

## **CORTE ENFORCEMENT WORKING GROUP**

CORTE Factsheet:

Is the sealing of rear connectors of digital tachographs obligatory?

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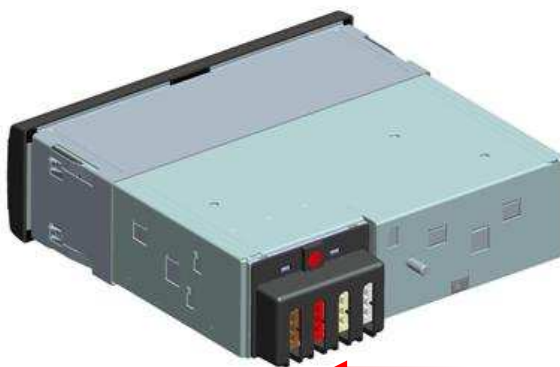
ISSUE	
	Is the sealing of rear connectors of digital tachographs obligatory?
Relevant legislation	
	<p><b>Requirement 251 of Annex 1B to Regulation (EC) n°3821/85</b></p> <p><i>"The following part shall be sealed:</i></p> <ul style="list-style-type: none"> <li>- any connection which, if disconnected, would cause undetectable alterations to be made or undetectable data loss,</li> <li>- the installation plaque, unless it is attached in such a way that it cannot be removed without the markings thereon being destroyed.</li> </ul> <p><i>The seals mentioned above may be removed:</i></p> <ul style="list-style-type: none"> <li>- in case of emergency,</li> <li>- to install, to adjust or to repair a speed limitation device or any other device contributing to road safety, provided that the recording equipment continues to function reliably and correctly and is resealed by an approved fitter or workshop (in accordance with Chapter VI) immediately after fitting the speed limitation device or any other device contributing to road safety or within seven days in other cases. On each occasion that these seals are broken a written statement giving the reasons for such action shall be prepared and made available to the competent authority." <p><b>Chapter VI (4) of the Annex IB to Regulation (EC) n°3821/85:</b></p> <p><i>"[Periodic] inspections shall include the following checks:</i></p> <ul style="list-style-type: none"> <li>- that the recording equipment is working properly, including the data storage in tachograph cards function,</li> <li>- that compliance with the provisions of Chapter III.2.1 and III.2.2 on the maximum tolerances on installation is ensured,</li> <li>- that the recording equipment carries the type approval mark,</li> <li>- that the installation plaque is affixed,</li> <li>- <b>that the seals on the equipment and on the other parts of the installation are intact [...]"</b></li> </ul> </li></ul>

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## INFORMATION

Following the feedback from various road transport stakeholders, it is apparent that control officers are still giving fines to drivers, who are subject to Regulation (EC) n° 561/2006, because the rear connectors of the digital tachographs have not been sealed.

The figure below graphically illustrates the example of rear connector panel seal of the digital tachograph.



The rear connector panel seal is marked in red.

However, according to Requirement 251 of Annex 1B to Regulation (EC) n°3821/85, the rear connectors of the digital tachographs should be sealed only if their disconnection “*would cause undetectable alterations*” or “*undetectable data loss.*”

The findings of the consultations with major tachograph manufacturers showed that the most (if not all) of the rear connectors of type approved tachographs currently in use do NOT require sealing, as their disconnection does NOT cause any undetectable alternations or undetectable data loss.

The fact that the sealing of the rear connectors is not necessary has been approved during the type approval process during which tests have been performed to check compliance of the digital tachographs against requirement 251 of Annex 1B to Regulation (EC) n°3821/85.

Therefore, in these cases, requiring seals on the rear connectors of digital tachographs proves to be counterproductive and meaningless as it does not enhance the security of the system and generates extra costs for transport companies as well as additional work for workshops and enforcement authorities performing periodic inspections and roadside checks.

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### ***CORTE RECOMMENDATION***

The sealing of rear connectors of digital tachographs is obligatory only if their disconnection would cause undetectable alterations or undetectable data loss.

Considering Requirement 251 of Annex 1B to Regulation (EC) n°3821/85, competent enforcement authorities should not issue fines to any driver driving a vehicle which rear connectors of the digital tachographs have not been sealed, provided that the digital tachograph in question has been type approved without necessity to seal its rear connector (see annex).

In case the competent enforcement authority impose the sanction anyways, drivers or their employers have right to bring their case to a Court in order for the fine to be declared null and void.

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## **ANNEX**

### **LIST OF TACHOGRAPH BRANDS AND VERSIONS WHICH DO NOT REQUIRE THE REAR CONNECTORS TO BE SEALED**

#### **1. ACTIA**

None of the ACTIA Digital Tachograph model needs any rear connector sealing. This statement applies to SMARTACH STD, STDII and ADR families (e2-25, e2-30 and e2-29 markings respectively).

#### **2. CONTINENTAL**

Tachograph versions	Brand name	Rear connectors of type approved tachographs currently in use <b>do NOT require</b> sealing	Rear connectors of type approved tachographs currently in use <b>do require</b> sealing
All versions of MTCO <b>1324</b>	KIENZLE, VDO KIENZLE, Siemens VDO, VDO	<b>x</b>	
All versions of DTCO <b>1381</b>	Siemens VDO, VDO	<b>x</b>	
All versions of KTCO <b>1318</b>	KIENZLE, KIENZLE ARGO, MANNESMANN KIENZLE, VDO		<b>x</b>
All versions of FTCO <b>1319</b>	KIENZLE, KIENZLE ARGO, MANNESMANN KIENZLE		<b>x</b>

#### **3. EFKON**

This is a standard feature of all available EFAS versions and is independent of the unit voltage or software release versions.

#### **4. STONERIDGE**

SE5000 all revisions and variants up to and including 7.2 (the most recently type approved version).

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