Commission Implementing Regulation (EU) 2016/68 of 21 January 2016 on common procedures and specifications necessary for the interconnection of electronic registers of driver cards

COMMISSION IMPLEMENTING REGULATION (EU) 2016/68

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on common procedures and specifications necessary for the interconnection of electronic registers of driver cards

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 provides for the obligation of Member States to exchange data electronically in order to ensure the uniqueness of the driver cards issued.

(2) In order to facilitate the exchange of electronic data on driver cards by Member States, the Commission set up the messaging system TACHOnet, which allows Member States to request information to the other Member States on the issuance of driver cards, as well as on their status.

(3) Regulation (EU) No 165/2014 makes mandatory the interconnection of electronic national registers on driver cards throughout the Union, either using the TACHOnet messaging system or a compatible system. However, in case of a compatible system, the exchange of electronic data with all other Member States must be possible through the TACHOnet messaging system.

(4) It is necessary therefore to lay down the compulsory common procedures and specifications for TACHOnet, including the format of the data exchanged, the technical procedures for electronic consultation of the national electronic registers, access procedures and security mechanisms.

(5) 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

Subject-matter

This Regulation lays down the requirements regarding the obligatory connection of the national electronic registers on driver cards to the TACHOnet messaging system referred to in Article 31 of Regulation (EU) No 165/2014.

Changes to legislation: *Commission Implementing Regulation (EU) 2016/68 is up to date with all changes known to be in force on or before 15 December 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Article 2

Definitions

In addition to the definitions laid down in Article 2 of Regulation (EU) No 165/2014, the following definitions shall apply:

(a) ‘asynchronous interface’ means a process whereby a message in response to a request is returned on a new HTTP connection;

(b) ‘broadcast search’ means a request message from a Member State addressed to all other Member States;

(c) ‘card issuing authority’ (‘CIA’) means the entity empowered by a Member State for the issuing and management of tachograph cards;

(d) ‘central hub’ means the information system enabling the routing of TACHOnet messages between Member States;

(e) ‘national system’ means the information system set up in each Member State for the purpose of emitting, processing and responding to TACHOnet messages;

(f) ‘synchronous interface’ means a process whereby a message in response to a request is returned on the same HTTP connection used for the request;

(g) ‘requesting Member State’ means the Member State emitting a request or a notification, which is then routed to the appropriate responding Member State(s);

(h) ‘responding Member State’ means the Member State to whom the TACHOnet request or notification is directed;

(i) ‘singlecast search’ means a request message from a Member State addressed to a single Member State;

(j) ‘tachograph card’, means either a driver card or a workshop card, as defined in Article 2(f) and (k) of Regulation (EU) No 165/2014**[**[F1];**]**

(k) **[**[F2]‘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.**]**

Textual Amendments

F1 Substituted by 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).

***Changes to legislation:** Commission Implementing Regulation (EU) 2016/68 is up to date with all changes known to be in force on or before 15 December 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

F2 Inserted by 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).

Article 3

Obligation to connect to TACHOnet

Member States shall connect the national electronic registers referred to in Article 31(1) of Regulation (EU) No 165/2014, to TACHOnet messaging system.

[F2 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.

Textual Amendments

F2 Inserted by 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).

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.**]**

Textual Amendments

F2 Inserted by 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).

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Article 4

Technical specifications

TACHOnet messaging system shall fulfil the technical specifications laid down in Annexes I to VII.

Article 5

Use of TACHOnet

Member States shall follow the procedures set out in Annex VIII.

Member States shall provide access to TACHOnet messaging system to their national card issuing authorities and control officers carrying out the duties referred to in Article 38 of Regulation (EU) No 165/2014, in order to facilitate effective checks of the validity, status and uniqueness of driver cards.

[F2*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.**]**

Textual Amendments

F2 Inserted by 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).

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Article 6

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*.

It shall apply from 2 March 2018.

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