph or a component thereof, including the certificates referred to in Article 12(3) of Regulation (EU) No 165/2014, the performance of the tests defined in Annex IC to this Regulation, as well as drawings, photographs, and other relevant documents;;

(b) definition (7) is replaced by the following:

(7) "smart tachograph" or "second generation tachograph" means a digital tachograph complying with Articles 8, 9 and 10 of Regulation (EU) No 165/2014 as well as with Annex IC to this Regulation;;

(c) definition (8) is replaced by the following:

(8) "tachograph component" means any of the following elements: the vehicle unit, the motion sensor, the record sheet, the external GNSS facility and the external remote early detection facility;;

(d) the following definition (10) is added:

(10) "vehicle unit" means the tachograph excluding the motion sensor and the cables connecting the motion sensor.

It may be a single unit or several units distributed in the vehicle and includes a processing unit, a data memory, a time measurement function, two smart card interface devices for driver and co-driver, a printer, a display, connectors and facilities for entering the user's inputs, a GNSS receiver and a remote communication facility.

The vehicle unit may be composed of the following components subject to type-approval:

— vehicle unit, as a single component (including GNSS receiver and remote communication facility),

— vehicle unit main body (including remote communication facility), and external GNSS facility,

— vehicle unit main body (including GNSS receiver), and external remote communication facility,

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— vehicle unit main body, external GNSS facility, and external remote communication facility.

If the vehicle unit is composed of several units distributed in the vehicle, the vehicle unit main body is the unit containing the processing unit, the data memory, and the time measurement function.

"vehicle unit (VU)" is used for "vehicle unit" or "vehicle unit main body" ;

(3) in Article 6, the third paragraph is replaced by the following:

However, Annex IC shall apply from 15 June 2019 with the exception of Appendix 16 which shall apply from 2 March 2016.;

(4) Annex IC is amended in accordance with Annex I to this Regulation;

(5) Annex II is amended in accordance with Annex II 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*.

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

Done at Brussels, 28 February 2018.

For the Commission

The President

Jean-Claude JUNCKER

***Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2018/502. (See end of Document for details)*

ANNEX I

Annex IC to Regulation (EU) 2016/799 is amended as follows:

(1) the Table of Contents is amended as follows:

(a) point 3.12.5 is replaced by the following:

3.12.5. Places and positions where daily work periods begin, end and/or where 3 hours accumulated driving time is reached;

(b) point 4.5.3.2.16 is replaced by the following:

4.5.3.2.16 Three hours accumulated driving places data;

(c) point 4.5.4.2.14 is replaced by the following:

4.5.4.2.14 Three hours accumulated driving places data;

(d) point 6.2 is replaced by the following:

6.2 Check of new or repaired components;

(2) point 1 is amended as follows:

(a) definition (ll) is replaced by the following:

(ll) "remote communication facility" or "remote early detection facility" means:

the equipment of the vehicle unit which is used to perform targeted roadside checks;;

(b) definition (tt) is replaced by the following:

(tt) "time adjustment" means:

an adjustment of current time; this adjustment can be automatic at regular intervals, using the time provided by the GNSS receiver as a reference, or performed in calibration mode;;

(c) the first dash of definition (yy) is replaced by the following:

— installed and used only in M1 and N1 type vehicles (as defined in Annex II to Directive 2007/46/EC of the European Parliament and of the Council (*), as last amended),;

(d) a new definition (fff) is added:

(fff) "accumulated driving time" means:

a value representing the total accumulated number of minutes of driving of a particular vehicle.

The accumulated driving time value is a free running count of all minutes regarded as DRIVING by the monitoring of driving activities function of the recording equipment, and is only used for triggering the recording of the vehicle position, every time a multiple of three hours of accumulated driving is reached. The accumulation is started at the recording equipment activation. It is