



**DECISION No 1/2023 OF THE SPECIALISED COMMITTEE ON ROAD TRANSPORT ESTABLISHED
BY THE TRADE AND COOPERATION AGREEMENT BETWEEN THE EUROPEAN UNION AND
THE EUROPEAN ATOMIC ENERGY COMMUNITY, OF THE ONE PART, AND THE UNITED
KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, OF THE OTHER PART**

of 23 November 2023

on the adaptation of technical specifications of the smart tachograph 2 [2024/293]

THE SPECIALISED COMMITTEE ON ROAD TRANSPORT,

Having regard to the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part ⁽¹⁾ ('the Trade and Cooperation Agreement'), and in particular Article 468(5) and Article 2(2) of Section 4 of Part B of Annex 31 thereto,

Whereas:

- (1) Point (b) of Article 465(1) of the Trade and Cooperation Agreement provides that drivers undertaking journeys as referred to in Article 462 of the Trade and Cooperation Agreement must comply with rules on the use of tachographs in accordance with Sections 2 to 4 of Part B of Annex 31 to that Agreement. Pursuant to Article 466(2) of that Agreement, vehicles undertaking such journeys must be equipped with a tachograph in accordance with its Section 2 of Part C of the same Annex.
- (2) Pursuant to point (a) of Article 3(1) and point (f) of Article 3(2) of Section 2 of Part C of Annex 31 to the Trade and Cooperation Agreement, vehicles undertaking journeys as referred to in Article 462 of the Trade and Cooperation Agreement that are registered for the first time more than two years after the entry into force of the detailed specifications referred to in Article 2(2) point (h) of Section 4 of Part B of Annex 31 to that Agreement, namely 21 August 2023, must be equipped with a smart tachograph 2.
- (3) The smart tachograph 2 is defined in point (h) of Article 2(2) of Section 4 of Part B of Annex 31 to the Trade and Cooperation Agreement. The fourth indent of that subparagraph provides that such tachographs must comply with the specifications set out in implementing acts referred to in Article 11 of Regulation (EU) No 165/2014 of the European Parliament and of the Council ⁽²⁾, as adapted by a decision of the Specialised Committee on Road Transport.
- (4) Commission Implementing Regulation (EU) 2016/799 ⁽³⁾ laid down, in its Annex I C, the specifications for smart tachograph 1 and was adapted in Appendix 31-B-4-3 to the Trade and Cooperation Agreement. Commission Implementing Regulation (EU) 2021/1228 ⁽⁴⁾, which Article 2(2)(h) of Section 4 of Part B of Annex 31 to the Trade and Cooperation Agreement refers to, was also adopted on the basis of Article 11 of Regulation (EU) No 165/2014. By amending Annex I C to Implementing Regulation (EU) 2016/799, it laid down the detailed technical specifications of the smart tachograph 2. It entered into force on 19 of August 2021. Commission Implementing

⁽¹⁾ OJ L 149, 30.4.2021, p. 10.

⁽²⁾ Regulation (EU) No 165/2014 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 (OJ L 60, 28.2.2014, p. 1).

⁽³⁾ Commission Implementing Regulation (EU) 2016/799 of 18 March 2016 implementing Regulation (EU) No 165/2014 of the European Parliament and of the Council laying down the requirements for the construction, testing, installation, operation and repair of tachographs and their components (OJ L 139, 26.5.2016, p. 1).

⁽⁴⁾ Commission Implementing Regulation (EU) 2021/1228 of 16 July 2021 amending Implementing Regulation (EU) 2016/799 as regards the requirements for the construction, testing, installation, operation and repair of smart tachographs and their components (OJ L 273, 30.7.2021, p. 1).

Regulation (EU) 2023/980 ⁽³⁾ introduced additional transitional measures. Annex I C to Implementing Regulation (EU) 2016/799 as amended should therefore be adapted by a decision of the Specialised Committee on Road Transport, pursuant to point (h) of Article 2(2) of Section 4 of Part B of Annex 31 to the Trade and Cooperation Agreement, fourth indent.

- (5) Equipment ensuring automatic recording of the border crossing, recording of loading and unloading activities and recording whether the vehicle is used for carriage of goods or passengers is already available both in the Union and the United Kingdom. Also, for newly-registered vehicles in both Parties undertaking international journeys, obligations to be equipped with such tachographs apply since 21 August 2023, in accordance with the domestic law of each Party. Nonetheless, undertakings will only be able to comply with the requirement set under point (f) of Article 3(2) of Section 2 of Part C of Annex 31 from the moment when the detailed specifications of the smart tachograph 2 will be adapted by this Decision. In order to ensure adequate time and legal clarity regarding the application of that requirement, and considering that this Decision is adopted more than two years after the entry into force of the detailed specifications of the smart tachograph 2, it is appropriate to establish a date of application. Hence, this Decision should apply from 21 February 2024,

HAS ADOPTED THIS DECISION:

Article 1

Adaptations to the technical specifications for smart tachograph 2

Pursuant to point (h) of Article 2(2) of Section 4 of Part B of Annex 31 to the Trade and Cooperation Agreement, fourth indent, Annex I C to Implementing Regulation (EU) 2016/799 is adapted as follows.

The following adaptations apply throughout Annex I C, including its Appendices 1 to 17:

- (a) in the case of the United Kingdom, the references to 'Member State' or 'Member States', wherever they occur, are replaced by 'Party', except for the references in point (229) of subsection 4.1 and in point (424) of Section 7;
- (b) for 'Regulation (EEC) No 3820/85' and 'Regulation (EC) No 561/2006' substitute 'Section 2 of Part B of Annex 31 to the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part';
- (c) for 'Regulation (EU) No 165/2014' substitute 'Section 4 of Part B and Section 2 of Part C of Annex 31 to the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part', except for the references in points (226d), (237), (402), (424), ITS_01 and MIG_025;
- (d) for 'Directive (EU) 2015/719' and for 'Council Directive 96/53/EC' substitute 'Section 1 of Part C of Annex 31 to the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part';
- (e) for 'Annex I B to Regulation (EEC) No 3821/85' substitute 'Annex I B to Regulation (EEC) No 3821/85 as adapted by Appendix 31-B-4-2 of Annex 31 to the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part';

⁽³⁾ Commission Implementing Regulation (EU) 2023/980 of 16 May 2023 amending Implementing Regulation (EU) 2016/799 as regards a transitional smart tachograph and its use of the Galileo Open Service Navigation Message Authentication and amending Implementing Regulation (EU) 2021/1228 (OJ L 134, 22.5.2023, p. 28).

Section 1 (Definitions) of Annex I C to Implementing Regulation (EU) 2016/799 is further adapted as follows:

(f) point (u) is replaced by the following:

‘(u) ‘effective circumference of the wheels’ means: the average of the distances travelled by each of the wheels moving the vehicle (driving wheels) in the course of one complete rotation. The measurement of those distances shall be made under standard test conditions as defined under requirement 414 and is expressed in the form ‘l = ... mm’. Vehicle manufacturers may replace the measurement of those distances by a theoretical calculation which takes into account the distribution of the weight on the axles, vehicle unladen in normal running order, namely with coolant fluid, lubricants, fuel, tools, spare-wheel and driver. The methods for such theoretical calculation are subject to approval by the competent authority in a Party and can take place only before tachograph activation;’

(g) in point (hh), the reference to ‘Council Directive 92/6/EEC’ is replaced by ‘the applicable law of each Party’;

(h) in point (uu), the reference to ‘Directive 92/23/EEC’ is replaced by ‘UNECE Regulation No 54’;

(i) the footnote in point (vv) is replaced by the following:

“Vehicle Identification Number” means a fixed combination of characters assigned to each vehicle by the manufacturer, which consists of two sections: the first, composed of not more than six characters (letters or figures), identifying the general characteristics of the vehicle, in particular the type and model; the second, composed of eight characters of which the first four may be letters or figures and the other four figures only, providing, in conjunction with the first section, clear identification of a particular vehicle.’;

(j) in point (yy), the first indent is replaced by the following:

‘— installed and used only in M1 and N1 type vehicles as defined in the Consolidated Resolution on the Construction of Vehicles (R.E.3);’;

(k) point (aaa) is deleted;

(l) in point (ccc), the definition of ‘introduction date’ is replaced by ‘the date of application of Decision No 1/2023 of the Specialised Committee on Road Transport established by the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part’;

Section 2 (General characteristics and functions of the recording equipment) of Annex I C to Implementing Regulation (EU) 2016/799 is further adapted as follows:

(m) the last subparagraph of paragraph (7) of subsection 2.1 is replaced by the following:

‘This is done in accordance with Article 4 of Section 2 of Part C of Annex 31 to the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part.’;

Section 3 (Construction and functional requirements for recording equipment) of Annex I C to Implementing Regulation (EU) 2016/799 is further adapted as follows:

(n) point (201) of subsection 3.20 is replaced by the following:

‘The vehicle unit may also be able to output the following data using an appropriate dedicated serial link independent from an optional CAN bus connection (ISO 11898 Road vehicles – Interchange of digital information – Controller Area Network (CAN) for high speed communication), to allow their processing by other electronic units installed in the vehicle:

- current UTC date and time,
- speed of the vehicle,
- total distance travelled by the vehicle (odometer),

- currently selected driver and co-driver activity,
- information if any tachograph card is currently inserted in the driver slot and in the co-driver slot and (if applicable) information about the corresponding cards identification (card number and issuing country).

Other data may also be output in addition to that minimum list.

When the ignition of the vehicle is ON, those data shall be permanently broadcast. When the ignition of the vehicle is OFF, at least any change of driver or co-driver activity and/or any insertion or withdrawal of a tachograph card shall generate a corresponding data output. In the event that data output has been withheld whilst the ignition of the vehicle is OFF, that data shall be made available once the ignition of the vehicle is ON again.

The driver consent shall be required in case personal data are transmitted.’;

- (o) in point (226d) of section 3.28, ‘, in accordance with Article 12(5) of Regulation (EU) No 165/2014’ is deleted;

Section 4 (Construction and functional requirements for tachograph cards) of Annex I C to Implementing Regulation (EU) 2016/799 is further adapted as follows:

- (p) in point (229) of subsection 4.1, the following subparagraph is added:

‘For the United Kingdom, the distinguishing sign shall be: UK’;

- (q) in point (237), for ‘Article 26.4 of Regulation (EU) No 165/2014’ substitute ‘Article 9(2) of Section 2 of Part C of Annex 31 to the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part’;
- (r) in point (241) of subsection 4.4, the word ‘Community territory’ is replaced by ‘the territory of the Union and of the United Kingdom’;

Section 5 (Installation of recording equipment) of Annex I C to Implementing Regulation (EU) 2016/799 is further adapted as follows:

- (s) The first paragraph of point (397) in subsection 5.2 is replaced by the following:

‘(397) For M1 and N1 vehicles only, and which are fitted with an adaptor in conformity with Appendix 16 of this Annex and where it is not possible to include all the information necessary, as described in Requirement 396, a second, additional, plaque may be used. In such cases, this additional plaque shall contain at least the last four indents described in Requirement 396.’;

- (t) In point (402) of subsection 5.3, for ‘Article 22(3) of Regulation (EU) No 165/2014’ substitute ‘Article 5(3) of Section 2 of Part C of Annex 31 to the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part.’;

Section 6 (Checks, inspections and repairs) of Annex I C to Implementing Regulation (EU) 2016/799 is further adapted as follows:

- (u) the introductory sentence is replaced by the following: ‘Requirements on the circumstances in which seals may be removed are defined in Chapter 5.3 of this Annex.’;

Section 7 (Card issuing) of Annex I C to Implementing Regulation (EU) 2016/799 is further adapted as follows:

- (v) in point (424), after the reference to ‘Member States’ insert ‘and the United Kingdom’, and for the reference to ‘Article 31 of Regulation (EU) No 165/2014’ substitute ‘Article 13 of Section 2 of Part C of Annex 31 to the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part’;

Appendix 1 (Data dictionary) of Annex I C to Implementing Regulation (EU) 2016/799 is further adapted as follows:

- (w) in point 2.163, for 'Directive 92/23/EEC' substitute 'UNECE Regulation No 54';

Appendix 11 (Common security mechanisms) of Annex I C to Implementing Regulation (EU) 2016/799 is further adapted as follows:

- (x) in point 9.1.4 (Equipment Level: Vehicle Units), in the first note below CSM_78, for 'Regulation (EU) No 581/2010' substitute 'Article 7(5) of Section 2 of Part B Annex 31 to the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part';
- (y) in point 9.1.5 (Equipment level: Tachograph Cards), in the note below CSM_89, for 'Regulation (EU) No 581/2010' substitute 'Article 7(5) of Section 2 of Part B Annex 31 to the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part';

Appendix 12 (Positioning based on Global Navigation Satellite System (GNSS)) of Annex I C to Implementing Regulation (EU) 2016/799 is further adapted as follows:

- (z) in Section 2 (Basic Characteristics of the GNSS Receiver), the reference to 'compatibility with the services provided by the Galileo and European Geostationary Navigation Overlay Service (EGNOS) programmes as set out in Regulation (EU) No 1285/2013 of the European Parliament and of the Council', is replaced by 'compatibility with Satellite Based Augmentation Systems (SBAS)';

Appendix 13 (ITS Interface) of Annex I C to Implementing Regulation (EU) 2016/799 is further adapted as follows:

- (aa) in requirement ITS_01, the terms ', requested in Articles 10 and 11 of Regulation (EU) No 165/2014' are deleted;

Appendix 15 (Migration: Managing the co-existence of equipment generations and versions) of Annex I C to Implementing Regulation (EU) 2016/799 is further adapted as follows:

- (bb) in subsection 2.2, 'Annex I C of this Regulation' is replaced by 'Annex I C of this Regulation as adapted by Decision No 1/2023 of the Specialised Committee on Road Transport established by the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part';
- (cc) in requirement MIG_025 in subsection 5, 'Article 34(7) of Regulation (EU) No 165/2014' is replaced by 'Article 6(7) of Section 4 of Part B of Annex 31 to the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part';

Appendix 16 (Adaptor for M1 and N1 category vehicles) of Annex I C to Implementing Regulation (EU) 2016/799 is further adapted as follows:

- (dd) in point 5.1 in the table under Section (7) (Type approval of recording equipment when an adaptor is used), the reference to 'Directive 2006/28/EC' is replaced by 'UNECE Regulation No 10'.

Article 2

Entry into force and application

This Decision shall enter into force on the day following that of its adoption.

It shall apply from 21 February 2024.

Done at Brussels, 23 November 2023.

For the Specialised Committee on Road Transport

The Co-chairs

Jean-Louis COLSON

Duncan PRICE
