

Legislation

The technical specifications and the use of the digital tachograph are governed by EU rules as well as - for international transport - by an UNO agreement.

The obligation to record drivers' activities was introduced in 1969, for social and road safety reasons. During years, this recording was made via a paper book, on which drivers were supposed to write what they did each working day.

The 1969 Regulation was modified in 1985, by Regulation ([EEC](#)) n° 3820/85 on the drivers' activities and by Regulation ([EEC](#)) n° 3821/85 on Recording Equipment in Road Transport.

This second Regulation introduced the tachograph, which was and still is a mechanical device, working with paper disks on which the different drivers' activities are printed.

Three years later, this new device introduced new habits and a Directive ([Directive 88/599/EEC](#)) was adopted to rule the different ways of controlling driver activities, both on roads and in company premises.

The tachograph was once more based on the assumption that the driver was ready to be controlled and that he/she introduced a paper disk in the device prior to starting his working day. The situation of road transport in the EU has quickly transformed this situation. The tachograph was tampered, some undertakings and drivers being tempted to cheat the system.

For competition reasons, the two EU Regulations mentioned above were extended to a large number of third countries through an international agreement ([AETR: International agreement on road transport](#)), adopted by the UNO. This means that:

- an EU driver is obliged to follow almost the same rules when he/she crosses EU frontiers,
- and vice versa, that these third parties drivers are obliged to follow the rules followed by their EU colleagues when they enter into EU.

To improve road safety, the Council of Ministers adopted in 1998 ([Regulation \(EC\) n° 2135/98](#)) a new generation of completely digital tachographs that have a high security level. The main idea of this new device, no longer working with paper disks but with smart cards, is that in case the driver would be tempted to not declare his/her activities by not inserting his/her driver card into the digital tachograph, this device will nonetheless record each movement of the vehicle, proving that an activity was anyway performed with this vehicle.

The digital tachograph will be introduced step by step in the market, because only new registered vehicles, starting from 2003, will be obliged to be

equipped with this new device. Consequently, 2 types of tachographs will co-exist for a few years, obliging undertakings, drivers, fitters and enforcement agencies to adapt themselves to both situations (paper information living together with digital information).

The situation is therefore such that dealing with drivers' activities and/or tachograph, supposes to know different legal texts.

The Council Regulation (EEC) n°2135/98: a legal framework for the introduction of the new digital tachograph

The European Commission has launched in 1994 a legislative process consisting in proposing to introduce a new generation of digital tachographs instead of the current model functioning with paper disks.

DG VII set up large consultations of the various actors in this field in order to: Assure transparency in the process of setting technical options, seek advice from all partners and provide policy makers with concerted recommendations, spot possible problem areas so that this concern may be taken into consideration before the final specifications are defined.

This consultation of the various actors involved with the introduction of a new generation tachographs, consisted in identifying and defining user needs and functionality.

These actors are: national administrations, social partners and industry.

It was finally in December 1997, that the EU Council of Ministers on Transports adopted a common position defining some legal provisions dealing with the use of this new device by the drivers, as well as by the companies and the law enforcement authorities. This common position became a Council Regulation on 24th September 1998 (N°2135/98 - OJEC n° L274).

A technical annex (1B) is attached to this Regulation describing the digital tachograph.

The technical annex to this Regulation: a text to be refined

At the time of the adoption of this Regulation, it was considered that the technical specifications had to be refined according to the last up to date technical solutions.

Therefore, the Council of Ministers decided to include in the Regulation a specific mandate given to the Committee for Adaptation to Technical Progress (CATP) in order to refine the technical specifications written in the technical annex. The CATP is composed by representatives of the EU Member States, of the Social Partners, and by industry acting as observers, and is chaired by DG VII.

In order to assure transparency in the process of setting technical options, DG VII has agreed to give any interested party the possibility to have access to the working documents preparing the technical specifications of the new digital tachograph by the intermediary of the ERTICO's web site.