

Council Regulation (EEC) No 3821/85 of 20 December  
1985 on recording equipment in road transport

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THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 75 thereof,

Having regard to the proposal from the Commission<sup>(1)</sup>,

Having regard to the opinion of the European Parliament<sup>(2)</sup>,

Having regard to the opinion of the Economic and Social Committee<sup>(3)</sup>,

Whereas Regulation (EEC) No 1463/70<sup>(4)</sup> as last amended by Regulation (EEC) No 2828/77<sup>(5)</sup> introduced recording equipment in road transport;

Whereas, taking into account the amendments set out hereinafter, in order to clarify matters, all the relevant provisions should be brought together in a single text, and in consequence thereof, Regulation (EEC) No 1463/70 of the Council should be repealed; whereas, however, the exemptions set out in Article 3 (1) for certain passenger services should be maintained in force for a certain time;

Whereas the use of recording equipment that may indicate the periods of time referred to in Regulation (EEC) No 3820/85 on the harmonization of certain social legislation relating to road transport<sup>(6)</sup> is intended to ensure effective checking on that social legislation;

Whereas the obligation to use such recording equipment can be imposed only for vehicles registered in Member States; whereas furthermore certain of such vehicles may, without giving rise to difficulty, be excluded from the scope of this Regulation;

Whereas the Member States should be entitled, with the Commission's authorization, to grant certain vehicles exemptions from the provisions of the Regulation in exceptional circumstances; whereas, in urgent cases, it should be possible to grant these exemptions for a limited time without prior authorization from the Commission;

Whereas, in order to ensure effective checking, the equipment must be reliable in operation, easy to use and designed in such a way as to minimize any possibility of fraudulent use; whereas to this end recording equipment should in particular be capable of providing, on separate sheets for each driver and in a sufficiently precise and easily readable form, recorded details of the various periods of time;

Whereas automatic recording of other details of a vehicle's journey, such as speed and distance covered, will contribute significantly to road safety and will encourage sensible driving of the

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**Changes to legislation:** There are currently no known outstanding effects for the Council Regulation (EEC) No 3821/85, Introductory Text. (See end of Document for details)

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vehicle; whereas, consequently, it appears appropriate to provide for the equipment also to record those details;

Whereas it is necessary to set Community construction and installation standards for recording equipment and to provide for an EEC approval procedure, in order to avoid throughout the territory of the Member States any impediment to the registration of vehicles fitted with such recording equipment, to their entry into service or use, or to such equipment being used;

Whereas, in the event of differences of opinion between Member States concerning cases of EEC type approval, the Commission should be empowered to take a decision on a dispute within six months if the States concerned have been unable to reach a settlement;

Whereas it would be helpful in implementing this Regulation and preventing abuses to issue drivers who so request with a copy of their record sheets;

Whereas, in order to achieve the aims hereinbefore mentioned of keeping a check on work and rest periods, it is necessary that employers and drivers be responsible for seeing that the equipment functions correctly and that they perform with due care the operations prescribed;

Whereas the provisions governing the number of record sheets that a driver must keep with him must be amended following the replacement of the flexible week by a fixed week;

Whereas technical progress necessitates rapid adaptation of the technical specifications set out in the Annexes to this Regulation; whereas, in order to facilitate the implementation of the measures necessary for this purpose, provision should be made for a procedure establishing close cooperation between the Member States and the Commission within an Advisory Committee;

Whereas Member States should exchange the available information on breaches established;

Whereas, in order to ensure that recording equipment functions reliably and correctly, it is advisable to lay down uniform requirements for the periodic checks and inspections to which the equipment is to be subject after installation,

HAS ADOPTED THIS REGULATION:

**Changes to legislation:** There are currently no known outstanding effects for the Council Regulation (EEC) No 3821/85, Introductory Text. (See end of Document for details)

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- (1) OJ No C 100, 12. 4. 1984, p. 3, and OJ No C 223, 3. 9. 1985, p. 5.
- (2) OJ No C 122, 20. 5. 1985, p. 168.
- (3) OJ No C 104, 25. 4. 1985, p. 4, and OJ No C 303, 25. 11. 1985, p. 29.
- (4) OJ No L 164, 27. 7. 1970, p. 1.
- (5) OJ No L 334, 24. 12. 1977, p. 11.
- (6) See page 1 of this Official Journal.

**Changes to legislation:**

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