COMMISSION OF THE EUROPEAN COMMUNITIES

COM(75) 526 final
Brussels, 24 October 1975

PROPOSAL FOR A COUNCIL REGULATION

amending Council Regulation (EEC) nr 1463/70 of 20 July 1970
on the introduction of recording equipment in road transport

(submitted to the Council by the Commission)

COMMISSION OF THE EUROPEAN COMMUNITIES

(2)

ONLY CONCERNS THE ENGLISH TEXT

COM(75) 526 final/2
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CORRIGENDUM

New page 5 of the proposal

PROPOSAL FOR A COUNCIL REGULATION

amending Council Regulation (EEC) No 1463/70 of 20 July 1970 on the introduction of recording equipment in road transport

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they shall operate the switch mechanisms enabling the following periods of time to be recorded separately and distinctly :

(a) driving time,

(b) other periods of work and of attendance at work,

(c) breaks from work and rest periods.

The periods of time referred to in (b) may be recorded separately on the record sheet".

2. In paragraph (3)(d) the second and third indents are deleted.

3. Paragraph 4 is deleted.

4. Paragraph 5 is renumbered paragraph 4 and 6 is renumbered paragraph 5.

Article 7

Chapter VI of Regulation (EEC) No 1463/70 is amended as follows :

Article 21 becomes Article 23 and is preceded by two new Articles as follows :

"Article 21

"The amendments required to adapt the Annexes to this Regulation to reflect technical progress shall be adopted in accordance with the procedure laid down in Article 22.

"Article 22

1. There is hereby set up a committee (hereinafter called "the Committee") for the adaptation of this Regulation to technical progress; it shall consist of representatives of the Member States with a representative of the Commission as Chairman.

2. The Committee shall adopt its own rules of procedure.

3. Where the procedure laid down in this Article is to be followed, the matter shall be referred to the Committee by the Chairman, either on his own initiative or at the request of a representative of a Member State.

4. The representative of the Commission shall submit to the Committee a draft of the measures to be adopted.

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 Council Regulation (EEC) No 543/69 of 25 March 1969 on the harmonization of certain social legislation relating to road transport,[1] as last amended by Regulation (EEC) No 515/72[2];

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament;

Having regard to the Opinion of the Economic and Social Committee;

Whereas in the course of the operation of Council Regulation (EEC) No 1463/70[3] of 20 July 1970 differences of opinion have come to light on the interpretation of its provisions; and whereas that Regulation should be so amended as to render the text more precise and to facilitate its correct interpretation and also to incorporate improvements suggested by recent experience as regards the construction and operation of recording equipment;

Whereas in the event of differences of opinion between Member States concerning an EEC type approval the Commission should be empowered to take a decision on the matter within one month if the States concerned have been unable to reach a settlement;

Whereas all the technical requirements relating to the construction, installation and inspection of equipment should be gathered together in Annex I;

Whereas it must be possible expeditiously to adapt to technical advances the technical specifications set out in the Annexes to Regulation (EEC) No 1463/70; and whereas, in order to faciltate 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 the Committee for the adaptation of technical progress of Regulation (EEC) No 1463/70;

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(1) OJ No L 77, 29.3.1969, p.49
(2) OJ No L 67, 20.3.1972, p.11
(3) OJ No L164, 27.7.1970, p. 1

Whereas, in the interests of standardization and the economies resulting therefrom, it is appropriate to stipulate that every type of equipment must be capable of recording four periods of time;

Whereas in order to approximate the conditions under which checks and inspections and to carried out, more detailed information should be supplied on such conditions and, in particular, provision should be made whereby each device may be subject to an initial inspection;

HAS ADOPTED THIS REGULATION:

Article 1

Article 3 of Regulation (EEC) No 1463/70 is amended as follows:

"Recording equipment shall be installed and used in vehicles used for the carriage of passengers or goods by road and registered in a Member State, with the exception of :

(a) the vehicles referred to in Article 4 of Regulation (EEC) No 543/69, as amended by Article 1 of Regulation (EEC) No 515/72,

(b) vehicles used for the carriage of passengers on regular services where the route covered by the service in question exceeds 50 kilometres."

Article 2

Article 4(1) of Regulation (EEC) No 1463/70 is amended as follows:

"1. With effect from 1 January 1975, the installation and use of recording equipment shall be compulsory:

(a) at the time of their entry into service, for vehicles registered for the first time on or after that date;

(b) for vehicles used for the carriage of dangerous goods, whatever the date of their registration."

EXPLANATORY MEMORANDUM

I. General considerations

When Regulation (EEC) No. 1463/70 of 20 July 1970 [1] came to be applied, certain amendments proved necessary, partly to facilitate a uniform and correct interpretation of the text, and partly to take into account the practical requirements revealed by the experience gained in that time in the construction and use of recording equipment.

The services of the Commission discussed the matter with the national experts at four meetings held in February, March and November 1974 and in March 1975.

As a result of those meetings, the Commission proposed the following amendments to the Regulation in question. On the whole they do not affect the design and technical features of the recording equipment as provided for in the Regulation which has already been adopted.

These considerations should dispel any fears which could be caused by changes to a Regulation at a time when industry is already producing appliances to comply with that Regulation.

The few technical amendments proposed are in fact designed to render the provisions in force more flexible, and therefore do not affect the type approval of a type of equipment granted on the basis of the current Regulation.

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1) OJ No. 1 164, 27 July 1970.

II. Comments on the Articles

re Article 1

Regulation No. 1463/70 was drawn up to improve and facilitate the monitoring of the application of certain provisions of Council Regulation (EEC) No. 543/69 of 25 March 1969, and applies to the same categories of vehicles as those covered by Regulation No. 543/69. As this latter Regulation was amended by Article 1 of Council Regulation (EEC) No. 515/72 of 28 February 1972, with the addition of a category of road vehicles to the list of vehicles falling outside its scope, Article 3 of Regulation 1463/70 must be amended in the same way to ensure that the two Regulations continue to cover the same area.

re Article 2

The new wording is clearer than the wording of the corresponding Article of Regulation No. 1463/70.

re Article 3

EEC type approval of a new type of recording equipment produced by modifying or adding to a model which has already received type approval is required if the new models produced are to conform to a type-approved model.

re Article 4

Article 10 (2) of the Regulation No. 1463/70 provides for the possibility of a dispute which could arise when the Member State which has granted EEC type approval for a device or for a record sheet disputes the failure to conform notified to it by another Member State. However, no provision was made for the possibility of a difference of opinion between Member States concerning a general defect which would make the device or the sheet unsuitable for its intended use, or concerning the very granting of type approval to a device or sheet which in view of one Member State failed to conform with the provisions of the Regulation.

Furthermore, Article 10 (2) of the Regulation No. 1463/70 assigns to the Commission only a minor role in the settlement of disputes. This has not proved satisfactory as, according to Article 12 of the Regulation, no member State may refuse to register any vehicle fitted with recording equipment, or prohibit the entry into service or use of such vehicle for any reason connected with the fact that the vehicle is fitted with such equipment, if the equipment bears the EEC approval mark. Furthermore, if no time limit is laid down by which a decision must be taken with regard to the dispute, both the consumer and the manufacturer might have to bear considerable costs.

The new wording takes into account the cases of dispute mentioned above and stipulates that if the Member States concerned cannot reach agreement within one month, the Commission must take a decision within three months at the most, after consulting the experts from all the Member States.

re Article 5

The provision should enable the necessary tests to be carried out during the procedure for the type approval of a record sheet.

re Article 6

1. As the position of the switch mechanism and the periods of time relating to the work of the crew must correspond, it seemed advisable to expand the relevant provision to specify the periods of time it is henceforth compulsory to record.

2. The second and third indents of Article 17(3)(d) of the Regulation, included to cover the use of multipart sheets, have turned out to be unnecessary; moreover, the extra handling increases the risk of damage to the sheets.

3. Article 17(4) of the Regulation relates to the construction of the equipment: the two conditions set out in this paragraph are technical. For this reason the paragraph is removed from this Article and included in Annex I, Section III(c)4.

re Article 7

A sufficiently flexible amendment procedure should be incorporated in order to allow for technical advances in this area. Consequently a Committee for adapting this Regulation to technical advances is to be set up, composed of representatives from the Member States and chaired by a Commission representative. The Committee will operate on the same basis as the committees set up in connection with the texts relating to the removal of technical barriers to trade in industrial products.

re Articles 8 and 9 (1), (3) and (4)

These are minor drafting changes designed to make the text more explicit.

re Article 9 (2)

This requirement is included to obviate any confusion between the figures showing hectometres and those showing whole numbers of kilometres.

re Article 9 (5)

Annex I to the Regulation provides, in Section III (c)(1), that the record sheet must be so inserted as to ensure that the time shown by the clock and the time-marking on the sheet correspond exactly. The degree of accuracy implied by the word "exactly", taken in its strictest sense when applied to a measuring device, may be open to argument, and it was therefore thought advisable to delete the word "exactly".

re Article 9 (6)

A study of the ratio between the radius of curvature of the trace drawn by the stylus and the normal width of the area reserved for speed recording shows that, when the sheet is in the form of a disc, the ratio of 5 laid down in the Regulation has the disadvantage of placing the axis of rotation of the stylus outside the cases normally manufactured today.

Furthermore, the same study shows that, without reducing legibility or making it more difficult to interpret the recordings, this ratio can be reduced from 5 to 2.5 or 2.4.

Since for sheets in strip form this ratio is set at 2.4, it seems advisable to stipulate a single ratio of 2.4 for both types os recording sheets.

re Article 9 (7) 4.1

Regulation 1463/70 provides that equipment which records only three periods of time must be so constructed that it can be modified to record a fourth period of time as well.

It has been pointed out that the same approval mark cannot be granted to identical devices, one of which records four periods of time and the other only three, if only because the geometry of the sheets used would in most cases be different. Further, a new approval procedure would have to be completed when equipment recording only three periods of time was modified, as provided in the Regulation, to record four periods of time. Provision should, therefore, be made for every type of equipment to record four periods of time.

It has also been noted that the cost price of equipment designed for this purpose would not be much higher than the cost of equipment recording three periods of time, but so constructed that it ban be modified to record four periods of time. Such modification contributes towards standardizing this type of equipment.

re Article 9 (7) 4.2

To prevent the expression "without handling the sheet" from being interpreted in different ways, it is to be replaced by the following expression : "wihtout twisting, damaging or soiling the sheet".

re Article 9 (9)

More accurate transcription of the symbols used.

re Article 9 (10)

Experience has shown that the information given and recordings made by many devices do not fall only within the tolerances laid down in Annex I, Section III(f) unless the equipment is installed at an angle of incline within a clearly defined spread.

The spread of this angle of incline must therefore be given among the technical specifications of these devices, to ensure that they are correctly inclined when installed.

re Article 9 (11)

A few deletions, additions and changes which clarify the text of the Regulation and facilitate the practical inspection of maximum tolerances.

re Article 10(1)

More accurate terminology and reminder that for every check an approved fitter must be called in.

re Article 10(2)

Deletion of an unnecessarily refined degree of accuracy, which refers moreover to a datum which is extremely difficult to determine.

re Article 10(4)

Among the parts which must be sealed the Regulation includes the installation plaque (Annex I, Section V (4)(a)). This is because when the Regulation was drawn up no allowance was made for installation plaques other than metal ones. An extra sentence has been added to allow the use of self-sticking plaques which are irreparably damaged if an attempt is made to tear them off and which therefore do not need to be sealed.

re Article 10 (5)

French version only: correction of a reference (printing error)

re Article 11

The text of Annex I, Section VI, has been largely recast to provide a clearer and more orderly response to the following requirements :

- sufficient information on the nature of the documents testifying the correct functioning of new or repaired equipment and the maintenance of satisfactory conditions during its use;

- possibility of carrying out the prior inspection on individual devices, which can reduce the disadvantages arising from defective manufacture and consequently the possibility of a series of objections to the type approval;

- clearer description of the conditions under which the equipment must be installed and periodically inspected;

- slight change to the conditions under which errors are measured by eliminating the reference to a single driver in the vehicle, a condition which was unrealistic.

Article 3

A second paragraph as follows is added to Article 7 of Regulation (EEC) No 1463/70 :

"Any modifications or additions to a type-approved prototype must also receive EEC modified-prototype approval from the Member State which granted the original EEC type approval."

Article 4

Article 10 of Regulation (EEC) No 1463/70 is amended to read as follows:

"1. If a Member State which has granted an EEC type approval as provided in Article 7 finds that certain recording equipment or record sheets bearing the EEC type approval mark which it has issued do not conform to the prototype which is has approved, it shall take the necessary measures to ensure that production models conform to the approved prototype. The competent authorities of that Member State shall advise those of the other Member States and the Commission of the measures taken, which may, if necessary, extend to withdrawal of EEC type approval.

2. A Member State which has granted an EEC type approval shall withdraw such approval if the recording equipment or record sheet which has been approved is not in conformity with the provisions of this Regulation or its Annexes or reveals any general defect in use which would make it unsuitable for its intended use. The competent authorities of that Member State shall advise those of the other Member States and the Commission of the measures taken.

3. If a Member State which has granted an EEC type approval is notified by another Member State of a case as specified in paragraphs 1 and 2 above, it shall also, after consulting the latter Member State, take the steps laid down in those paragraphs.

4. In any event, the competent authorities of the Member States shall notify each other and the Commission, within one month, of any withdrawal of EEC type approval and of the reasons for such action.

5. If a Member State which has granted EEC type approval disputes a case as specified in paragraphs 1 and 2, of which it has been notified by another Member State, the Member States concerned shall endeavour to settle the dispute and the Commission shall be kept informed.

If after one month from the date of the notification referred to in paragraph 3 above, the representatives of Member States concerned have not succeeded in reaching agreement, the Commission, after consulting experts from all Member States, shall within three months adopt, a decision, which shall be notified to the Member States concerned and communicated at the same time to the other Member States. This decision shall have effect immediately.

Article 5

Article 11 (1) of Regulation (EEC) No 1463/70 is amended to read as follows:

"1. An applicant for EEC approval for a model record sheet shall state on his application the type or types of recording equipment on which the model sheet in question is designed to be used, and shall provide new equipment of that type for the purpose of testing the sheet."

Article 6

The text of Article 17 of Regulation (EEC) No 1463/70 is amended as follows :

1. The second sentence of the first subparagraph of paragraph 2 is replaced by the following:

"In particular:

- they shall ensure that the time recorded on the sheet agrees with the official time in the country of registration of the vehicle,

they shall operate the switch mechanisms enabling the following periods of time to be recorded separately and distinctly:

(a) driving time,
(b) other periods of work and of attendence at work,
(c) breaks from work and rest periods.

The periods of time referred to in (b) may be recorded separately on the record sheet".

2. In paragraph (3)(d) the second and third indents are deleted.
3. Paragraph 4 is deleted.
4. Paragraph 5 is renumbered paragraph 4 and 6 is renumbered paragraph 5.

Article 7

Chapter VI of Regulation (EEC) No 1463/70 is amended as follows:

Article 21 becomes Article 23 and is preceded by two new Articles as follows:

"Article 21

1. There is hereby set up a committee (hereinafter called "the Committee") for the adaptation of this Regulation to technical progress; it shall consist of representatives of the Member States with a representative of the Commission as Chairman.

2. The Committee shall adopt its own rules of procedure.

3. Where the procedure laid down in this Article is to be followed, the matter shall be referred to the Committee by the Chairman, either on his own initiative or at the request of a representative of a Member State.

4. The representative of the Commission shall submit to the Committee a draft of the measures to be adopted.

The Committee shall deliver its opinion on the draft within a time limit set by the Chairman having regard to the urgency of the matter. Decisions shall be taken by a majority of forty-one votes, the votes of the Member States being weighted as provided in Article 148 (2) of the Treaty. The Chairman shall not vote.

5.

(a) The Commission shall adopt the measures envisaged where they are in accordance with the Opinion of the Committee.

(b) Where the measures envisaged are not in accordance with the Opinion of the Committee or if no opinion is delivered, the Commission shall without delay present to the Council a proposal concerning the measures to be adopted. The Council shall act by a qualified majority.

(c) If, within thee months of the proposal being submitted to it, the Council has not acted, the proposed measures shall be adopted by the Commission".

Article 8

In Chapter 1 (a) of Annex I to Regulation (EEC) No 1463/70, the phrase "equipment installed in road vehicles", is replaced by the phrase "equipment to be installed in road vehicles".

Article 9

Chapter III of Annex I to Regulation (EEC) No 1463/70 is amended as follows:

1. The text of paragraph (a) 3.2 is replaced by the following: "Any modification in a constituent part of the equipment or in the nature of the materials used for its manufacture must before being generally applied in manufacture be submitted for approval to the autority which approved the equipment type".
2. The following sentence is added to the text of paragraph (b) 1.1 : "The figures showing hectometres must be clearly distinguishable from those showing numbers of kilometres".

3. The text of paragraph (b) 1.2 [illegible] following : "The figures on the distance recorder must be clearly legible and must have an apparent height of at least 4 millimetres."

4. The text of paragraph (b) 3 [illegible]

   "Time indicator (clock)
   The time indication must be visible from outside the equipment and it must give a clear, plain and unambiguous reading."

5. In paragraph (c) 1.1, the word "exactly" [illegible]

6. In paragraph (c) 3.1, [illegible] be replaced by the following :

   "the ratio between the radius of curvature of the trace drawn by the stylus and the width of the area reserved for speed recording must be not less than 2.4, whatever the form of the record sheet;"

7. [illegible]

   "4.1 The equipment must be so constructed that it is possible to record automatically and separately four periods of time.

   4.2 The equipment shall be so designed that it is possible for an inspecting officer, if necessary after opening the equipment, to read the recordings relating to the nine hours preceding the time of the check without twisting, damaging or soiling the sheet.

   4.3 The equipment shall, furthermore, be so designed that it is possible without opening the case to verify that recordings are being made."

8. In [illegible] (c), paragraphs 4.2 and 4.3 [illegible] renumbered paragraphs 4.4 and 4.5 respectively.

9. In paragraph [illegible], third indent, the abbreviations "min" and "max" shall be placed as subscript to the letter V, as follows: "V_{min}, V_{max}".

10. In paragraph (e) 2 :

- in the fourth indent, the words "given to not less than two decimal places and" are deleted;
- a further indent is added as follows:

" - should the sensitivity of the equipment to the angle of incline be such as to affect the readings shown by the equipment beyond the permitted tolerances, the permissible angle or angles of the axis of the equipment perpendicular to its front face, is expressed in the form $\angle^{\beta}_{\alpha}$. The horizontal axis is taken as the line offreference of the angles and α is therefore greater than or equal to -90°, and less than β which is itself less than or equal to $+90^{\circ}$. If the front face of the equipment is tilted upwards, the angle between the axis of the equipment as defined above and the horizontal plane is positive; if the front face is tilted downwards, the angle is negative".

11. (a) The text of paragraph (f) 1 (a) shall be replaced by the following:

"distance travelled: 1% more or less than the real distance, where that distance is at least 1 km".

(b) the text of paragraph (f) 2 (a) shall be replaced by the following:

"distance travelled: 2% more or less than than the real distance, where that distance is at least 1 km".

(c) the text of paragraph (f) 3 (a) shall be replaced by the following :

"distance travelled: 4% more or less than the real distance, where that distance is at least 1 km".

(d) The text of paragraph (f) 1 (b) shall be replaced by the following :

"speed: 3 km/h more or less than the real speed".

(e) The text of paragraph (f) 2 (b) shall be replaced by the following :

"speed: 4 km/h more or less than the real speed".

(f) The text of paragraph (f) 3 (b) shall be replaced by the following ;

"6 km/h more or less than the real speed".

Article 10

Chapter V of Annex I to Regulation (EEC) No 1463/70 is amended as follows:

1. The second subparagraph of paragraph 3 is replaced by the following: "After every inspection of the installation by an approved fitter the plaque must be replaced by a new plaque."
2. The first line of the third subparagraph of paragraph 4 is amended to read as follows:
   "The plaque must show at least the following details":
3. In the second indent of paragraph 3, the phrase "to three decimal places" is deleted.
4. The text of paragraph 4 (a) is replaced by the following: "the installation plaque, unless it is manufactured in such a way that it cannot be removed without destroying its markings;".
5. Paragraph 4(f): in all language versions other than the English, the incorrect reference to "Chapter III (a) 4.2" is replaced by a reference to "Chapter III (a) 7.2".

Article 11

In Annex I to Regulation (EEC) No 1463/70, the text of Chapter VI is replaced by the following:

"VI. Checks and inspections

I. Certification of new or repaired instruments

Every individual device, whether new or repaired, must be certified in respect of its correct operation and the accuracy of its readings and recordings, within the limits laid down in Chapter III (f) 1, by means of sealing in accordance with Chapter V (4)(f).

For this purpose the Member States may stipulate an initial inspection, consisting in a check on the conformity of a new or repaired device with the type-approved model and /or with the requirements of the Regulation and its Annexes, or they may delegate the power to certify to the manufacturers or to their authorized agents.

2. Installation

When being fitted to a vehicle, the equip
must comply with the provisions relating to
down in Chapter III (f) 2.

The necessary tests entailed shall be carried out, on his
responsibility, by the approved fitter.

3. Periodic inspections

(a) Periodic inspections of the equipment fitted to vehicles shall be made at least every two years and may be carried out in conjunction with the road worthiness test of the vehicle.

These inspections shall include the following checks:

- that the equipment is working correctly;
- that the equipment carries the type-approval mark;
- that the installation plaque is affixed;
- that the sealings of the equipment and of the other parts of the installation are intact;
- in appropriate cases, the actual circumference of the tyres.

(b) Inspection to ensure compliance with the provision of Chapter III (f) 3 relating to the accepted maximum tolerances during use shall be carried out at least once every six years, although each Member State may stipulate a shorter interval for such inspections in respect of vehicles registered in its territory.

These inspections may be carried out by approved fitters and must include the replacing of the installation plaque.

4. Measurement of errors

The measurement of errors on installation and during use shall take place under the following conditions, which are to be regarded as constituting normal test conditions:

- vehicle empty, in normal running order;
- tyre pressures in accordance with the manufacturer's instructions;
- tyre wear within the limits laid down by law;
- movement of the vehicle; the vehicle must proceed, driven by its own engine, in a straight line and on a level surface, at a speed of 50 ± 5 km/h;
- the test may also be carried out on an appropriate test bench".