



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MOBILITY AND TRANSPORT

Directorate C - Land
The Director

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To the Permanent Representations of
Austria, Belgium, Bulgaria, Croatia,
Czech Republic, Cyprus, Denmark,
Estonia, Finland, France, Germany,
Greece, Hungary, Ireland, Italy, Latvia,
Lithuania, Luxembourg, Malta,
Netherlands, Poland, Portugal, Romania,
Slovenia, Slovakia, Spain, Sweden,
United Kingdom

NOTE FOR THE ATTENTION OF THE DEPUTY PERMANENT REPRESENTATIVE

Subject: Mutual assistance between Member States regarding the Smart tachograph cards

Your Excellency,

As of 15 June 2019 all vehicles newly registered in the EU will have to be equipped with a smart tachograph. According to the smart tachograph Regulation Member States are responsible for issuing tachograph cards to workshop and road transport undertakings established in their territory, to their controllers and to the drivers residing in their territory. The deadline to issue workshop cards was 15 March 2019.

We have been informed that some Member States are still not able to deliver the workshop cards. This situation may have serious consequences on the mid-June deadline for the implementation of the smart tachograph.

We have analysed this matter in view of finding a temporary solution to allow Member States which are not ready to issue smart tachograph cards to receive those cards from other Member States. You will find in the document attached our analysis, including the conditions under which one Member State could deliver tachograph cards to another Member State.

(e-signed)
Elisabeth WERNER

ANNEX

MUTUAL ASSISTANCE BETWEEN MEMBER STATES REGARDING THE SMART TACHOGRAPH CARDS

According to Article 8 of Regulation (EU) No 165/2014, all vehicles registered as of 15 June 2019 should be fitted with a smart tachograph. The implementation of the smart tachograph entails the obligation for Member States to be able to issue tachograph cards to drivers, workshops, road transport undertakings and control officers residing or established in their territories.

In order to facilitate a smooth transition from the current digital tachograph to the smart tachograph, Regulation (EU) 2016/799 establishes, in point 5 of Appendix 15 to Annex IC, a stepped approach whereby Member States must be able to issue tachograph cards before the above mentioned date of 15 June. For workshop cards, the deadline is 15 March, whereas for all other cards (driver, control and company cards) the deadline for issuing cards is 15 May.

Availability of smart tachograph cards according to the deadlines set down in the Regulation is particularly important for the Member States on the territory of which truck manufacturers produce new vehicles, since the smart tachographs installed in new vehicles must be activated when the vehicles are still in the production line.

Today, most Member States are in a position to issue tachograph cards or will be able to meet that obligation in the short term. Nevertheless, according to our information six Member States have difficulties to comply with the deadlines imposed by Regulation (EU) 165/2014. The reasons for this delay are two-fold: whilst some Member States have launched the necessary public procurement procedures for the provision of cards at a very late stage, others have come across a series of technical difficulties that are preventing them from getting on time the type-approval of the cards. The outcome in any of both cases is that there is a serious risk that some Member States might even not be able to issue tachograph cards by 15 June.

Against this background, a temporary solution should be put in place to allow the Member States which are not in a position to meet the above mentioned deadlines to issue tachograph cards to the workshops and road transport undertakings established in their territory, to their control officers and to the drivers residing in their territory .

Article 40 of Regulation (EU) No 165/2014 provides for a mutual assistance between Member States in applying the Regulation. In the framework of this mutual assistance, Member States having initiated the necessary procedures may, if they so wish and if it is feasible for them, issue smart tachograph cards (henceforth “provider Member States”), and provide those cards to other Member States which cannot issue smart tachograph cards (henceforth “requesting Member States”). Such an assistance would be possible under the following conditions:

- The tachograph cards provided in the framework of this assistance should correspond to the card model that has been type-approved in the provider Member State, with the necessary functional, security and interoperability certificates.

- The provider Member State should personalise the cards with, at least, the mandatory data listed in requirement (230) of Annex IC to Regulation (EU) 2016/799. Those data shall be communicated by the requesting Member State to the provider Member State.
- The field 4c (issuing authority) should be filled in with the data corresponding to the card issuing authority of the requesting Member State.
- Once personalised, the provider Member State should hand the cards over to the card issuing authority of the requesting Member State.
- The cryptographic material used for the personalisation of the cards should always be the one corresponding to the provider Member State.
- The cards should be delivered to the final recipient (driver, workshop, road transport undertaking or control officer) by the card issuing authority of the requesting Member State.

The card issuing authority of the requesting Member State will remain fully responsible for the issuing of the cards and for carrying out the tasks set out in Article 24 of Regulation (EU) No 165/2014, including the obligation to regularly control fitters, workshops and vehicle manufacturers to which a workshop card has been issued.

The specific terms related to the provision of the cards, such as the financial conditions, will be set out between the requesting and provider Member States.

This solution should be strictly limited to the time period during which the card issuing authority of the requesting Member State is not technically ready to issue cards to the drivers, workshops, companies or control officers established or residing in its territory.

The tachograph cards will remain valid until they expire. Nevertheless, when the requesting Member State is in a position to issue its own cards, it may decide to replace the cards which were issued by a provider Member State.

The application of the principle of mutual assistance should be understood without prejudice to measures that the Commission may undertake against those Member States which are not able to fulfil their obligations regarding the issuing of tachograph cards.