

1. -----IND- 2019 0308 CZ- EN- ----- 20190702 --- --- PROJET

Executive summary for the EC (not part of this legislation)

Tachographs in road transport are placed on the market and put into service in the Czech Republic in accordance with Regulation (EU) No 165/2014 of the European Parliament and of the Council on tachographs in road transport.

The sole purpose of this notified legislation is to lay down the tests for examining the measuring instrument at the request of a person who may be affected by incorrect measurement.

*(End of executive summary.)*

## I.

### DRAFT GENERAL MEASURE

number: 0111-OOP-C062-19

**laying down metrological and technical requirements for legally controlled measuring instruments for the purposes of examining the measuring instrument at the request of a person who may be affected by incorrect measurement:**  
**‘tachographs recording the work activities of drivers of motor vehicles compulsorily equipped with these tachographs – digital tachographs’**

## 1 Basic definitions

For the purposes of this general measure, the terms and definitions pursuant to VIM and VIML<sup>1</sup> and the terms and definitions below shall apply.

### 1.1 digital tachograph

a tachograph using a tachograph card as referred to in Regulation (EU) No 165/2014 of the European Parliament and of the Council of 4 February 2014 on tachographs in road transport, repealing Council Regulation (EEC) No 3821/85 on recording equipment in road transport and amending Regulation (EC) No 561/2006 of the European Parliament and of the Council on the harmonisation of certain social legislation relating to road transport

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<sup>1</sup> TNI 01 0115 International Vocabulary of Metrology – Basic and General Concepts and Associated Terms (VIM) and International Vocabulary of Legal Metrology (VIML) are part of the technical harmonisation compendium ‘Terminology in the field of metrology’, which is publicly available at [www.unmz.cz](http://www.unmz.cz).

For the purposes of this measure, the following definitions shall also apply:

- **‘digital tachograph’** or **‘first generation tachograph’** means a digital tachograph (hereinafter ‘DT’) which is not a smart tachograph
- **‘smart tachograph’** or **‘second generation tachograph’** means digital tachograph (hereinafter referred to as ‘IT’), which meets the requirements of Articles 8, 9 and 10 of Regulation (EU) No 165/2014 and Regulation (EU) No 2016/799 (Annex IC)

## **2 Metrological requirements**

The metrological requirements for tachographs recording the work activities of drivers of motor vehicles compulsorily equipped with these tachographs – digital tachographs which are to be applied when verifying these instruments after they have been placed on the market or put into service are laid down by separate legislation<sup>2</sup>.

## **3 Technical requirements**

The technical requirements for tachographs recording the work activities of drivers of motor vehicles compulsorily equipped with these tachographs – digital tachographs, to be applied when verifying these instruments after they have been placed on the market or put into service are laid down by separate legislation<sup>2</sup>.

## **4 Measuring instrument markings**

The marking of the measuring instrument is governed by separate legislation<sup>2</sup>.

## **5 Type approval of the measuring instrument**

Tachographs are not subject to type approval under Act No 505/1990 on metrology, as amended.

## **6 Initial verification**

Initial verification is conducted in accordance with separate legislation<sup>2</sup>.

## **7 Follow-up verification**

Follow-up verification is conducted in accordance with separate legislation<sup>2</sup>.

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<sup>2</sup> Annex IB to Council Regulation (EEC) No 3821/85 of 20 December 1985 on recording equipment in road transport, as amended,  
Regulation (EC) No 561/2006 of the European Parliament and of the Council of 15 March 2006 on the harmonisation of certain social legislation relating to road transport,  
Regulation (EU) No 165/2014 of the European Parliament and of the Council of 4 February 2014 on tachographs in road transport,  
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.

## 8 Measuring instrument examination

The procedure in this chapter applies to the examination of a measuring instrument pursuant to § 11a of the Metrology Act at the request of a person who may be affected by incorrect measurement.

The following tests shall be performed during examination:

- a) determination of the effective circumference of the tyres on driving wheels;
- b) determination of the characteristic coefficient  $W$  of the vehicle;
- c) tests of indication of speed and distance travelled;
- d) tests of accuracy of the crew activity record;
- e) tachograph time base test;
- f) test drive.

No intervention is made in the data memory of the digital tachograph during the tests.

The errors detected shall not exceed the relevant maximum permissible errors laid down in separate legislation<sup>3</sup>.

## 9 Notified standards

For the purposes of specifying metrological and technical requirements for measuring instruments and specifying the testing methods for their type approval and verification arising from this general measure, the CMI shall provide notification of Czech technical standards, other technical standards or technical documents of international or foreign organisations, or other technical documents containing more detailed technical requirements (hereinafter ‘notified standards’). The CMI shall publish a list of these notified standards attached to the relevant measures, together with the general measure, in a manner accessible to the public (at [www.cmi.cz](http://www.cmi.cz)).

Compliance with notified standards or parts thereof is considered, to the extent and under the conditions laid down in the general measure, as compliance with those requirements laid down in this measure to which these standards or parts thereof apply.

Compliance with notified standards is one way of demonstrating compliance with the requirements. These requirements may also be met by using another technical solution guaranteeing an equivalent or higher level of protection of legitimate interests.

## II.

### GROUNDS

The CMI has issued this general measure laying down the tests for the examination of legally controlled measuring instruments – ‘tachographs recording the work activities of drivers of motor vehicles compulsorily equipped with these tachographs - digital tachographs’ – in accordance with § 14(1)(j) of the Metrology Act to implement § 11a(3) of the Metrology Act.

Under item 2.2.2b in the Annex ‘List of the Types of Legally Controlled Measuring Instruments’ to Implementing Decree No 345/2002 specifying the measuring instruments whose verification is mandatory and measuring instruments subject to type approval, as amended, this type of measuring instruments is classified as an instrument subject to type approval and mandatory verification.

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<sup>3</sup> Council Regulation (EEC) No 3821/85 (Annex IB, Chapter III, Articles 2.1, 2.2 and 3)  
Commission Implementing Regulation (EU) No 2016/799 (Annex IC, Chapter III, Articles 3.2.1 and 3.2.2).

This legislation (general measure) will be notified in accordance with Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services.

### **III. INSTRUCTIONS**

In accordance with § 172(1), in conjunction with § 39(1) CAP, the CMI has stipulated a time limit for comments of 30 days as of the date of posting on the official notice board. Comments submitted after this time limit will not be considered.

The persons concerned are hereby invited to comment on this draft general measure. With a view to the provisions of § 172(4) CAP, the comments shall be submitted in writing and meet the requirements for submissions in accordance with § 37 CAP.

The comments shall include the particulars referred to in § 37(2) of the CAP and clearly state the following: who is making the comments; which general measure they concern; to what extent the comments challenge the measure; how the general measure runs contrary to legislation or how the general measure or the procedure that preceded it is inaccurate; which matters the comments concern and what is being proposed. The comments shall also identify the administrative authority to which they are addressed and be signed by the person making them.

The supporting documents for this draft general measure may be consulted at the Czech Metrology Institute, Legal Metrology Department, Okružní 31, 638 00 Brno, after making arrangements by telephone.

This draft general measure shall be posted for 15 days.

### **IV. REPEALING PROVISIONS**

General Measure number: 0111-OOP-C062-15, laying down metrological and technical requirements for legally controlled measuring instruments, including testing methods for verification of the following legally controlled measuring instruments: 'tachographs recording the work activities of drivers of motor vehicles compulsorily equipped with these tachographs – digital tachographs' is hereby repealed.

Czech Metrology Institute  
Director General