



Brussels, 22 July 2019

## NOTICE TO STAKEHOLDERS

### WITHDRAWAL OF THE UNITED KINGDOM AND EU RULES ON TACHOGRAPHS IN ROAD TRANSPORT

The United Kingdom submitted on 29 March 2017 the notification of its intention to withdraw from the Union pursuant to Article 50 of the Treaty on European Union. Following a request by the United Kingdom, the European Council (Article 50) agreed on 11 April 2019<sup>1</sup> to extend further<sup>2</sup> the period provided for in Article 50(3) TEU until 31 October 2019.<sup>3</sup> This means that the United Kingdom will be, as of 1 November 2019 ('the withdrawal date') a 'third country'.<sup>4 5</sup>

Preparing for the withdrawal is not just a matter for EU and national administrations but also for private parties.

In view of the uncertainties surrounding the ratification of the Withdrawal Agreement,<sup>6</sup> all interested parties, and especially economic operators, are reminded of legal repercussions, which need to be considered when the United Kingdom becomes a third country.

Subject to the transition period provided for in the Withdrawal Agreement,<sup>7</sup> as of the withdrawal date the EU rules on tachographs in road transport, and in particular Regulation (EU) No 165/2014 of the European Parliament and of the Council of 4

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<sup>1</sup> European Council Decision (EU) 2019/584, OJ L 101, 11.4.2019, p. 1.

<sup>2</sup> Following a request by the United Kingdom, the European Council had decided a first extension on 22 March 2019 (European Council Decision (EU) 2019/476, OJ L 80I, 22.3.2019, p. 1).

<sup>3</sup> On 11 April 2019, following a second request for an extension by the United Kingdom, the European Council also decided that the decision to extend until 31 October 2019 would cease to apply on 31 May 2019 if the United Kingdom had not held elections to the European Parliament and had not ratified the Withdrawal Agreement by 22 May 2019. As the United Kingdom had not ratified the Withdrawal Agreement by 22 May 2019, it held European elections on 23 May 2019.

<sup>4</sup> A third country is a country not member of the EU.

<sup>5</sup> In addition, if the Withdrawal Agreement is ratified by both parties before that date, the withdrawal takes place on the first day of the month following the completion of the ratification procedures.

<sup>6</sup> Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, OJ, C 144 I, 25.4.2019, p. 1.

<sup>7</sup> It is recalled that, in order for the transition period to apply, the Withdrawal Agreement has to be ratified by the EU and the United Kingdom.

February 2014 on tachographs in road transport<sup>8</sup> no longer apply to the United Kingdom. This has in particular the following consequences:

**Please note: This notice does not address:**

**- Aspects related to car type-approvals;<sup>9</sup> and**

**- Aspects related to road transport, in particular certificates of professional competence for transport operators and drivers, Community licences for international carriage of goods, and driving licences.<sup>10</sup>**

**This notice includes aspects of the EU’s “contingency Regulation” on road haulage transport, i.e. Regulation (EU) 2019/501 on common rules ensuring basic road freight and road passenger connectivity with regard to the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the Union.<sup>11 12</sup>**

## **1. USE OF VEHICLES (TRANSPORT OPERATIONS) IN THE EU-27**

### **2.1. Vehicles registered in the EU-27**

According to Articles 3(1) and 19 of Regulation (EU) No 165/2014, vehicles used in the EU, within the scope of that Regulation, have to be equipped with a tachograph in accordance with Regulation (EU) No 165/2014.

Articles 8, 9 and 10 of Regulation (EU) No 165/2014 provide for an enhanced version of the digital tachograph (henceforth referred to as “smart tachograph”): If the vehicle was registered in the EU for the first time from 15 June 2019 onwards, it must be equipped with a smart tachograph.

### **2.2. Vehicles registered in the United Kingdom and providing road haulage services on the basis of the “Contingency Regulation” (EU) 2019/501**

As of the withdrawal date, unless the Withdrawal Agreement has entered into force, Regulation (EU) 2019/501 applies. Regulation (EU) 2019/501 lays down, on the condition of reciprocity, temporary measures governing the carriage of goods by road as well as the provision of regular and special regular passenger services by United Kingdom road haulage operators and

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<sup>8</sup> OJ L 60, 28.2.2014, p. 1.

<sup>9</sup> See the “*Notice to stakeholders - Withdrawal of the United Kingdom and EU rules in the field of type approval of motor vehicles*” and the supplementing “*Questions and answers*” document ([https://ec.europa.eu/info/brexit/brexit-preparedness/preparedness-notices\\_en#grow](https://ec.europa.eu/info/brexit/brexit-preparedness/preparedness-notices_en#grow)).

<sup>10</sup> See the “*Notice to stakeholders - Withdrawal of the United Kingdom and EU rules in the field of road transport*” ([https://ec.europa.eu/info/sites/info/files/file\\_import/road\\_transport\\_en.pdf](https://ec.europa.eu/info/sites/info/files/file_import/road_transport_en.pdf)).

<sup>11</sup> OJ L 85I, 27.3.2019, p. 39.

<sup>12</sup> Regarding transport performed in the EU-27 by United Kingdom operators, once the “Contingency Regulation” (EU) 2019/501 no longer applies, the *Accord européen sur les transports routiers* (AETR), to which all EU-27 Member States and the United Kingdom are a party, applies.

United Kingdom coach and bus service operators (henceforth referred to as “United Kingdom operators”).

According to Article 6(c) of Regulation (EU) 2019/501, in the course of carriage of goods or passengers permitted by that Regulation, in respect of tachographs in road transport the requirements set out in Regulation (EU) No 165/2014 shall be complied with.

This means that, as of the withdrawal date, tachographs in vehicles used to conduct carriage on the basis of Regulation (EU) 2019/501:

- have to comply with the technical requirements for tachographs set out in Regulation (EU) No 165/2014 (including the requirement for a smart tachograph if the vehicle was registered for the first time from 15 June 2019 onwards); and
- may be equipped with a tachograph type-approved by the UK type-approval authority,

as long as Regulation (EU) 2019/501 applies.

## **2. REGISTRATION OF VEHICLES IN THE EU-27**

Article 19 of Regulation (EU) No 165/2014 ensures the mutual recognition of type approvals of tachographs when the vehicle is registered in another Member State.

As of the withdrawal date, this mutual recognition stops, i.e. vehicles equipped with a (smart) tachograph type-approved by the United Kingdom can no longer be registered in the EU-27 on the basis of Regulation (EU) No 165/2014.<sup>13</sup>

## **3. DRIVER CARDS**

### **3.1. Regulation (EU) No 165/2014**

According to Articles 26 and 30 of Regulation (EU) No 165/2014, driver cards are issued by the competent authority of the Member State where the driver has his normal residence. As of 15 June 2019, Member States must issue tachograph cards that are fully compatible with the smart tachograph in accordance with Regulation (EU) No 165/2014 (henceforth referred to as “smart driver card”).

A driver card issued in one Member State is mutually recognised in all other Member States.

### **3.2. “Contingency Regulation” (EU) 2019/501**

According to Article 6(c) of Regulation (EU) 2019/501, in the course of carriage of goods or passengers permitted by that Regulation, in respect of

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<sup>13</sup> The “Contingency Regulation” (EU) 2019/501 does not address aspects of the *registration* of vehicles.

tachographs in road transport the requirements set out in Regulation (EU) No 165/2014 shall be complied with.

This means that as of the withdrawal date, United Kingdom operators will be able to conduct carriage on the basis of Regulation (EU) 2019/501 with a smart driver card issued by the United Kingdom and as long as Regulation (EU) 2019/501 applies.

#### **4. GRANTING TYPE-APPROVALS FOR TACHOGRAPHS**

According to Article 13 of Regulation (EU) No 165/2014, any type of vehicle unit, motion sensor, model record sheet or tachograph card requires a type-approval issued by a type-approval authority of a Member State.

Pursuant to Article 12(3) of Regulation (EU) No 165/2014, the application for type-approval has to be accompanied by, inter alia,

- a security certificate;
- a functionality certificate; and
- an interoperability certificate.

##### **3.3. Security certificate**

According to the first subparagraph of Article 12(3) of Regulation (EU) No 165/2014, the security certificate is issued by a certification body recognised in accordance with that Regulation.

As of the withdrawal date, security certificates issued by a UK body<sup>14</sup> can no longer serve to grant an EU-27 type-approval under Regulation (EU) No 165/2014.

##### **3.4. Functionality certificate**

According to the second subparagraph of Article 12(3) of Regulation (EU) No 165/2014, the functionality certificate is issued by a type-approval authority of a Member State.

As of the withdrawal date, functionality certificates issued by the United Kingdom can no longer serve to grant an EU-27 type-approval under Regulation (EU) No 165/2014.

##### **3.5. Interoperability certificate**

The interoperability certificate is issued by the Commission's Joint Research Centre.<sup>15</sup> The withdrawal of the United Kingdom does not have any impact on the validity of these interoperability certificates.

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<sup>14</sup> Currently, this is the UK participant to the Mutual Recognition Agreement of Information Technology Security Evaluation Certificates (<https://www.sogis.eu/documents/mra/20100107-sogis-v3.pdf>), i.e. the National Technical Authority for Information Assurance (CESG) in the United Kingdom.

## **5. FITTERS, WORKSHOPS AND VEHICLE MANUFACTURERS THAT CARRY OUT INSTALLATIONS, CHECKS, INSPECTIONS AND REPAIRS**

According to Articles 22(1) of Regulation (EU) No 165/2014, tachographs type-approved by an EU Member State may be installed or repaired only by fitters, workshops or vehicle manufacturers approved by Member States in accordance with that Regulation. According to Article 23 of the Regulation, any regular inspections are to be carried out by approved workshops.

According to Article 6(c) of Regulation (EU) 2019/501, in the course of carriage of goods or passengers permitted by that Regulation, in respect of tachographs in road transport the requirements set out in Regulation (EU) No 165/2014 shall be complied with.

This means that, as of the withdrawal date, tachographs in vehicles used to conduct carriage on the basis of Regulation (EU) 2019/501 may continue to be repaired or installed by fitters, workshops or vehicle manufacturers approved in the United Kingdom as long as that Regulation applies. The same applies to inspections carried out by workshops approved by the United Kingdom.

The website of the Commission on EU rules for tachographs ([https://ec.europa.eu/transport/modes/road/social-provisions/tachograph\\_en](https://ec.europa.eu/transport/modes/road/social-provisions/tachograph_en)) provides general information concerning the social provisions applicable to road transport under EU law. These pages will be updated with further information, where necessary.

European Commission  
Directorate-General for Mobility and Transport

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<sup>15</sup> On the basis of section 8.4 of Annex I C of 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.