

Questions and Answers on the manual recording of border crossings in tachographs under Regulation (EU) No 165/2014

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1. What is the purpose of manually entering border crossings in the tachograph?

The obligation to enter manually in the tachograph the symbol of the country that the driver enters after crossing a border of a Member State applies since 20 August 2020 for drivers driving vehicles equipped with an analogue tachograph pursuant to Article 34(6)(f) of Regulation (EU) No 165/2014, and since 2 February 2022 for drivers driving vehicles equipped with a digital tachograph, including the first version of the smart tachograph⁽¹⁾, pursuant to Article 34(7) second subparagraph of that Regulation.

The main objective of these provisions is to facilitate the enforcement of the provisions on cabotage operations⁽²⁾ and on posting of drivers⁽³⁾, although it applies to all vehicles covered by Regulation (EU) No 165/2014, irrespective of the type of operation conducted.

This requirement is a *transitional* measure before a new version of the smart tachograph⁽⁴⁾ can automatically record border crossings. All vehicles registered for the first time from 21 August 2023 must be equipped with such a tachograph⁽⁵⁾. Vehicles currently equipped with an analogue or a digital non-smart tachograph will have to be retrofitted with this new tachograph by 31 December 2024 at the latest⁽⁶⁾, while vehicles currently equipped with a smart tachograph will have until 18 August 2025 at the latest to retrofit⁽⁷⁾. Finally, all light commercial vehicles whose maximum permissible mass is between 2.5 and 3.5 tonnes and which are engaged in international transport or cabotage activities will have to be equipped with this tachograph from 1 July 2026, in application of Article 2(aa) of Regulation (EC) No 561/2006⁽⁸⁾.

(1) Smart tachographs complying with Annex IC to [Commission Implementing Regulation \(EU\) 2016/799](#) EN | ... until 20 August 2023.

(2) [Regulation \(EC\) No 1072/2009](#) EN | ... of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market.

(3) [Directive \(EU\) 2020/1057](#) EN | ... of the European Parliament and of the Council of 15 July 2020 laying down specific rules with respect to [Directive 96/71/EC](#) EN | ... and [Directive 2014/67/EU](#) EN | ... for posting drivers in the road transport sector and amending [Directive 2006/22/EC](#) EN | ... as regards enforcement requirements and [Regulation \(EU\) No 1024/2012](#) EN |

(4) Smart tachograph complying with Annex IC to [Commission Implementing Regulation \(EU\) 2016/799](#) EN | ..., as amended by [Commission Implementing Regulation \(EU\) 2021/1228](#) EN | ... of 16 July 2021 amending [Implementing Regulation \(EU\) 2016/799](#) EN | ... as regards the requirements for the construction, testing, installation, operation and repair of smart tachographs and their components.

(5) Article 8(1), fourth sub-paragraph of [Regulation \(EU\) No 165/2014](#) EN | ..., combined with Article 2 of [Commission Implementing Regulation \(EU\) 2021/1228](#) EN |

(6) Article 3(4) of [Regulation \(EU\) No 165/2014](#) EN |

(7) Article 3(4a) of [Regulation \(EU\) No 165/2014](#) EN |

(8) [Regulation \(EC\) No 561/2006](#) EN | ... of the European Parliament and of the Council of 15 March 2006 on the harmonisation of certain social legislation relating to road transport and amending [Council Regulations \(EEC\) No 3821/85](#) EN | ... and [\(EC\) No 2135/98](#) EN | ... and repealing Council Regulation (EEC) No 3820/85.

2. How can drivers comply with the obligation of manually entering border crossings in the tachograph?

Regulation (EU) No 165/2014 provides that manual recording of the symbol of the country must be done “at the beginning of the driver’s first stop in that Member State”, which must be made “at the **nearest possible** stopping place at or after the border”.

Road safety is one of the main objectives of Regulation (EC) No 561/2006 on driving times, breaks and rest periods, and the tachograph is the main tool to check compliance with these provisions. In this context, in no case must the compliance of the obligation to manually enter border crossings jeopardise road safety obligations and requirements set out in the EU and national legislations. Therefore, the assessment of what constitutes the “nearest possible stopping place” must fully take into account road safety rules and constraints at the moment when the driver decides where to stop for this purpose. In particular, the possible lack of available parking spaces in border areas should be taken into account, in order to avoid risks of creating dangerous congestions in such areas.

Example 1: The hard shoulder or emergency lane of a road should not be considered a “possible stopping place” for the sole purpose of complying with this provision, as this would most likely be in breach of road safety requirements, such as national traffic rules.

Example 2: Having crossed a border, a driver sees that the deceleration lane to the first parking area is blocked and/or the parking is already at full capacity. In this situation, the driver has two options: either adding to the congestion of the deceleration lane, or continuing his/her route. Where the first option endangers road safety (notably for vehicles behind), such congested parking area should not be considered a “possible stopping place” within the meaning of Regulation (EU) No 165/2014. The driver should choose the second option and continue his/her route until the next possible stopping place. Consequently, the same parking area may be “the nearest possible stopping place” for one driver, but not for another one who passes by it at another time or date.

Conclusion:

Enforcement authorities, who will ultimately enforce this provision on the ground, are expected to apply point (f) of Article 34(6) and the second sub-paragraph of Article 34(7) of Regulation (EU) No 165/2014 taking into account road safety concerns and the flexibility that the concept of “nearest possible stopping place” entails. Therefore, when checking compliance with the obligation to record border crossings on the tachograph, they must take into account all traffic circumstances and road safety constraints.

Similarly, transport undertakings are expected to properly instruct their drivers as to how they can comply with driving and rest time rules, as required by Regulation (EC) No 561/2006⁽¹⁾ and Directive (EU) No 2020/1057.

(1) Article 10(2) of [Regulation \(EC\) No 561/2006](#) EN.