

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 (Text with EEA relevance)

Article 1

Subject matter and scope

1 This Regulation lays down the provisions necessary for the uniform application of the following aspects regarding tachographs:

- a recording of the position of the vehicle at certain points during the daily working period of the driver;
- b remote early detection of possible manipulation or misuse of smart tachographs;
- c interface with intelligent transport systems;
- d the administrative and technical requirements for the type-approval procedures of tachographs, including the security mechanisms.

[^{F12} The construction, testing, installation, inspection, operation and repair of smart tachographs and their components, shall comply with the technical requirements set out in Annex IC to this Regulation.

3 Tachographs other than smart tachographs shall continue, as regards construction, testing, installation, inspection, operation and repair, to comply with the requirements of either Annex I to Regulation (EU) No 165/2014 or Annex IB to Council Regulation (EEC) No 3821/85⁽¹⁾, as applicable.]

4 Pursuant to Article 10d of Directive 96/53/EC, the remote early detection facility shall also transmit the weight data provided by an internal on-board weighing system, for the purpose of early fraud detection.

[^{F25} This Regulation shall be without prejudice to Directive 2014/53/EU of the European Parliament and of the Council⁽²⁾.]

Textual Amendments

- F1** Substituted by [Commission Implementing Regulation \(EU\) 2018/502 of 28 February 2018 amending Implementing Regulation \(EU\) 2016/799 laying down the requirements for the construction, testing, installation, operation and repair of tachographs and their components \(Text with EEA relevance\)](#).
- F2** Inserted by [Commission Implementing Regulation \(EU\) 2018/502 of 28 February 2018 amending Implementing Regulation \(EU\) 2016/799 laying down the requirements for the construction, testing, installation, operation and repair of tachographs and their components \(Text with EEA relevance\)](#).

Article 2

Definitions

For the purposes of this Regulation, the definitions laid down in Article 2 of Regulation (EU) No 165/2014 shall apply.

Changes to legislation: There are outstanding changes not yet made to Commission Implementing Regulation (EU) 2016/799. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

In addition, the following definitions shall apply:

- (1) ‘digital tachograph’ or ‘first generation tachograph’ means a digital tachograph other than a smart tachograph;
- (2) ‘external GNSS facility’ means a facility which contains the GNSS receiver when the vehicle unit is not a single unit, as well as other components needed to protect the communication of data about position to the rest of the vehicle unit;
- (3) [^{F1}‘information folder’ means the complete folder, in electronic or paper form, containing all the information supplied by the manufacturer or its agent to the type-approval authority for the purpose of the type-approval of a tachograph or a component thereof, including the certificates referred to in Article 12(3) of Regulation (EU) No 165/2014, the performance of the tests defined in Annex IC to this Regulation, as well as drawings, photographs, and other relevant documents;]
- (4) ‘information package’ means the information folder, in electronic or paper form, accompanied by any other documents added by the type-approval authority to the information folder in the course of carrying out their functions including, at the end of the type-approval process, the EC type-approval certificate of the tachograph or a component thereof;
- (5) ‘index to the information package’ means the document listing the numbered contents of the information package identifying all the relevant parts of this package. The format of that document shall distinguish the successive steps in the EC type-approval process, including the dates of any revisions and updating of that package;
- (6) ‘remote early detection facility’ means the equipment of the vehicle unit which is used to perform targeted roadside checks;
- (7) [^{F1}‘smart tachograph’ or ‘second generation tachograph’ means a digital tachograph complying with Articles 8, 9 and 10 of Regulation (EU) No 165/2014 as well as with Annex IC to this Regulation;]
- (8) [^{F1}‘tachograph component’ means any of the following elements: the vehicle unit, the motion sensor, the record sheet, the external GNSS facility and the external remote early detection facility;]
- (9) ‘type-approval authority’ means the authority of a Member State competent to carry out the type-approval of the tachograph or of its components, the authorisation process, the issuing and, if appropriate, withdrawing of type-approval certificates, acting as the contact point for the type-approval authorities of other Member States and ensuring that the manufacturers meet their obligations relating to the conformity with the requirement of this Regulation^{[F1];}
- (10) [^{F2}‘vehicle unit’ means the tachograph excluding the motion sensor and the cables connecting the motion sensor.

It may be a single unit or several units distributed in the vehicle and includes a processing unit, a data memory, a time measurement function, two smart card interface devices for driver and co-driver, a printer, a display, connectors and facilities for entering the user’s inputs, a GNSS receiver and a remote communication facility.

The vehicle unit may be composed of the following components subject to type-approval:

- vehicle unit, as a single component (including GNSS receiver and remote communication facility),

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- vehicle unit main body (including remote communication facility), and external GNSS facility,
- vehicle unit main body (including GNSS receiver), and external remote communication facility,
- vehicle unit main body, external GNSS facility, and external remote communication facility.

If the vehicle unit is composed of several units distributed in the vehicle, the vehicle unit main body is the unit containing the processing unit, the data memory, and the time measurement function.

‘vehicle unit (VU)’ is used for ‘vehicle unit’ or ‘vehicle unit main body’.]

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Article 3

Location-based services

1 Manufacturers shall ensure that smart tachographs are compatible with the positioning services provided by the Galileo and the European Geostationary Navigation Overlay Service (‘EGNOS’) systems.

2 In addition to the systems referred to in paragraph 1, manufacturers may also choose to ensure compatibility with other satellite navigation systems.

Article 4

Procedure for type-approval of a tachograph and tachograph components

1 A manufacturer or its agent shall submit an application for type-approval of a tachograph or any of its components, or group of components, to the type-approval authorities designated by each Member State. It shall consist of an information folder containing the information for each of the components concerned including, where applicable, the type-approval certificates of other components necessary to complete the tachograph, as well as any other relevant documents.

2 A Member State shall grant type-approval to any tachograph, component or group of components that conforms to the administrative and technical requirements referred to in Article 1(2) or (3), as applicable. In that case, the type-approval authority shall issue to the applicant a type-approval certificate that shall conform to the model laid down in Annex II to this Regulation.

3 The type-approval authority may request the manufacturer or its agent to supply any additional information.

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4 The manufacturer or its agent shall make available to the type-approval authorities, as well as to the entities responsible for issuing the certificates referred to in Article 12(3) of Regulation (EU) No 165/2014, as many tachographs or tachograph components as are necessary to enable the type-approval procedure to be conducted satisfactorily.

5 Where the manufacturer or its agent seeks a type-approval of certain components or groups of components of a tachograph, he shall provide the type-approval authorities with the other components, already type-approved, as well as other parts necessary for the construction of the complete tachograph, in order for those authorities to conduct the necessary tests.

Article 5

Modifications to type-approvals

1 The manufacturer or its agent shall inform without delay the type-approval authorities that granted the original type-approval, about any modification in software or hardware of the tachograph or in the nature of the materials used for its manufacture which are recorded in the information package and shall submit an application for the modification of the type-approval.

2 The type-approval authorities may revise or extend an existing type-approval, or issue a new type-approval according to the nature and characteristics of the modifications.

A ‘revision’ shall be made where the type-approval authority considers that the modifications in software or hardware of the tachograph or in the nature of materials used for its manufacture are minor. In such cases, the type-approval authority shall issue the revised documents of the information package, indicating the nature of the modifications made and the date of their approval. An updated version of the information package in a consolidated form, accompanied by a detailed description of the modifications made, shall be sufficient to meet this requirement.

An ‘extension’ shall be made where the type-approval authority considers that the modifications in software or hardware of the tachograph or in the nature of materials used for its manufacture are substantial. In such cases, it may request that new tests be conducted and inform the manufacturer or its agent accordingly. If those tests prove satisfactory, the type-approval authority shall issue a revised type-approval certificate containing a number referring to the extension granted. The type-approval certificate shall mention the reason of the extension and its date of issue.

3 The index to the information package shall indicate the date of the most recent extension or revision of the type-approval, or the date of the most recent consolidation of the updated version of the type-approval.

4 A new type-approval shall be necessary when the requested modifications to the type-approved tachograph or its components would lead to the issuance of a new security or interoperability certificate.

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 2016.

Changes to legislation: There are outstanding changes not yet made to Commission Implementing Regulation (EU) 2016/799. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

[^{F1}However, Annex IC shall apply from 15 June 2019 with the exception of Appendix 16 which shall apply from 2 March 2016.]

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Textual Amendments

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

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- (1) [^{F1}Council Regulation (EEC) No 3821/85 of 20 December 1985 on recording equipment in road transport ([OJ L 370, 31.12.1985, p. 8](#)).]
- (2) [^{F2}Directive 2014/53/EU of the European Parliament and of the Council of 16 April 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of radio equipment and repealing Directive 1999/5/EC ([OJ L 153, 22.5.2014, p. 62](#)).]

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Changes and effects yet to be applied to :

- Art. 1(1) word omitted by S.I. 2019/453 reg. 106(2)
- Art. 1(3) words substituted by S.I. 2019/453 reg. 106(3)
- Art. 1(4) words omitted by S.I. 2019/453 reg. 106(4)(a)
- Art. 1(4) words substituted by S.I. 2019/453 reg. 106(4)(b)
- Art. 1(5) omitted by S.I. 2019/453 reg. 106(5)
- Art. 2 word omitted by S.I. 2019/453 reg. 107(3)(b)
- Art. 2 word omitted by S.I. 2019/453 reg. 107(4)
- Art. 2 words omitted by S.I. 2019/453 reg. 107(5)
- Art. 2 words substituted by S.I. 2019/453 reg. 107(2)
- Art. 2 words substituted by S.I. 2019/453 reg. 107(3)(a)
- Art. 4(1) words substituted by S.I. 2019/453 reg. 108(2)
- Art. 4(2) words substituted by S.I. 2019/453 reg. 108(3)(a)
- Art. 4(2) words substituted by S.I. 2019/453 reg. 108(3)(b)
- Art. 4(3) words substituted by S.I. 2019/453 reg. 108(4)
- Art. 4(4) word substituted by S.I. 2019/453 reg. 108(5)(b)
- Art. 4(4) words substituted by S.I. 2019/453 reg. 108(5)(a)
- Art. 4(5) words substituted by S.I. 2019/453 reg. 108(6)(a)
- Art. 4(5) words substituted by S.I. 2019/453 reg. 108(6)(b)
- Art. 5(1) words substituted by S.I. 2019/453 reg. 109(a)
- Art. 5(2) words substituted by S.I. 2019/453 reg. 109(b)(i)
- Art. 5(2) words substituted by S.I. 2019/453 reg. 109(b)(ii)

Changes and effects yet to be applied to the whole legislation item and associated provisions

- Signature words omitted by S.I. 2019/453 reg. 110
- Annex 1C modified by S.I. 2023/739 reg. 3Sch.