Commission Implementing Regulation (EU) 2017/1503 of 25 August 2017 amending Implementing Regulation (EU) 2016/68 on common procedures and specifications necessary for the interconnection of electronic registers of driver cards (Text with EEA relevance)

COMMISSION IMPLEMENTING REGULATION (EU) 2017/1503

of 25 August 2017

amending Implementing Regulation (EU) 2016/68 on common procedures and specifications necessary for the interconnection of electronic registers of driver cards

(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 Article 31(5) thereof,

Whereas:

(1) Regulation (EU) No 165/2014 requires Member States to interconnect their national electronic registers on driver cards through the TACHOnet messaging system.

(2) Common procedures and specifications necessary for the interconnection of electronic registers of driver cards through the TACHOnet messaging system are laid down by Commission Implementing Regulation (EU) 2016/68[(2)].

(3) The connection to the TACHOnet messaging system can be carried out either directly through a Trans European Services for Telematics between Administrations (‘Testa’) connection or indirectly through a Member State already connected to Testa. Traditionally, indirect connections have been bilaterally agreed through contracts signed by representatives of the entities involved at national level without the Commission intervening. However, in order to prevent potential misuse of the connection and to ensure the correct operation of the system, the Commission, in its capacity as general manager of the TACHOnet messaging system, should receive due and timely information about the interest of a national authority in connecting to the TACHOnet messaging system.

(4) In addition to Member States, the TACHOnet messaging system is in practice open to third countries. The Commission should therefore ensure that third countries comply with the same obligations as Member States regarding the TACHOnet messaging system.

(5) Some minor amendments to Implementing Regulation (EU) 2016/68 should be made in order to address the following aspects in a more precise and clear manner: the procedure for connection to the TACHOnet messaging system, the preliminary tests to be performed and the consequences of failure, the content of some XML messages, the

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2017/1503. (See end of Document for details)*

determination of the escalation procedure to be followed by Member States in case of system errors, and the time that personal data can be retained in the logs of the central hub.

(6) The new version of the TACHOnet messaging system will apply from 2 March 2018. However, in order to enable certain preparatory steps to be taken, the provisions relating to connection by third countries, preliminary tests and indirect access should apply from the date of entry into force of this Regulation.

(7) Implementing Regulation (EU) 2016/68 should therefore be amended accordingly.

(8) The measures provided for in this Regulation are in accordance with the opinion of the Committee on Road Transport,

HAS ADOPTED THIS REGULATION:

Article 1

Implementing Regulation (EU) 2016/68 is amended as follows:

(1) in Article 2, the following points (k), (l) and (m) are added:

(k) "Trans European Services for Telematics between Administrations system ('Testa')" means a telecommunications interconnection platform for secure information exchange between the public administrations in the Union;

(l) "direct access to TACHOnet" means the connection to the TACHOnet messaging system of a national electronic register via a Testa connection managed by the Member State hosting the register;

(m) "indirect access to TACHOnet" means the connection to the TACHOnet messaging system of a national electronic register via a Testa connection managed by a Member State not hosting the register.;

(2) the following Articles 3a and 3b are inserted:

Article 3a

Connection by third countries

Subject to the approval of the Commission, third countries may connect their electronic registers to the TACHOnet messaging system if they comply with this Regulation.

Article 3b

Preliminary tests

The connection of a national electronic register to the TACHOnet messaging system, be it through direct or indirect access, shall be established after the successful completion of connection, integration and performance tests in accordance with the instructions and under the supervision of the Commission.

In case of failure of the preliminary tests, the Commission may temporarily put on hold the testing phase. The tests shall resume once the responsible national authority has communicated to the Commission the adoption of the necessary technical improvements at national level allowing the successful performance of the preliminary tests.

The maximum duration of the preliminary tests shall be six months.;

(3) the following Article 5a is inserted:

Article 5a

Indirect access to TACHOnet

1 A national authority requesting indirect access to TACHOnet shall submit the following documents to the Commission:

a a letter signed by a representative of the national authority requesting the Commission to start the testing phase for providing indirect access to TACHOnet;

b an application for indirect access to TACHOnet in the format set out in Annex IX;

c the bilateral contract between the national authority requesting indirect access and the national authority providing that access through its Testa connection, signed by representatives of both national authorities.

2 No later than two months after the submission of the documents referred to in paragraph 1, the Commission shall request the national authority concerned to submit the technical information necessary to start the preliminary tests referred to in Article 3b.

3 Indirect access to TACHOnet shall not be provided until the requirements set out in paragraphs 1 and 2 have been fulfilled.;

(4) Annexes I, II, III, VI, VII and VIII are amended in accordance with Annex I to this Regulation;

(5) Annex IX is added as set out in Annex II to this Regulation.

Article 2

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Article 1(4) shall apply from 2 March 2018.

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

***Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2017/1503. (See end of Document for details)*

Done at Brussels, 25 August 2017.

For the Commission

The President

Jean-Claude JUNCKER

***Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2017/1503. (See end of Document for details)*

ANNEX I

Annexes I, II, III, VI, VII and VIII to Implementing Regulation (EU) 2016/68 are amended as follows:

(1) Annex I is amended as follows:

(a) in point 1.1, the second paragraph is replaced by the following:

All TACHOnet messages shall be routed through the central hub.;

(b) point 2.2 is replaced by the following:

2.2. The central hub shall not store data for a period exceeding six months, other than the logging, statistical and routing data set out in Annex VII.;

(c) point 2.6.1 is replaced by the following:

2.6.1. The contact management functionality shall provide each Member State with the ability to manage the contact details regarding policy, business, operational and technical categories of that Member State, each Member State's competent authority being responsible for the maintenance of its own contacts. It shall be possible to view, but not edit, the contact details of the other Member States.;

(d) point 2.6.2 is deleted;

(2) Annex II is amended as follows:

(a) point 1.3 is replaced by the following:

1.3. Modify Card Status (MCS): allows the requesting Member State to notify the responding Member State, through a Modify Card Status Request, that the status of a card issued by the latter has changed. The responding Member State shall reply to the Modify Card Status request by sending a Modify Card Status response as soon as the register has been updated or the notification has been rejected, giving the result of the update and indicating the current card status (as recorded in the tachograph card register). This response shall be sent at the latest 10 calendar days after the notification request has been sent. In all cases, a Modify Card Status request or response shall be acknowledged with a Modify Card Status acknowledgment.;

(b) point 5 is replaced by the following:

5. The card status listed in the Appendix to this Annex shall not be used to determine if a driver card is valid for driving. When a Member State queries the register of the card issuing Member State via the CCS or CIC functionality, the response shall contain the dedicated field “valid for driving”. The national administrative procedures shall be such that CCS or CIC responses always contain the appropriate “valid for driving” value.;

(3) Annex III is amended as follows:

(a) point 2.3 is replaced by the following: