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EUROPEAN COMMISSION

Brussels, 13.1.2010
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COMMISSION RECOMMENDATION

of 13.1.2010

**on the secure exchange of electronic data between Member States to check the
uniqueness of driver cards that they issue**

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(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and in particular Article 292 thereof,

Whereas:

- (1) Article 14 of Council Regulation (EEC) No 3821/85 of 20 December 1985 on recording equipment in road transport¹ requires the competent authority of a Member State to issue, at the request of a driver who has his normal residence in that Member State, a driver card, as defined in Annex IB of that Regulation.
- (2) Requirement 268a of Council Regulation (EEC) No 3821/85 requires Member States to exchange data electronically in order to ensure the uniqueness of the driver card that they issue. According to this requirement, the competent authorities of Member States may also exchange data electronically when carrying out checks of driver cards at the roadside or at company premises in order to verify the uniqueness and status of the cards.
- (3) The competent authority should ensure that applicants do not already hold a valid driver card.
- (4) Driver cards issued by Member States are mutually recognised.
- (5) The security, integrity and trustworthiness of the digital tachograph system should be assured by the proper control and use of driver cards issued throughout the European Union.
- (6) It is desirable that issuing authorities have effective processes and procedures in place to properly manage data about the issuance of tachograph cards in general, and driver cards in particular.
- (7) Member State issuing authorities should be able to check quickly, and reliably exchange, information about issued driver cards, and thereby prevent drivers being in possession of more than one valid driver card.

¹ OJ L 370, 31.12.1985, p. 8.

- (8) It should be possible for the responsible national authorities to verify during road side checks whether a driver is in possession of a driver card and to check the validity status of a given driver card.
- (9) The use of the TACHOnet messaging system is an established and trustworthy tool for the electronic exchange of data between Member States concerning the issuance and control of driver cards, and to which already 28 European countries are connected. The TACHOnet messaging system is defined by a set of reference documents, including XML messaging Reference Guide, all of which are published on the website of the Commission services responsible for the social aspects of the road transport policy.
- (10) The performance of the TACHOnet messaging system relies on the respective performances of the national systems. A minimum service level that Member States should endeavour to achieve in regard to availability of the system should therefore be set out,

HAS ADOPTED THIS RECOMMENDATION:

Use of TACHOnet

1. As regards the exchange of information when checking the uniqueness of the driver cards issued in accordance with Regulation (EEC) No 3821/85, Member States should use the TACHOnet messaging system.

Use of other compatible systems

2. A group of Member States may also use, to exchange electronic data between themselves, a compatible system, which complies at least with the TACHOnet XML messaging Reference Guide published on the Commission website, as long as they exchange electronic data with all other Member States through TACHOnet.

Procedure to check the uniqueness of driver cards

3. Member States should, when checking the uniqueness of the driver card, use the procedure set out in Annex I.

Use of TACHOnet or equivalent systems by National Control Bodies

4. Member States should enable, encourage and support their national enforcement and control bodies to use TACHOnet and/or equivalent systems in order to facilitate effective checks of the validity, status and uniqueness of driver cards, notably either at the roadside, or at the premises of undertaking.

Minimum level of service

5. Member States should provide the minimum level of service of TACHOnet or a compatible system of point 2, as described in Annex II.

Follow-up

6. Member States are invited to inform the Commission of actions taken in light of this Recommendation by 30 June 2010.

Review

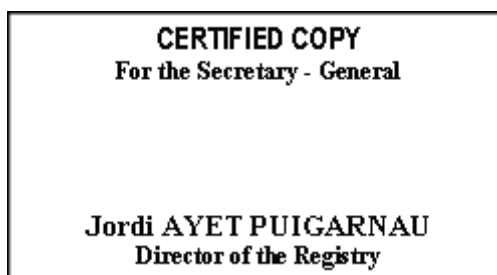
7. Should an equivalent system for the electronic exchange of data, applicable to all Member States, be available, the Commission should review this Recommendation, at the request of at least five Member States and after consultation of the Committee set up by Article 18(1) of Regulation (EEC) No 3821/85.

Addressees

8. The Recommendation is addressed to the Member States.

Done at Brussels, 13.1.2010

For the Commission
Antonio TAJANI
Vice-President



ANNEX I

Checking the uniqueness of the driver card

1. All applications for driver cards should be checked against the driver card registry of the Member State where the application is made.
2. In cases where the applicant holds a driving licence issued in the country of application, Member State card issuing authorities may use the TACHOnet messaging system or a compatible system to carry out random checks in order to establish whether the applicant has applied for and/or received a driver card in another Member State. These random checks should cover at least 2 % of all applications.
3. In cases where the applicant holds a driving licence issued in another Member State than the country of application, Member State card issuing authorities should always use the TACHOnet messaging system or a compatible system.
4. Member States issuing a driver card to a driver holding a driving licence issued in another Member State should immediately notify through TACHOnet or a compatible system this Member State that a driver card has been issued.
5. A Member State which receives notification from another Member State that a driver card has been issued to a driver holding a driving licence issued in the notified Member State, should register this information in his driver card registry. This registration is not necessary if Member State card issuing authorities use TACHOnet or a compatible system in 100% of the applications.

ANNEX II

Minimum level of service

Member States should apply the following minimum service standards with regard to TACHOnet or a compatible electronic data exchange system:

1. *Service time frame and coverage:*

24 hours / 7 days

2. *System Availability rate:*

98 %

System Availability rate represents the percentage of time when a system is operational.

| Availability of | means an unavailability of | | |
|-----------------|----------------------------|----------|--------|
| | Daily | Monthly | Yearly |
| 98% | 20 minutes | 10 hours | 5 days |

3. *System Response time:*

Maximum 60 seconds

If a system does not meet the requested response time the Member State should undertake all necessary steps to bring the system back to normal response time as quickly as possible.

4. *Maintenance procedure:*

Member State should notify other Member States and the Commission of any maintenance activities via the tool "Schedule Maintenance" which is available on the TACHOnet web portal

<https://webgate.cec.eu-admin.net/tachonet/prod/tachonetportal/>

(access limited to connections via s-TESTA network)

5. *Incident escalation:*

In case an incident cannot be rectified within 30 minutes the following escalation procedure should be applied by the Member State whose system is at origin of the incident:

- (a) Notification to the other Member States via the tool "Schedule Maintenance" - copy gets automatically forwarded to Commission;
- (b) Immediately after system has recovered send a notification that system is back to normal.