

EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MOBILITY AND TRANSPORT
DIRECTORATE D - Inland Transport
The Director

Brussels, 19 JUL. 2010
MOVE/D1/PCH/nl (2010) 65898

Addressee:
- Tachograph manufacturers
- ACEA

Subject: Implementation of Commission Regulation (EU) No 1266/2009 on digital tachographs

Dear Sir,

Following my letter of 11 March 2010 and the different meetings of my services with the tachograph manufacturers and the vehicle manufacturers, I hereby would like to inform you about the interpretation by the Commission of certain provisions of the tachograph and driving time rules which impact on the timing to introduce the new tachograph as specified in Regulation (EU) No 1266/2009.

First the meaning of the date of application of Regulation (EU) No 1266/2009 has to be clarified. Articles 1, 3 and 5 of Regulation 3821/85 already contain the underlying obligation to construct/use/install/type-approve recording equipment which complies with the requirements of Annex IB - which will automatically include any updates to that Annex including those introduced by Regulation (EU) No 1266/2009 once the date of their application has passed. In this sense, the amendments introduced by Regulation (EU) No 1266/2009 are no different from the earlier legal provisions, with the result that any recording equipment installed or used after 1st October 2011 must already comply with the newly applicable requirements. Moreover, recital 7 of Regulation (EU) No 1266/2009 states that the Regulation does not require the replacement of a functioning digital tachograph installed before its date of application. In conclusion, as the tachograph starts to be used and installed when it is activated¹, Regulation (EU) No 1266/2009 should be applicable to all tachographs which are activated as from 1 October 2011 and not to vehicles registered as from that date.

Secondly field tests carried out with the new tachographs before their type approval can be considered as falling under Article 3(g) of Regulation (EC) No 561/2006 according to

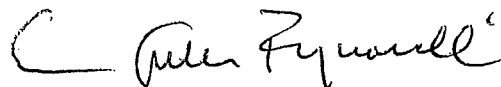
¹ The definition of activation of the tachograph is contained in Annex IB, Chapter I of Council Regulation (EEC) No 3821/85: "phase where the recording equipment becomes fully operational and implements all functions, including security functions"

which the Regulation does not apply "to carriage by road by vehicles undergoing road tests for technical development, repair or maintenance purposes, and new or rebuilt vehicles which have not yet been put into service." In such a case, the field tests would have to be limited in time, number of vehicles and drivers concerned in order to ensure a minimum of safety, security and controllability. Acting as the European Root Certification Authority, I have also asked the Joint Research Centre of the Commission (JRC) to liaise in the coming weeks with stakeholders in order to identify possible further requirements relating to safety, security and controllability. I expect JRC to specify these possible additional requirements and be ready to issue, where appropriate, specific root keys for field tests purposes to interested manufacturers as from 1 September 2010 at the latest. I count on the cooperation of the relevant stakeholders to support my services and JRC in this task.

Overall the measures as indicated above will extend significantly the lead time, which will help those vehicle manufacturers which have expressed their concerns that they may be late in implementing Regulation (EU) No 1266/2009. The Commission therefore does not intend to change the dates of application as provided for in the Regulation.

I have informed accordingly Member States through a separate letter.

Sincerely yours,



Enrico Grillo Pasquarelli

Copy: Mr Lechner (JRC)