

EuroMed Regional Transport Project Road, Rail and Urban Transport



Background paper on Implementation of Digital Tachograph and related Legislative Framework

**Michalis P. Adamantiadis,
Euromed Project Road Transport Key Expert
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Contents

1. Introduction	3
2. The road safety situation in Algeria	4
3. The pan-European framework (AETR and EU) for driving and rest times	5
4. The digital tachograph	8
5. The EU's amendment plans for the digital tachograph	18
6. Recording devices outside Europe	20
7. Level of implementation of the digital tachograph in AETR countries: The tolerance package	22
8. Conclusions and recommendations	23
9. ANNEX: Council Regulation (EEC) No 3821/85 of 20 December 1985 on recording equipment in road transport	24
10. Loi n° 2001-14 du 29 Joumada El Oula 1422 correspondant au 19 août 2001 relative à l'organisation, la sécurité et la police de la circulation routière s	44

1. Introduction

Road traffic crashes involving busses and trucks are responsible for 20 to 31 % of the road traffic accidents in Algeria with serious consequences to the life and health of road users. In response to this situation the Algerian Law 01-14 of 2001 on the organization, the security and the Police, in its article 49, introduces control and measurement devices on vehicles with carrying capacity of more than 3500 kg of goods or 15 persons. The Law aims at controlling the speed as well as the driving and rest times of professional drivers engaged in that kind of transport.

The present document was prepared pursuant to the request of the Algerian Transport Ministry for technical assistance from EuroMed Road, Rail and Urban Transport EU funded Project, with the aim of providing key information on the implementation of the digital tachograph in Algeria and other EurMed Partner countries concerned.

The document presents the pan-European framework for the digital tachograph, within the EU and beyond under the AETR agreement. There are also examples of the use of monitoring devices in other parts of the world.

The digital tachograph is a monitoring device, foreseen under the European Agreement concerning the Work of Crews of Vehicles Engaged in International Road Transport (AETR). Geneva, 1 July 1970 that assures adherence to and recording of speeds and working hours for all vehicles. The tachograph recording device was initially analogue.

EATR Agreement provides the pan-European legislative framework for driving and rest times for professional drivers. It essentially regulates the employment conditions of international road transport of goods and passengers. It has at present 51 Contracting Parties, including all 27 European Union (EU) member States.

At EU level, the same subject matter is governed by Council regulation 543/69 of 25 March 1969, which standardized the driving and rest periods for professional drivers. Council Regulation 3821/85 governs the rules on the use of the digital tachograph.. The mandatory use of the digital tachograph was introduced in the EU in 2006 on the basis of Council Regulation (EC) 2135/98 that amended Council Regulation (EEC) 3821/85 and Council Directive 88/599/EEC. Commission Regulation (EC) 1360/2002 introduced all technical requirements for the digital tachograph and tachograph cards.

The mandatory use of the digital tachograph by non-EU AETR countries was introduced in June 2010, following a transitional period that was negotiated by Contracting Parties in Geneva at the United Nations Economic Commission for Europe.

The AETR Agreement is open for accession to all UNECE member states and to other European states that have consultative Status with the Commission but are not members of the UN, in accordance with paragraph 8 of the ECE Terms of Reference. Usually UNECE legal instruments refer also to article 11 of the ECE Terms of Reference which stipulates that any country may request consultative status with UNECE and therefore accede to UNECE Agreements. Since, however, article 11 is not referenced in AETR accession to AETR by any other non-UNECE State is currently obstructed.

However, the matter of opening the EATR Agreement to non-UNECE countries having consultative status has been successfully addressed by the UNECE Working Party on Road Transport (SC.1) administering EATR Agreement. At its 105th session, 29 September–1 October 2010, SC.1 (ECE-TRANS-SC1-392e, para 34 b) decided to amend article 14, paragraph 1 as follows: "... This Agreement shall be open ... by States members of the Economic Commission for Europe and States admitted to the Commission in a consultative capacity under paragraphs 8 and 11 of the Commission's terms of reference." Para. 11 of the Commission's terms of reference stipulates that "The Commission shall invite any Member of the United Nations not a member of the Commission to participate in a consultative capacity in its consideration of any matter of particular concern to that non-member". The formal modification of the EATR Agreement to put in force that amendment is still on-going.

It is being discussed that non ECE countries may be more encouraged to accede to UNECE legal instruments (generally) if they did not require the consultative procedure with ECE, as this would save time for non-ECE countries. Contracting Parties to AETR are also discussing the possibility of amending the Agreement to allow immediate accession by all UN member States.

2. The road safety situation in Algeria

The organization of transport in Algeria is the responsibility of two ministries:

- The Ministry of Transport for transport services, all modes of transport included (as well as the meteorological office related to civil aviation).
- The Ministry of Public Works for transport infrastructure, all modes of transport included.

Algeria has the fourth-largest vehicular accident rate in the world and the highest in both the Maghreb and Arab world. The nationwide average is around 5,000 deaths annually. Many factors play a role in traffic fatalities: poorly maintained roads and road signage; ill-maintained vehicles; the use of defective, pirated auto parts; driver fatigue; and untrained drivers. The number of casualties per million people is 119, a relatively high rate compared to the European average. Traffic accidents represent an economic loss of about 0.3% of the GDP.

The country adopted Law n° 09-03 dated July 22, 2009 modifying and complementing Law n° 1-17 dated August 19, 2001 related to road traffic organization, safety and police. This Law introduced the point system and established the probation driving license. It provides for tightening custody sentences and penalties for offences, mainly for truck drivers. The new measures include:

- withdrawing older vehicles from circulation,
- reducing the on-road hours for public service vehicle drivers, and
- barring heavy transport vehicles in Algiers during daylight hours.

The Algerian national fleet is considerably growing passing from 3 Million in 2006 to 5.5 Million vehicles in 2009. The current road infrastructure in Algeria continues to be insufficient for the large and growing number of vehicles on the roads today. Traffic management resources are inadequate. The Algerian government has been working on increasing the number of paved roads within the country.

Algerian traffic fatalities dropped from 4,607 deaths in 2009 to 3541 deaths in 2010, with the number of daily casualties falling from 13 to 9. The number of injured decreased significantly from 64,148 in 2009 to 51,002 people in 2010, which means 37 fewer casualties a day. Overall, road accidents fell from 40,814 to 31,740, and the cost in material damage dropped from 100 billion dinars in 2009 to 79.25 billion in 2010.

During the first quarter of 2010, the police confiscated 137,577 driving licences across the country as a whole for different offences under the highway regulations, which means over 1,500 licences a day.

With the aim of contributing to Road Safety improvement in Algeria, the government is undertaking effort to implement article 49 of the law 01-14 of 2001 on the installation of speed and driving time recording devices on professional road fleets. Samodia, an Algeria based subsidiary of the BCP Group, and Continental Automotive, have received government certification from the National Office of Legal Metrology (ONML) for two models of Tachograph and are currently preparing a test station which will enable different players in the transport sector: drivers, companies, police, law-makers to put into place the most appropriate system for Algeria.

The project consists in equipping all commercial vehicles deployed for transportation of people and merchandise with regulatory recording machines. When accompanied by appropriate laws, the Tachograph system helps to create a "Road Safety culture" and makes people involved in road transportation more responsible.

3. The pan-European framework (AETR and EU) for driving and rest times

The European Agreement concerning the Work of Crews of Vehicles Engaged in International Road Transport (AETR) signed in Geneva, 1 July 1970 provides that pan-European legislative framework for driving and rest times for professional drivers. It essentially regulates the employment conditions of international road transport of goods and passengers. It has at present 51 Contracting Parties, including all 27 European Union (EU) member States.

The first AETR Agreement was negotiated and signed under the auspices of the United Nations Economic Commission for Europe (UNECE) in 1962 by 5 out of 6 member States of the European Economic Community (EEC) and a number of other European States.¹ It did not enter into force due to an insufficient number of ratifications. Negotiations among States for a new AETR Agreement were resumed in 1967 and the new AETR Agreement (1970) came into force on 5 January 1976.

The digital tachograph is a monitoring device, foreseen under the AETR agreement that assures adherence to and recording of speeds and working hours for all vehicles. The tachograph recording device was initially analogue.

¹ The signatories of the first AETR agreement were Belgium, France, Germany, Luxemburg, the Netherlands, Poland, Sweden and the United Kingdom of Great Britain and Northern Ireland.

At EU level, the same subject matter is governed by Council regulation 543/69 of 25 March 1969, which standardized the driving and rest periods for professional drivers. Council Regulation 3821/85 governs the rules on the use of the digital tachograph.. The mandatory use of the digital tachograph was introduced in the EU in 2006 on the basis of Council Regulation (EC) 2135/98 that amended Council Regulation (EEC) 3821/85 and Council Directive 88/599/EEC. Commission Regulation (EC) 1360/2002 introduced all technical requirements for the digital tachograph and tachograph cards.

In the non-EU AETR countries, an additional transitional period was negotiated by Contracting Parties in Geneva at the United Nations Economic Commission for Europe. The date of entry into force of the digital tachograph amendment was later, in 2010. Furthermore, as per article 22bis AETR, all amendments to technical specifications or requirements for the digital tachograph that are introduced at the EU level via revisions to Council Regulation 3821/85 are automatically transposed into the AETR Agreement, without formal consultation with non-EU Contracting Parties. Contracting Parties in Geneva are now negotiating an amendment to the AETR that will allow all Contracting Parties to decide on issues relating to the Tachograph, in Geneva.

The AETR Agreement is open for accession to all UNECE member states, and to other European states that have consultative Status with the Commission but are not members of the UN, in accordance with paragraph 8 of the ECE Terms of Reference. This provision had been drafted in the ECE Terms of Reference in 1947 and has remained intact since, however it is essentially not applicable any more as the last European State to join the UN was Switzerland which became the 190th member of the UN on 10 September 2002. Usually UNECE legal instruments refer to article 11 of the ECE Terms of Reference which stipulates that any country may request consultative status with UNECE and therefore accede to UNECE Agreements. However, article 11 is not referenced in AETR, for reasons possibly related to the intention of the drafters. As a result, accession to AETR by any other non-UNECE State is currently obstructed.

The matter of opening the EATR Agreement to non-UNECE countries having consultative status has been successfully addressed by the UNECE Working Party on Road Transport (SC.1) administering EATR Agreement. At its 105th session, 29 September–1 October 2010, SC.1 (ECE–TRANS–SC1–392e,para 34 b) decided to amend article 14, paragraph 1 as follows: "... This Agreement shall be open ... by States members of the Economic Commission for Europe and States admitted to the Commission in a consultative capacity under paragraphs 8 and 11 of the Commission's terms of reference." It is worth mentioning the content of Para 11 of the Commission's terms of reference which stipulates that "The Commission shall invite any Member of the United Nations not a member of the Commission to participate in a consultative capacity in its consideration of any matter of particular concern to that non-member". The formal modification of the EATL Agreement to put in force that amendment is still on-going.

It is being discussed that non ECE countries may be more encouraged to accede to UNECE legal instruments (generally) if they did not require the consultative procedure with ECE, as this would save time for many non-ECE countries. Contracting Parties to AETR are also discussing the possibility of amending the Agreement to allow immediate accession by all UN member States.

a) The AETR S rules at a glance

The rules apply to the carriage by road of goods by vehicles with a total mass exceeding 3.5 tonnes and to the transport by road of passengers by vehicles which are adapted for carrying more than nine persons.

Generally, driving time should not exceed 9 hours a day or 56 hours a week. After 4½ hours, drivers must take a break of at least 45 minutes. It is subject to a number of rules, i.e.:

- The total accumulated driving time during any two consecutive weeks shall not exceed 90 hours.
- Driving periods shall include all driving in the territory of Contracting and non-Contracting Parties.
- A driver shall record as other work any time spent driving a vehicle used for commercial operations not falling within the scope of the AETR, and shall record any periods of availability. This record shall be entered either manually on a record sheet or printout or by use of the manual input facilities of the recording equipment.
- After a driving period of four and a half hours, a driver shall take an uninterrupted break of not less than 45 minutes, unless he begins a rest period. This break may be replaced by a break of at least 15 minutes followed by a break of at least 30 minutes each distributed over the driving period or immediately after this period.
- The waiting time and time not devoted to driving spent in a vehicle in motion, a ferryboat or a train shall not be regarded as 'other work', and will be able to be qualified as a "break".

Exceptions under AETR:

AETR rules do not apply for:

- Vehicles used for the carriage of goods where the permissible maximum mass of the vehicle, including any trailer or semi-trailer, does not exceed 3.5 tonnes;
- Vehicles used for the carriage of passengers which, by virtue of their construction and equipment, are suitable for carrying not more than nine persons, including the driver, and are intended for that purpose;
- Vehicles used for the carriage of passengers on regular services where the route covered by the service in question does not exceed 50 kilometres;
- Vehicles with a maximum authorized speed not exceeding 40 kilometres per hour;
- Vehicles owned or hired without a driver by the armed services, civil defence services, fire services, and forces responsible for maintaining public order when the carriage is undertaken as a consequence of the tasks assigned to these services and is under their control;
- Vehicles used in emergencies or rescue operations, including the non-commercial transport of humanitarian aid;
- Specialized vehicles used for medical purposes;
- Specialized breakdown vehicles operating within 100 kilometres of their base;
- Vehicles undergoing road tests for technical development, repair or maintenance purposes, and new or rebuilt vehicles which have not yet been put into service;
- Vehicles with a maximum permissible mass not exceeding 7.5 tonnes used for non-commercial carriage of goods;
- Commercial vehicles which have a historical status according to the legislation of the Contracting Party in which they are being driven and which are used for the non-commercial carriage of passengers or goods.

b) The EU regulation

The EU regulation is mostly identical to the AETR provisions. However, under the EU regulation, Member States can also decide to grant other exemptions subject to individual conditions on their own territory. These are for vehicles:

- belonging to the public authorities provided they do not compete with private transport undertakings;
- used by agricultural, horticultural, forestry, farming or fishery undertakings within a 100 km radius;
- with a maximum permissible mass not exceeding 7.5 tonnes within a 50 kilometre radius used by universal service providers or for carrying materials for the driver's use in the course of their main activity;
- not exceeding 7.5 tonnes and propelled by gas or electricity within a 50 km radius;
- operating on small islands which are not linked to the national territory;
- used for driving instruction and examination;
- used in connection with activities relating to services of general interest, radio and television broadcasting, road maintenance and certain controls;
- for the non-commercial carriage of 10 to 17 passengers;
- for the specialised transport of circus and funfair equipment;
- for mobile projects, for use as an educational facility;
- used for milk collection and the return of milk intended for animal feed;
- specialised for transporting money and/or valuables;
- carrying animal waste not intended for human consumption;
- used exclusively in ports or railway terminals;
- used for the carriage of animals between farms, markets and slaughterhouses within a radius of 50 km.

Area of application of the EU regulation

The Regulation is deemed to apply to all cross-border and international transport carried out exclusively within the territory of the EU, or between the EU, Switzerland and the countries party to the Agreement on the European Economic Area (EEA).

4. The digital tachograph

The Tachograph is a regulatory instrument to enforce the application of the social regulations in road transport especially with the view to increase road safety. It records the work and the rest times of drivers as well as the vehicle speed over time with a view to ensuring that appropriate rest periods are taken by drivers and that a maximum of permissible speed is not exceeded.

Despite the mandatory installation of Tachographs, driver fatigue still accounts for 20% to 30% of accidents in heavy vehicles traffic. Under certain conditions, such as night time driving and in tunnels, up to 50% of accidents are attributable to drowsy or sleeping drivers. Accidents caused by driver fatigue tend to be of especially high severity since drivers' reaction time is much slower.

The original and prime functionality of the Tachograph is to document, i.e. to record the driving history of a driver and his vehicle. However, controls are rather inefficient. A road-side inspection needs to flag a random sample of heavy vehicles down, park them, ask for a download of the Tachograph data on a chip-card and then analyse them. Throughput at a control site is very low. By its very nature, the Tachograph has been designed as an accurate recorder of driving history but not as a compliance device. In this respect, the Digital Tachograph and its analogue predecessor are alike.

In the European Union, the Digital Tachograph is mandatory equipment for all liable vehicles registered after 1st May 2006. For non-EU Contracting Parties to the AETR the digital tachograph had to have replaced all analogue devices by June 2010. The rules on the technical specifications for devices are at present aligned both in the AETR agreement and in the EU regulation. This is accomplished via an unconventional mechanism for introducing technical modifications to the digital tachograph, whereby the AETR agreement allows the EU legislator to introduce the technical rules and amendments to the regulation and subsequently transpose the said decisions into the AETR Agreement almost automatically (art.22bis). This arrangement was devised so as to ensure uniformity of the rules. As such, the digital tachograph specifications are laid down in Council Regulation No 3821/85, and are also applied by the non-EU AETR contracting parties.

a. Description of the System

The recording equipment consists of three main elements:

- a Motion Sensor (MS),
- a Vehicle Unit (VU), and
- a Cable.

The purpose of a Motion Sensor is to provide a Vehicle Unit with secured motion data representative of vehicle's speed and distance travelled. A MS is mechanically interfaced to a moving part of the vehicle. In practice a MS is usually screwed into the vehicle's gear box. Movement detection is provided in most cases by a Hall-effect position sensor located in the sensor. The Hall-effect position sensor is a non-contact device that detects the small electromagnetic variations created by the movement of a toothed ring inside the gear box or inside the sensor itself. The Hall-effect position sensor converts these variations into electrical signals. These signals are processed by a small electronic board inside the MS. Real time speed pulses are sent via the cable to the VU. In addition, a secured serial data communication signal on the same cable allows for mutual authentication and identification between MS and VU, and secured transmission of data. Encryption is carried out by a dedicated crypto-chip welded on the electronic board. Every MS is identified by a unique MS identification data which is stored once and for all in the MS by the MS manufacturer. A MS must be marked with all or if not possible part of its MS identification data.

If a MS is designed so that it cannot be opened, it shall be designed such that physical tampering can be easily detected (e.g. by visual inspection). Power to a MS is always supplied by the VU via the Cable. There are currently two approved manufacturers of the so-called encrypted MS: Actia and Continental.

The purpose of a Vehicle Unit is to record, store, display, print and output data related to driver activities. It is connected to a motion sensor with which it exchanges vehicle's motion data. There are four approved manufacturers of VU's: Actia, Continental, Stoneridge and Eikon.

A 4-wire cable connects physically without interruption the MS with the VU. It provides wires for the transmission of encrypted data between VU and MS, the supply of energy to the MS, and the transmission of real time speed pulses to the VU.

The cable, the connector of the MS, the electrical characteristics of the data exchanged between the MS and the VU and the communication protocol between MS and VU are specified in the standard ISO 16844-3.

b. Tachograph Cards

Central to the introduction of digital tachograph technology is the provision of smart cards for use by drivers, companies, calibration workshops and enforcement officers. National authorities are responsible for card issuing:

- general management (issuing, renewal, replacement)
- security: data protection, driver identification, workshop passwords PIN

The personal driver card is a plastic card similar in size to a credit card, with a microchip in it. The card can store all relevant driver data required for Drivers Hours regulations including break and rest times. It is personalised to the individual driver and is valid for 5 years. It can store information for at least 28 days (with few exceptions). One card is issued per driver for the duration of validity (except in the case of a damaged, lost, stolen or faulty card). A card may be suspended or withdrawn by an enforcement officer if the card has been falsified, if the person using the card is not the legal holder of the card or if the card has been obtained by false declaration or forged documents. The driver card must be made available to law Enforcement Officers on request.

c. Company Cards

A company card is valid for 5 years and serves to protect company-related data in digital tachographs. The card allows a company to download the information from the Digital Tachograph Unit in order to carry out checks on drivers' hours (rostering, etc), as required by the legislation and to maintain the required records for examination by Transport Officers. The company card allows a company to lock data recorded in the VU to prevent other operators from downloading the data. This is necessary to ensure the protection of personal information of a company and its driver(s), and details of work patterns and times from competitors. This would be important when vehicles are sold or returned to a hire/lease company.

d. Control Cards

The control card is available only to law Enforcement Authority Officers for carrying out enforcement of digital tachograph legislation. A control card enables the mass memory of digital tachographs and driver card data to be accessed. It also allows printouts, display and download of all relevant information to be made at any time.

e. Workshop Cards

A Workshop Card is valid for 1 year. The workshop card is available only to approved calibration workshops. Such workshops must be approved by the National Authorities and the workshop fitter must provide proof that he/she has received the necessary qualifications. If a workshop fitter is employed by more than one workshop, he/she must hold a workshop card for each workshop that he/she is working for.

General Rules for workshop card holders:

- The Workshop manager is responsible for the workshop cards at all times.
- The Workshop manager is responsible for the return of cards if/when fitters leave their employment
- If a card cannot be returned such as lost/stolen/malfunctioning the Workshop foreman is obliged to notify the card issuing authority.
- The PIN is personal to a fitter and is posted to him/her personally. This should not be disclosed to any other person.
- The Workshop card can only be used by the person to whom it is issued.

f. The European Root Certification Authority (ERCA)

The Institute for the Protection and Security of the Citizen (IPSC) is one of the seven institutes of the European Commission's Joint Research Centre (JRC).

The IPSC is responsible for two essential services:

- the European Root Certification Authority (ERCA) and
- the Laboratory for Interoperability Certification (DTLab).

The ERCA, managed by the IPSC, generates the secret code for the digital tachograph, the so-called 'European encrypted root key', used in authentication processes. The ERCA also certifies the keys of national authorities, and generates the keys used in motion sensors, workshop cards and vehicle units. All these keys are needed to guarantee the security of the tachograph system, particularly the data-origin and authentication aspects. The ERCA service is central to ensuring the trustworthiness of the data recorded. It also ensures that any controller in any country can check any tachograph with any driver card inserted.

The ERCA also reviews and approves the Member State Authority security policy, guaranteeing that all new Member States fully adhere to the security principles of the tachograph system and have taken the adequate technical and organisational provisions to comply with them.

The IPSC also manages the only existing Laboratory for Interoperability Certification, which is responsible for carrying out thorough test procedures on the digital tachograph and for issuing one of the three certifications needed for it to enter the market. This laboratory is the reference point for equipment producers, authorities and drivers who use its regularly updated website as an instant source of information on the latest equipment and model certifications, public certificates (ERCA keys), ongoing field tests and new country codes.

g. The MoU with UNECE

In 2008, in view of the forthcoming deployment of the digital tachograph on vehicles involved in international journeys on the territories of UNECE AETR, it was necessary to establish a Memorandum of Understanding in order to formally identify:

- the laboratory for interoperability certification for non-EU AETR countries;
- the root certification authorities for non-EU AETR countries;
- the procedures for identifying national authorities in non-EU AETR countries and subsequent national European Root Certification Authority (ERCA) policy approval plus regular auditing.

A preparatory meeting with the UNECE, the Directorate General for Mobility and Transport of the European Commission (DG MOVE) and the Joint Research Centre of the European Commission (JRC) took place on 7 May 2008. Other information meetings were then organized with Russian Federation (4-5 March 2008) and Ukraine (1 August 2008).

A draft MoU was circulated in October-November 2008. The MoU entered into force in January 2009 and renewed in June 2012.

The formal overall objective of the MoU is "to contribute more effectively to understanding and resolving issues pertaining to the full implementation of the digital tachograph requirements of the AETR, especially in the non-EU Contracting Parties to it".

The MoU is established between UNECE, DG MOVE and the JRC, two European Commission Services. JRC activities with regard to the digital Tachograph are funded by DG MOVE. With the MoU, the UNECE recognizes the JRC as the AETR Authority for Root Certification and for interoperability certification for the non-EU Contracting Parties to the AETR.

The JRC carries out work for all AETR contracting parties. It does not service countries that are not parties to AETR, even if they use a tachograph system. It is funded by DG MOVE to assist the implementation of the Digital Tachograph as prescribed by EU legislation and the AETR agreement only. This effectively means that if some countries wish to launch the use of the tachograph outside the AETR agreement (i.e. either nationally or under a regional agreement with other non AETR countries), the JRC does not have the mandate to carry out any related certification or type approval work.

The services provided by the JRC AETR countries include the following:

- ERCA signing sessions for initial or renewal of national certificates;
- Follow-up and verification of national authorities audit;
- Interoperability certification of new tachograph equipment;
- Maintenance of the database with national authorities details.

The MoU identifies the Parties and their respective roles. The operational actions governed by the MoU are listed as follows:

For UNECE:

- (a) non-EU AETR Contracting Parties identification;
- (b) cards additional features checking;

- (c) database of approval certificates and notifications of refusal;
- (d) database of approved fitters and workshops;
- (e) monitor type approval dispute;
- (f) guides the non-EU AETR Contracting Parties in their effort to implement the tachograph;
- (g) database of non-EU AETR Contracting Parties able to respect the 4 year deadline;
- (h) contact point for the Risk Management Group (RMG);
- (i) inform non-EU AETR Contracting Parties to have a single AETR Root Certification Authority (RCA) established;
- (j) support the establishment of a UNECE Trust Fund.

For European Commission services:

- (a) responsible for ERCA;
- (b) responsible for the AETR-RCA (offering same conditions as for the EU 27);
- (c) contributes to :
 - (i) capacity-building for developing risk management procedure;
 - (ii) facilitate exchange of experts and experience (seminars, workshops).

According to the renewed MoU, seconded experts from non EU AETR countries can work at JRC and be involved in the process.

h. Description of ERCA services

ERCA services are performed for EU 27 and non-EU AETR countries in conformity with the approved ERCA Policy v2.1 - JRC Technical Notes - JRC 53429 and the Certification Practice Statement (SPI 04.178).

Root key maintenance operations: These activities ensure the integrity and availability of the backup copies of the root keys. The physical process involves the insertion of the root keys contained in the physical backups into a hardware security module (HSM) and checks on the availability and the values of the backup keys.

Key certification operations: This includes maintenance of the ERCA operations schedule, identification and authentication of key certification requests, performance of key certification operations, checks on technical system integrity (hardware and software integrity), production of key certification records and their backups.

Security management activities: This work involves all the activities related to internal and external auditing of the ERCA operations. This involves inspection of the audit logs, and any exceptional activities which may be initiated by the system auditors (from the JRC Site Security service) on detection or suspicion of a security breach.

Configuration management: This work consists of all the activities required to manage the change in the configuration of the ERCA system to maintain constantly the system at an adequate level of operation and security.

National authority audit reports: National Authorities have an obligation to provide ERCA with a summary of their audit reports. On the digital tachograph website, JRC maintains and records the Audit activity of the National Authorities.

Security management activities: This includes activities related to internal and external auditing of the ERCA operations, as well as inspection of the audit logs, and any exceptional activities which may be initiated by the system auditors (from the JRC Site Security service) on detection or suspicion of a security breach.

i. Description of Interoperability certification process in the DTLab

The Digital Tachograph Laboratory, DTLab according to the Requirement t of the Appendix 1B of the Annex to the AETR related to Requirements for Construction, Testing, Installation, and Inspection of the Digital Control Device used in Road Transport, is the unique laboratory assigned to perform the Interoperability tests on the Digital Tachograph devices. To perform these operations of certification, DTLab is in possession of all tachograph cards and recording equipments that have been type approved so far.

j. Performance of interoperability tests

Pursuant to the terms of the Administrative Arrangement between DG MOVE and JRC, and the MoU with UNECE, DG MOVE authorizes the JRC to perform interoperability tests and issue interoperability certifications for tachograph equipment according to the procedure for type approval defined in Annex I (B).

Interoperability tests are carried out according to the published specification, under a contractual agreement with the equipment supplier. Equipment suppliers are charged for the testing work. The charge for interoperability certification is the same for all suppliers. The funds received are used for the maintenance of the testing service (e.g. hardware / software purchases or developments, including IT equipment as required by the interoperability certification web-site, etc.).

When the DTLab is in possession of the required certificates and of the specimen to be tested, the test request is recorded on the dtc.jrc.ec.europa.eu website² and a notification is sent to the manufacturer.

k. Request for interoperability certification

² http://dtc.jrc.ec.europa.eu/test_requests.html

The request regarding interoperability activities are addressed to the following mailbox: iot@jrc.ec.europa.eu. Then the full process for interoperability certification consists in the following steps:

- DTLab receive the test request by e-mail and inform the manufacturer on a possible testing schedule;
- Emission of a service contract between JRC and the manufacturer:
 - (i) Preparation of quote and preparation of a draft version of the contract;
 - (ii) Acceptation of the quotation;
 - (iii) Preparation and signature of the contract.
- Reception by DTLab of the functional and security certificates;
- Reception of the devices to be tested (5 x 4 cards and 3 VUs);
- Testing of the devices;
- Editing of the interoperability certificate;
- Preparation of the technical report.

I. Tachograph cards: Classification

The DTLab started to implement in 2006 a classification of the DT cards. The classification is based on the following criteria:

- Card manufacturer;
- Answer To Reset;
- Activity length.

The “answer to reset” (ATR), is a sequence of bytes sent by a smart card in response to a (hardware) reset. The ATR includes various parameters relating to the transmission protocol for the smart card. According the DTLab classification, for a given card, a change in the ATR value corresponds to a new item in the classification.

Card manufacturers presently on the market are:

- Gemalto
- Giesecke & Devrient
- Morpho (formerly Sagem-Orga);
- T-Systems.

m. Digital tachograph recording equipment: set of reference

The set of reference of the recording equipment, VU for Vehicle unit, is made of the last type of type approved version for each VU manufacturer. The following tables report all vehicle units tested. The current composition of the set of reference is indicated in bold characters.

<i>Brand</i>	<i>Model</i>	<i>Version</i>	<i>Interoperability certification</i>
ACTIA S.A.	<i>L2000 Digital</i>	<i>P104194-</i>	<i>01/06/2004</i>

<i>Brand</i>	<i>Model</i>	<i>Version</i>	<i>Interoperability certification</i>
	<i>Tachograph</i>	<i>100</i>	
		-All options	
		- Light 1	
	SMARTACH	- Light 2	4 July 2005
Continental Automotive GmbH	DTCO 1381	-	8 October 2004
		Release 1.0	27 May 2005
		Release 1.0a	30 November 2005
		Release 1.2	4 July 2006
		Release 1.2a	27 July 2007
		Release 1.3	25 November 2008
		Release 1.3a	2 April 2009
		Release 1.4	18 April 2011
EFKON AG		Version	
	EFAS-3	1.01	23 July 2008
intellic GmbH (Formerly EFKON AG)	EFAS-4	Version 02	13 January 2012
Stoneridge Electronics AB	SE5000	P.N. 900208	5 April 2005
		Revision 0.2	14 July 2005
		Revision 0.4	16 December 2005
		Revision 7.0	16 January 2009
		Revision 7.1	20 May 2009
		Revision 7.3	4 April 2011
		Revision 7.4	22 March 2012

For the motion sensors, the interoperability tests are performed using the models of ACTIA IS2000 SMARTACH LXRY and the model of Siemens VDO Continental KITAS 2171.

n. Description of the interoperability tests for Digital tachograph cards

Interoperability tests are performed according the JRC Scientific and Technical report EUR 24811 EN-20113 - "Digital Tachograph Equipment Type Approval – Interoperability Test Specification Version 2.2".

The tested cards are equipped with test keys and are normally different from the cards sent for functionality tests. For that reason, preliminary tests are performed in order to avoid any problem related to the functionality. The compatibility of the cards with ISO Standard 7816-3 is also tested. This standard is the generic standard for smartcards equipped with a chip. For the certification, 4 sets of cards are used, one for each recorder.

o. Duration of the CARDS certification exercise

The execution of all tests, preliminary tests included, is normally performed in 2½ working days. The preparation and the publishing of the technical report required additional 2 working days. End of March 2012, sixty-four (64) card interoperability certificates have been issued by the DTLab.

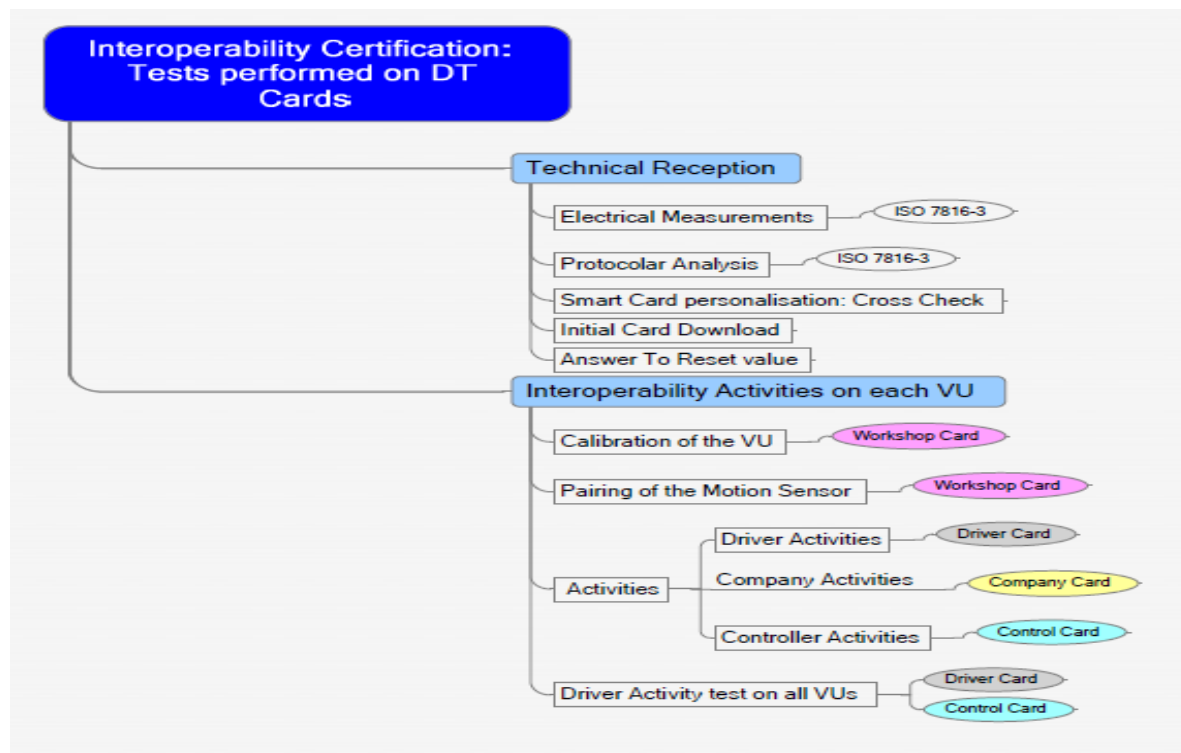
p. Duration of the VU certification exercise

The execution of all tests, preliminary tests included, is normally performed in 3 1/2 working days. The preparation and the publishing of the technical report requires an additional 3 working days. End of March 2012, twenty (20) VU interoperability certificates have been issued by the DTLab.

q. Publication of information related to the interoperability activities

According the Regulations EC N° 1360/2002 and EU No. 1266/2009 (adaptation to the Council Regulation (EEC) No. 3821/85 the laboratory assigned to perform the interoperability certification has to publish and maintain the following information:

- List of the requested tests - http://dtc.jrc.ec.europa.eu/test_requests.html
- List of Interoperability certificates issued by the DTLab:
- Recorders: http://dtc.jrc.ec.europa.eu/vehicle_units_status.html;
- Cards: http://dtc.jrc.ec.europa.eu/tachograph_cards_status.html;
- List of the manufacturers codes (Appendix I Chapter 2, Section 2.67) - http://dtc.jrc.ec.europa.eu/manufacture_codes.html;
- List of nation codes: http://dtc.jrc.ec.europa.eu/nations_codes.html;
- Printout test specification: http://dtc.jrc.ec.europa.eu/printout_test_specifications.html



r. Funding of ERCA Activities

The running costs of the ERCA services are currently covered by DG MOVE budget (in the context of an Administrative Arrangement between MOVE and JRC) and for the DTlab, the budget is mainly provided by DG MOVE budget, with a complement coming from industry paying each certification at 'real costs' compensation level. The current fixed costs for industry are:

- 5,200 EUROS for maintenance interoperability testing on cards (new personalisation of existing type approved cards);
- 10,000 EUROS for full cards interoperability testing;
- 12,500 EUROS for Vehicle Unit interoperability testing.

5. The EU's amendment plans for the digital tachograph

In July 2011, the European Commission published a Roadmap for future activities with regards to Digital Tacographs. The proposal to revise Council Regulation (EEC) No 3821/85 provides for the definition of essential requirements and the addition of certain new features. The proposal foresees that Annex IB should be amended at the latest by 31 December 2014. Some of the envisaged changes are the introduction of Global Navigation Satellite Systems (GNSS) functionalities, remote communication facilities and a standardised interface with other intelligent transport systems (ITS). The Commission plans to introduce, at the same time, some new IT security requirements.

The main elements of the planned changes are outlined below:

- Security Features

The digital tachograph are personal data. Their processing is subject to the provisions of Directive 95/46/EC8 on the protection of personal data and Directive 2002/58/EC9 which require that personal data are processed securely. A higher level of security has become necessary to address the developments in technologies that make "hacking" easier. As a result, Annex IB to Council Regulation (EEC) No 3821/85 and its appendices will need to be modified after carrying out a general security assessment to identify the weak points in the security set-up. New encryption methods will be needed, which will in turn require changes in the hardware (longer "key lengths"). Regarding the time line, it is reasonably realistic to carry out all the preparatory work to have new equipment with an upgraded security level by the time of first introduction of the new cards after 2017, and the vehicle units between 2018 and 2022 (depending on the card renewal policy).

- (i) Mandate the European Committee for Standardization (CEN) to develop standards for seals

Seals are a means for detecting, by visual inspection, any tampering with the mechanical interface between the different parts of the tachograph (the motion sensor and the gearbox), which are sealed by approved workshops after installation. Seals are currently not required to meet a minimum performance level at European level nor to comply with a specific standard, thus making them easier to forge and subject to differentiated degradation over time.

In order to address this issue and having regard to the provisions of Directive 98/34/EC and of rules on Information Society services, the Commission intends to mandate CEN to develop European standards for seals to be used on tachograph systems. For the purpose of defining the requirements for standardisation, the mandate will take into account the particular environment in which the seals have to be placed (high variations in temperature, exposure to mechanical shocks) and will stress the need to identify the workshops entrusted with installing the seals. The CEN will make sure that representative organisations are invited to take part in the standardisation work. The contemplated standardisation could be put into practice in an estimated timeframe of 2 to 2.5 years.

- (ii) Merging driver cards with driving licences

The proposal to revise Council Regulation (EEC) No 3821/85 foresees that by 2018, driver cards will be merged with driving licences. This measure requires minor adaptations of Directive 2006/126/EC of the European Parliament and of the Council of 20 December 2006 on driving licences. This modification involves installation of a chip on the driving licence, containing an encryption key.

The JRC also published a paper in 2011, discussing the possible applications of short range communication technologies in the Digital Tachograph System. The paper is focused on the idea that furnishing the Digital Tachograph with short range communication capabilities would allow control personnel that do checks on free-flowing passing vehicles at road side to interrogate them. Such a wireless interrogation of the Tachograph of a passing vehicle would supply information that would assist control personnel in deciding whether or not to stop the vehicle for a more extensive check.

The proposed technologies included:

Radio Frequency Identification (RFID): This technology is mainly used for tagging and tracking items. When applied to vehicles, the technology is often referred to as AVI (Automatic Vehicle Identification). The data carrying element is generally known as tag. When a tag passes the electromagnetic field of a reading device, the tag will wake up and data will be transmitted wirelessly from tag to reader.

Digital Enhanced Cordless Communication (DECT): This technology has been developed for cordless telephones with a range between the base station and the telephone receiver of up to 300 meters. DECT can be used in a mobile way but the allowed speed of movement does not exceed walking speed, i.e. no more than about 10 km/h.

Wireless LAN communication standards (WLAN): This technology is optimised for large bandwidth data transmission between essentially static equipment but it is not suitable for high-speed vehicle applications.

Continuous Air interfaces - Long and Medium Range (CALM): CALM IR and CALM M5 are two short range technologies are dedicated to point-to-point communications specifically in the area of ITS.

6. Recording devices outside Europe

United States of America

The Hours-of-Service (HoS) regulations (49 CFR Part 395) put limits in place for when and how long commercial motor vehicle (CMV) drivers could drive. It is managed by the US DoT (Department of Transport). These regulations are based on an exhaustive scientific review and are designed to ensure truck drivers get the necessary rest to perform safe operations. The Federal Motor Carrier Safety Administration) also reviewed existing fatigue research and worked with organizations like the Transportation Research Board of the National Academies and the National Institute for Occupational Safety in setting these HOS rules. The regulations are designed to continue the downward trend in truck fatalities and maintain motor carrier operational efficiencies. Although the HOS regulations are found in Part 395 of the Federal Motor Carrier Safety Regulations, many States have identical or similar regulations for intrastate traffic.

The hours reporting is done in written form, unless the driving time is being recorded electronically using an automatic on-board recording device. The written is called the "record of duty status." Common names for this form are the driver's daily log, log, or logbook.

Everything written on the log must be true and correct, on one original and one copy of the log. Authorized government inspectors may check the logs at any time. Drivers must have a log for each day of the last 8 days that are required to log. The current day's log must be current to the last change of duty status. Inspectors check the logs to see if a driver has violated the hours-of-service regulations. Violations of the hours-of-service regulations can result in being fined and/or placed out of service.

Many motor carriers have installed electronic devices in their trucks to help accurately record hours-of-service information. If such a device meets the requirements of Section 395.15 of the safety regulations, it is called an Automatic On-Board Recording Device (AOBRD), and may be used in place of a paper logbook.

Manufacturers of AOBRDs must certify that their devices meet the following requirements:

- an AOBRD must be mechanically or electronically connected to the truck to automatically record, at a minimum, engine use, road speed, miles driven, the date, and time of day.
- the AOBRD device must be capable of displaying or printing for enforcement officers the times of duty status changes and other required information. It must also store this information for the prior 7 days.

An AOBRD may be used without creating any paper copies of logs by transmitting the data electronically to the carrier, or it may be used to print copies of the logs that would be signed by the driver and mailed to the carrier.

Regarding the Electronic On-Board Recorders (EOBRs), the use of EOBRs to record hours-of-service information is not yet authorized by the safety regulations, but it has been formally proposed On 31 January 2011 by the U.S. Federal Motor Carrier Safety Administration (FMCSA). An EOBR is more complex than an AOBRD and may use new technologies such as Global Positioning Systems to automatically record additional hours-of service information.

There are significant differences between U.S. needs for an hours-of-service electronic onboard recorder (EOBR) and the digital tachograph mandated for all commercial drivers in Europe. The first difference is that European recorders capture both hours on-duty and vehicle speed, while a U.S. required EOBR would only capture HOS information. Also, Europe has set up the legal infrastructure to maintain a centralized database for controlling driver ID cards and certification of repair facilities needed to ensure the integrity and security of the collected data. The American market would have to make decisions on how to achieve that same security level.

Canada

In Canada, the Commercial Vehicle Drivers Hours of Service Regulations govern the maximum driving times and minimum off-duty times of commercial vehicle (bus and truck) drivers employed or otherwise engaged in extra-provincial transport. These Regulations require drivers to keep a record of their daily driving and other work activities in a prescribed format and to make these records available to designated enforcement officials upon request.

The Regulations are intended to address safety issues that pertain to the operating environment of a driver and to reduce the risk of fatigue-related commercial vehicle collisions by providing drivers with the opportunity to obtain additional rest.

The central features of the Regulations include, amongst others:

- A daily requirement for a minimum of 10 hours off-duty.
- The requirement that upon reaching the maximum on-duty time, a minimum of 8 consecutive hours of off-duty time is taken before re-commencing driving;
- The minimum rest period for team drivers using a vehicle equipped with sleeper berth accommodations is 4 consecutive hours;
- A minimum of 24 consecutive hours off-duty is required, at least once every 14 days for all drivers.

7. Level of implementation of the digital tachograph in AETR countries: The tolerance package

The digital tachograph device became mandatory for EU member States in June 2006. It was to become mandatory for non-EU AETR Contracting Parties on 16 June 2010 (ie., after a four-year transition period). In spite of efforts made towards implementing the digital tachograph, by the June 2010 deadline, some non-EU AETR Contracting Parties appeared not be ready to fully implement it by the deadline.

This “unpreparedness” was the subject of an extraordinary session of UNECE’s Working Party on Road Transport (SC.1) held in Geneva on 22-23 April 2010 where the Contracting Parties to the European Agreement Concerning the Work of Crews of Vehicles Engaged in International Road Transport reached agreement on a six-month tolerance period for the implementation of the digital tachograph at the pan-European level. The “tolerance package” of April 2010 defined the conditions to be adhered to by the drivers of vehicles registered in countries that may fail to observe the deadline in order to be allowed to enter the territory of complying States without being subject to fines or denial of entry. The “tolerance package” ended on 31 December 2010.

As of 27.1.2011

“X” denotes “done”

“O” denotes “in progress”

Country	Authority Identified	Policy for Review	Policy Approved	Start of ERCA Services	Card Issuing
Albania	X	X	X	X	X
Armenia					Fully compliant as of 1 April 2011

Belarus	X	X	X	X	X
Bosnia-Herzegovina	X	X	X		
Croatia	X	X	X	X	X
The former Yugoslav Republic of Macedonia	X	X	X	X	
Moldova	X	X	X	X	X
Montenegro	X	O			
Russian Federation	X	X	X	X	X
San Marino	X	X	X		
Republic of Serbia	X	X	O		
Turkey	X	X	X	X	X
Ukraine	X	X	X	X	X

All non-EU AETR countries were contacted in December 2010 by the UNECE secretariat requesting up-to-date information (See table below)

Source: UNECE Transport Division and Joint Research Centre, European road Certification Authority, European Commission based on information provided by the national authorities.

Notes: No information received from Kazakhstan, Turkmenistan and Uzbekistan.

Information from Azerbaijan received in Azeri – the UNECE is awaiting information in English.

8. Conclusions and recommendations

The AETR Agreement and its digital tachograph device are essential for regulating the employment conditions of international road transport of goods and passengers, monitor and ensure adherence to and recording of speeds and working hours for all vehicles. The EU legislative framework has made significant advances that have enabled member states to implement the system already in 2006. This can be attributed to socio-economic factors, but also to the political will and availability of technical expertise.

As evidenced by the non-EU AETR Contracting Parties and the 2010 "Tolerance package", the implementation of digital tachograph is a demanding task requiring high technical expertise, strict rules and well-functioning systems at national and international levels. In this respect, the JRC has been pivotal as the designated laboratory for the digital tachograph interoperability and the European road certification authority for AETR countries. However, the JRC does not service countries that are not parties to AETR, even if, conceivably, they use a tachograph system and unfortunately the AETR Agreement is not open for accession to non UNECE member States.

However, the matter of opening the EATR Agreement to non-UNECE countries is well advanced. The UNECE Working Party on Road Transport (SC.1) administering EATR Agreement, already decided to amend the EATR Agreement so that non-UNECE member countries may accede to the agreement if they are admitted to the Commission in a consultative capacity under paragraph 11 of the Commission's terms of reference. The formal modification of the EATR Agreement to put in force that amendment is still pending.

It is being discussed that non ECE countries may be more encouraged to accede to UNECE legal instruments (generally) if they did not require the consultative procedure with ECE, as this would save time for non-ECE countries. Contracting Parties to AETR are also discussing the possibility of amending the Agreement to allow immediate accession by all UN member States

Several Euromed Partner countries including Algeria, Morocco and Tunisia are considering implementing digital tachograph systems in their domestic transport, with Algeria being at a most advanced stage. On the other hand, the advanced technical and legislative functionality of the European system would be a demanding goal for Algeria that will have to dedicate significant human and financial resources for implementation. The most efficient alternative for Algeria and other Euromed Partner countries in this regard is how to become Contracting Parties to AETR and benefit from its provisions and established widely harmonised frameworks.

As evidenced by the example of the US, automated monitoring devices are difficult to implement in any economic environment if there is no homogeneity in setting up the necessary legal infrastructure to maintain a centralized database for controlling driver ID cards and certification of repair facilities. Thus, Algerian authorities should carefully consider which kind of system would best serve their needs, particularly if there is an intention to expand the use of the tachograph to international transport. In such a case, accession to AETR would be the best recommended solution.

Some of the recommended actions include:

- Consultations with DG MOVE and the JRC about possible ways to involve JRC in the tachograph efforts of Euromed Partner countries;
- Organization of EUROMED capacity building workshops with the participation of JRC experts so as to present best practices for capacity building in order to assist Euromed Partner countries with setting up their own laboratories and national authorities;
- Monitoring and if possible, acceleration of the on-going modification of the AETR Agreement at UNECE level to allow and facilitate accession to non UNECE member countries;
- Official communication by the Algerian Government to the UNECE Executive Secretary requesting UNECE to admit Algeria to participate in a consultative capacity in UNECE under paragraph 11 of the Commission's terms of reference.

9. ANNEX: Council Regulation (EEC) No 3821/85 of 20 December 1985 on recording equipment in road transport

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 the proposal from the Commission (1),

Having regard to the opinion of the European Parliament (2),

Having regard to the opinion of the Economic and Social Committee (3),

Whereas Regulation (EEC) No 1463/70 (4) as last amended by Regulation (EEC) No 2828/77 (5) introduced recording equipment in road transport;

Whereas, taking into account the amendments set out hereinafter, in order to clarify matters, all the relevant provisions should be brought together in a single text, and in consequence

thereof, Regulation (EEC) No 1463/70 of the Council should be repealed; whereas, however, the exemptions set out in Article 3 (1) for certain passenger services should be maintained in force for a certain time;

Whereas the use of recording equipment that may indicate the periods of time referred to in Regulation (EEC) No 3820/85 on the harmonization of certain social legislation relating to road transport (6) is intended to ensure effective checking on that social legislation;

Whereas the obligation to use such recording equipment can be imposed only for vehicles registered in Member States; whereas furthermore certain of such vehicles may, without giving rise to difficulty, be excluded from the scope of this Regulation;

Whereas the Member States should be entitled, with the Commission's authorization, to grant certain vehicles exemptions from the provisions of the Regulation in exceptional circumstances; whereas, in urgent cases, it should be possible to grant these exemptions for a limited time without prior authorization from the Commission;

Whereas, in order to ensure effective checking, the equipment must be reliable in operation, easy to use and designed in such a way as to minimize any possibility of fraudulent use; whereas to this end recording equipment should in particular be capable of providing, on separate sheets for each driver and in a sufficiently precise and easily readable form, recorded details of the various periods of time;

Whereas automatic recording of other details of a vehicle's journey, such as speed and distance covered, will contribute significantly to road safety and will encourage sensible driving of the vehicle; whereas, consequently, it appears appropriate to provide for the equipment also to record those details;

Whereas it is necessary to set Community construction and installation standards for recording equipment and to provide for an EEC approval procedure, in order to avoid throughout the territory of the Member States any impediment to the registration of vehicles fitted with such recording equipment, to their entry into service or use, or to such equipment being used;

Whereas, in the event of differences of opinion between Member States concerning cases of EEC type approval, the Commission should be empowered to take a decision on a dispute within six months if the States concerned have been unable to reach a settlement;

Whereas it would be helpful in implementing this Regulation and preventing abuses to issue drivers who so request with a copy of their record sheets;

Whereas, in order to achieve the aims hereinbefore mentioned of keeping a check on work and rest periods, it is necessary that employers and drivers be responsible for seeing that the equipment functions correctly and that they perform with due care the operations prescribed;

Whereas the provisions governing the number of record sheets that a driver must keep with him must be amended following the replacement of the flexible week by a fixed week;

Whereas technical progress necessitates rapid adaptation of the technical specifications set out in the Annexes to this Regulation; whereas, in order to facilitate 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 an Advisory Committee;

Whereas Member States should exchange the available information on breaches established;

Whereas, in order to ensure that recording equipment functions reliably and correctly, it is advisable to lay down uniform requirements for the periodic checks and inspections to which the equipment is to be subject after installation,

HAS ADOPTED THIS REGULATION:

CHAPTER I

Principles and scope

Article 1

Recording equipment within the meaning of this Regulation shall, as regards construction, installation, use and testing, comply with the requirements of this Regulation and of Annexes I and II thereto, which shall form an integral part of this Regulation.

Article 2

For the purposes of this Regulation the definitions set out in Article 1 of Regulation (EEC) No 3820/85 shall apply.

Article 3

1. Recording equipment shall be installed and used in vehicles registered in a Member State which are used for the carriage of passengers or goods by road, except the vehicles referred to in Articles 4 and 14 (1) of Regulation (EEC) No 3820/85.

2. Member States may exempt vehicles mentioned in Article 13 (1) of Regulation (EEC) No 3820/85 from application of this Regulation. Member States shall inform the Commission of any exemption granted under this paragraph.

3. Member States may, after authorization by the Commission, exempt from application of this Regulation vehicles used for the transport operations referred to in Article 13 (2) of Regulation (EEC) No 3820/85. In urgent cases they may grant a temporary exemption for a period not exceeding 30 days, which shall be notified immediately to the Commission. The Commission shall notify the other Member States of any exemption granted pursuant to this paragraph.

4. In the case of national transport operations, Member States may require the installation and use of recording equipment in accordance with this Regulation in any of the vehicles for which its installation and use are not required by paragraph 1.

CHAPTER II

Type approval

Article 4

Applications for EEC approval of a type of recording equipment or of a model record sheet shall be submitted, accompanied by the appropriate specifications, by the manufacturer or his agent to a Member State. No application in respect of any one type of recording equipment or of any one model record sheet may be submitted to more than one Member State.

Article 5

A Member State shall grant EEC approval to any type of recording equipment or to any model record sheet which conforms to the requirements laid down in Annex I to this Regulation, provided the Member State is in a position to check that production models conform to the approved prototype.

Any modifications or additions to an approved model must receive additional EEC type approval from the Member State which granted the original EEC type approval.

Article 6

Member States shall issue to the applicant an EEC approval mark, which shall conform to the model shown in Annex II, for each type of recording equipment or model record sheet which they approve pursuant to Article 5.

Article 7

The competent authorities of the Member State to which the application for type approval has been submitted shall, in respect of each type of recording equipment or model record sheet which they approve or refuse to approve, either send within one month to the authorities of the other Member States a copy of the approval certificate accompanied by copies of the relevant specifications, or, if such is the case, notify those authorities that approval has been refused; in cases of refusal they shall communicate the reasons for their decision.

Article 8

1. If a Member State which has granted EEC type approval as provided for in Article 5 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 it has approved, it shall take the necessary measures to ensure that production models conform to the approved prototype. The measures taken may, if necessary, extend to withdrawal of EEC type approval.
2. A Member State which has granted EEC type approval shall withdraw such approval if the recording equipment or record sheet which has been approved is not in conformity with this Regulation or its Annexes or displays in use any general defect which makes it unsuitable for the purpose for which it is intended.
3. If a Member State which has granted EEC type approval is notified by another Member State of one of the cases referred to in paragraphs 1 and 2, it shall also, after consulting the latter Member State, take the steps laid down in those paragraphs, subject to paragraph 5.
4. A Member State which ascertains that one of the cases referred to in paragraph 2 has arisen may forbid until further notice the placing on the market and putting into service of

the recording equipment or record sheets. The same applies in the cases mentioned in paragraph 1 with respect to recording equipment or record sheets which have been exempted from EEC initial verification, if the manufacturer, after due warning, does not bring the equipment into line with the approved model or with the requirements of this Regulation. In any event, the competent authorities of the Member States shall notify one another and the Commission, within one month, of any withdrawal of EEC type approval or of any other measures taken pursuant to paragraphs 1, 2 and 3 and shall specify the reasons for such action.

5. If a Member State which has granted an EEC type approval disputes the existence of any of the cases specified in paragraphs 1 or 2 notified to it, the Member States concerned shall endeavour to settle the dispute and the Commission shall be kept informed.

If talks between the Member States have not resulted in agreement within four months of the date of the notification referred to in paragraph 3 above, the Commission, after consulting experts from all Member States and having considered all the relevant factors, e.g. economic and technical factors, shall within six months adopt a decision which shall be communicated to the Member States concerned and at the same time to the other Member States. The Commission shall lay down in each instance the time limit for implementation of its decision.

Article 9

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

2. The competent authorities of each Member State shall indicate on the approval certificate for the model record sheet the type or types of recording equipment on which that model sheet may be used.

Article 10

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 referred to in Article 6 and the installation plaque referred to in Article 12.

Article 11

All decisions pursuant to this Regulation refusing or withdrawing approval of a type of recording equipment or model record sheet shall specify in detail the reasons on which they are based. A decision shall be communicated to the party concerned, who shall at the same time be informed of the remedies available to him under the laws of the Member States and of the time-limits for the exercise of such remedies.

CHAPTER III

Installation and inspection

Article 12

1. Recording equipment may be installed or repaired only by fitters or workshops approved by the competent authorities of Member States for that purpose after the latter, should they so desire, have heard the views of the manufacturers concerned.
2. The approved fitter or workshop shall place a special mark on the seals which it affixes. The competent authorities of each Member State shall maintain a register of the marks used.
3. The competent authorities of the Member States shall send each other their lists of approved fitters or workshops and also copies of the marks used.
4. For the purpose of certifying that installation of recording equipment took place in accordance with the requirements of this Regulation an installation plaque affixed as provided in Annex I shall be used.

CHAPTER IV

Use of equipment

Article 13

The employer and drivers shall be responsible for seeing that the equipment functions correctly.

Article 14

1. The employer shall issue a sufficient number of record sheets to drivers, bearing in mind the fact that these sheets are personal in character, the length of the period of service and the possible obligation to replace sheets which are damaged, or have been taken by an authorized inspecting officer. The employer shall issue to drivers only sheets of an approved model suitable for use in the equipment installed in the vehicle.
2. The undertaking shall keep the record sheets in good order for at least a year after their use and shall give copies to the drivers concerned who request them. The sheets shall be produced or handed over at the request of any authorized inspecting officer.

Article 15

1. Drivers shall not use dirty or damaged record sheets. The sheets shall be adequately protected on this account.

In case of damage to a sheet bearing recordings, drivers shall attach the damaged sheet to the spare sheet used to replace it.

2. Drivers shall use the record sheets every day on which they are driving, starting from the moment they take over the vehicle. The record sheet shall not be withdrawn before the end of the daily working period unless its withdrawal is otherwise authorized. No record sheet may be used to cover a period longer than that for which it is intended. When, as a result of being away from the vehicle, a driver is unable to use the equipment fitted to the vehicle, the periods of time indicated in paragraph 3, second indent (b), (c) and (d) below shall be entered on the sheet, either manually, by automatic recording or other means, legibly and without dirtying the sheet.

Drivers shall amend the record sheets as necessary should there be more than one driver on board the vehicle, so that the information referred to in Chapter II (1) to (3) of Annex I is recorded on the record sheet of the driver who is actually driving.

3. Drivers shall:

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

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

- (a) under the sign : driving time;

- (b) under the sign : all other periods of work;

- (c) under the sign : other periods of availability, namely:

- waiting time, i.e. the period during which drivers need remain at their posts only for the purpose of answering any calls to start or resume driving or to carry out other work,

- time spent beside the driver while the vehicle is in motion,

- time spent on a bunk while the vehicle is in motion;

- (d) under the sign : breaks in work and daily rest periods.

4. Each Member State may permit all the periods referred to in paragraph 3, second indent (b) and (c) to be recorded under the sign on the record sheets used on vehicles registered in its territory.

5. Each crew member shall enter the following information on his record sheet:

- (a) on beginning to use the sheet - his surname and first name;

- (b) the date and place where use of the sheet begins and the date and place where such use ends;

- (c) the registration number of each vehicle to which he is assigned, both at the start of the first journey recorded on the sheet and then, in the event of a change of vehicle, during use of the sheet;

- (d) the odometer reading:

- at the start of the first journey recorded on the sheet,

- at the end of the last journey recorded on the sheet,

- in the event of a change of vehicle during a working day (reading on the vehicle to which he was assigned and reading on the vehicle to which he is to be assigned);

- (e) the time of any change of vehicle.

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

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

7. Whenever requested by an authorized inspecting officer to do so, the driver must be able to produce record sheets for the current week, and in any case for the last day of the previous week on which he drove.

Article 16

1. In the event of breakdown or faulty operation of the equipment, the employer shall have it repaired by an approved fitter or workshop, as soon as circumstances permit.

If the vehicle is unable to return to the premises within a period of one week calculated from the day of the breakdown or of the discovery of defective operation, the repair shall be carried out en route.

Measures taken by Member States pursuant to Article 19 may give the competent authorities power to prohibit the use of the vehicle in cases where breakdown or faulty operation has not been put right as provided in the foregoing subparagraphs.

2. While the equipment is unserviceable or operating defectively, drivers shall mark on the record sheet or sheets, or on a temporary sheet to be attached to the record sheet, all information for the various periods of time which is not recorded correctly by the equipment.

CHAPTER V

Final provisions

Article 17

The amendments necessary to adapt the Annexes to technical progress shall be adopted in accordance with the procedure laid down in Article 18. Article 18

1. A Committee for the adaptation of this Regulation to technical progress (hereinafter called 'the Committee') is hereby set up; it shall consist of representatives of the Member States, and a representative of the Commission shall be 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 the representative of a Member State.

4. The Commission representative shall submit to the Committee a draft of the measures to be taken. The Committee shall give its opinion on that draft within a time limit set by the chairman having regard to the urgency of the matter. Opinions shall be delivered by a qualified majority in accordance with Article 148 (2) of the Treaty. The chairman shall not vote.

5. (a) The Commission shall adopt the envisaged measures 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 submit to the Council a proposal on the measures to be taken. The Council shall act by a qualified majority.

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

Article 19

1. Member States shall, in good time and after consulting the Commission, adopt such laws, regulations or administrative provisions as may be necessary for the implementation of this Regulation.

Such measures shall cover, inter alia, the reorganization of, procedure for, and means of carrying out, checks on compliance and the penalties to be imposed in case of breach.

2. Member States shall assist each other in applying this Regulation and in checking compliance therewith.

3. Within the framework of this mutual assistance the competent authorities of the Member States shall regularly send one another all available information concerning:

- breaches of this Regulation committed by non-residents and any penalties imposed for such breaches,

- penalties imposed by a Member State on its residents for such breaches committed in other Member States.

Article 20

Regulation (EEC) No 1463/70 shall be repealed.

However, Article 3 (1) of the said Regulation shall, until 31 December 1989, continue to apply to vehicles and drivers employed in regular international passenger services in so far as the vehicles used for such services are not fitted with recording equipment used as prescribed in this Regulation.

Article 21

This Regulation shall enter into force on 29 September 1986.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 20 December 1985.

For the Council

The President

R. KRIEPS

(1) OJ No C 100, 12. 4. 1984, p. 3, and OJ No C 223, 3. 9. 1985, p. 5.

(2) OJ No C 122, 20. 5. 1985, p. 168.

(3) OJ No C 104, 25. 4. 1985, p. 4, and OJ No C 303, 25. 11. 1985, p. 29.

(4) OJ No L 164, 27. 7. 1970, p. 1.

(5) OJ No L 334, 24. 12. 1977, p. 11.

(6) See page 1 of this Official Journal.

ANNEX I

REQUIREMENTS FOR CONSTRUCTION, TESTING, INSTALLATION AND INSPECTION

I. DEFINITIONS

In this Annex:

(a) Recording equipment means:

equipment intended for installation in road vehicles to show and record automatically or semi-automatically details of the movement of those vehicles and of certain working periods of their drivers;

(b) Record sheet means:

a sheet designed to accept and retain recorded data, to be placed in the recording equipment and on which the marking devices of the latter inscribe a continuous record of the information to be recorded;

(c) The constant of the recording equipment means:

the numerical characteristic giving the value of the input signal required to show and record a distance travelled of one kilometre; this constant must be expressed either in revolutions per kilometre ($k = \dots \text{rev/km}$), or in impulses per kilometre ($k = \dots \text{imp/km}$);

(d) Characteristic coefficient of the means:

the numerical characteristic giving the value of the output signal emitted by the part of the vehicle linking it with the recording equipment (gearbox output shaft or axle) while the vehicle travels a distance of one measured kilometre under normal test conditions (see Chapter VI, point 4 of this Annex). The characteristic coefficient is expressed either in revolutions per kilometre ($w = \dots \text{rev/km}$) or in impulses per kilometre ($w = \dots \text{imp/km}$);

(e) Effective circumference of wheel tyres means:

the average of the distances travelled by the several wheels moving the vehicle (driving wheels) in the course of one complete rotation. The measurement of these distances must be made under normal test conditions (see Chapter VI, point 4 of this Annex) and is expressed in the form : $l = \dots \text{mm}$.

II. GENERAL CHARACTERISTICS AND FUNCTIONS OF RECORDING EQUIPMENT

The equipment must be able to record the following:

1. distance travelled by the vehicle;

2. speed of the vehicle;

3. driving time;
4. other periods of work or of availability;
5. breaks from work and daily rest periods;
6. opening of the case containing the record sheet.

For vehicles used by two drivers the equipment must be capable of recording simultaneously but distinctly and on two separate sheets details of the periods listed under 3, 4 and 5.

III. CONSTRUCTION REQUIREMENTS FOR RECORDING EQUIPMENT

(a) General points

1. Recording equipment shall include the following:

1.1. Visual instruments showing:

- distance travelled (distance recorder),
- speed (speedometer),
- time (clock).

1.2. Recording instruments comprising:

- a recorder of the distance travelled,
- a speed recorder,
- one or more time recorders satisfying the requirements laid down in Chapter III (c) 4.

1.3. A marking device showing on the record sheet each opening of the case containing that sheet. 2. Any inclusion in the equipment of devices additional to those listed above must not interfere with the proper operation of the mandatory devices or with the reading of them.

The equipment must be submitted for approval complete with any such additional devices.

3. Materials

3.1. All the constituent parts of the recording equipment must be made of materials with sufficient stability and mechanical strength and stable electrical and magnetic characteristics.

3.2. Any modification in a constituent part of the equipment or in the nature of the materials used for its manufacture must, before being applied in manufacture, be submitted for approval to the authority which granted type-approval for the equipment.

4. Measurement of distance travelled

The distances travelled may be measured and recorded either:

- so as to include both forward and reverse movement, or
- so as to include only forward movement.

Any recording of reversing movements must on no account affect the clarity and accuracy of the other recordings.

5. Measurement of speed

5.1. The range of speed measurement shall be as stated in the type approval certificate.

5.2. The natural frequency and the damping of the measuring device must be such that the instruments showing and recording the speed can, within the range of measurement, follow acceleration changes of up to 2 m/s², within the limits of accepted tolerances.

6. Measurement of time (clock)

6.1. The control of the mechanism for resetting the clock must be located inside a case containing the record sheet; each opening of that case must be automatically recorded on the record sheet.

6.2. If the forward movement mechanism of the record sheet is controlled by the clock, the period during which the latter will run correctly after being fully wound must be greater by at least 10 % than the recording period corresponding to the maximum sheet-load of the equipment.

7. Lighting and Protection

7.1 The visual instruments of the equipment must be provided with adequate non-dazzling lighting.

7.2. For normal conditions of use, all the internal parts of the equipment must be protected against damp and dust. In addition they must be made proof against tampering by means of casings capable of being sealed.

(b) Visual instruments

1. Distance travelled indicator (distance recorder)

1.1. The value of the smallest grading on the instrument showing distance travelled must be 0,1 kilometres. Figures showing hectometres must be clearly distinguishable from those showing whole kilometres.

1.2. The figures on the distance recorder must be clearly legible and must have an apparent height of at least 4 mm.

1.3. The distance recorder must be capable of reading up to at least 99 999,9 kilometres.

2. Speed indicators (speedometer)

2.1. Within the range of measurement, the speed scale must be uniformly graduated by 1, 2, 5 or 10 kilometres per hour. The value of a speed graduation (space between two successive marks) must not exceed 10 % of the maximum speed shown on the scale.

2.2. The range indicated beyond that measured need not be marked by figures.

2.3. The length of each space on the scale representing a speed difference of 10 kilometres per hour must not be less than 10 millimetres.

2.4. On an indicator with a needle, the distance between the needle and the instrument face must not exceed three millimetres.

3. Time indicator (clock)

The time indicator must be visible from outside the equipment and give a clear, plain and unambiguous reading. (c) Recording instruments

1. General points

1.1. All equipment, whatever the form of the record sheet (strip or disc) must be provided with a mark enabling the record sheet to be inserted correctly, in such a way as to ensure that the time shown by the clock and the time-marking on the sheet correspond.

1.2. The mechanism moving the record sheet must be such as to ensure that the latter moves without play and can be freely inserted and removed.

1.3. For record sheets in disc form, the forward movement device must be controlled by the clock mechanism. In this case, the rotating movement of the sheet must be continuous and uniform, with a minimum speed of seven millimetres per hour measured at the inner border of the ring marking the edge of the speed recording area.

In equipment of the strip type, where the forward movement device of the sheets is controlled by the clock mechanism the speed of rectilinear forward movement must be at least 10 millimetres per hour.

1.4. Recording of the distance travelled, of the speed of the vehicle and of any opening of the case containing the record sheet or sheets must be automatic.

2. Recording distance travelled

2.1. Every kilometre of distance travelled must be represented on the record by a variation of at least one millimetre on the corresponding coordinate.

2.2. Even at speeds reaching the upper limit of the range of measurement, the record of distances must still be clearly legible.

3. Recording speed

3.1. Whatever the form of the record sheet, the speed recording stylus must normally move in a straight line and at right angles to the direction of travel of the record sheet.

However, the movement of the stylus may be curvilinear, provided the following conditions are satisfied:

- the trace drawn by the stylus must be perpendicular to the average circumference (in the case of sheets in disc form) or to the axis (in the case of sheets in strip form) of the area reserved for speed recording,
- 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 to 1 whatever the form of the record sheet,

- the markings on the time-scale must cross the recording area in a curve of the same radius as the trace drawn by the stylus. The spaces between the markings on the time-scale must represent a period not exceeding one hour.

3.2. Each variation in speed of 10 kilometres per hour must be represented on the record by a variation of at least 1,5 millimetres on the corresponding coordinate.

4. Recording time

4.1. Recording equipment must be so constructed that it is possible, through the operation where necessary of a switch device, to record automatically and separately four periods of time as indicated in Article 15 of the Regulation.

4.2. It must be possible, from the characteristics of the traces, their relative positions and if necessary the signs laid down in Article 15 of the Regulation to distinguish clearly between the various periods of time.

The various periods of time should be differentiated from one another on the record by differences in the thickness of the relevant traces, or by any other system of at least equal effectiveness from the point of view of legibility and ease of interpretation of the record.

4.3. In the case of vehicles with a crew consisting of more than one driver, the recordings provided for in point 4.1 must be made on two separate sheets, each sheet being allocated to one driver. In this case, the forward movement of the separate sheets must be effected either by a single mechanism or by separate synchronized mechanisms.

(d) Closing device

1. The case containing the record sheet or sheets and the control of the mechanism for resetting the clock must be provided with a lock.

2. Each opening of the case containing the record sheet or sheets and the control of the mechanism for resetting the clock must be automatically recorded on the sheet or sheets.

(e) Markings

1. The following markings must appear on the instrument face of the equipment:

- close to the figure shown by the distance recorder, the unit of measurement of distance, indicated by the abbreviation 'km',

- near the speed scale, the marking 'km/h',

- the measurement range of the speedometer in the form 'Vmin . . . km/h, Vmax . . . km/h', This marking is not necessary if it is shown on the descriptive plaque of the equipment.

However, these requirements shall not apply to recording equipment approved before 10 August 1970.

2. The descriptive plaque must be built into the equipment and must show the following markings, which must be visible on the equipment when installed:

- name and address of the manufacturer of the equipment,

- manufacturer's number and year of construction,

- approval mark for the equipment type,
- the constant of the equipment in the form ' $k = \dots \text{rev/km}$ ' or ' $k = \dots \text{imp/km}$ ',
- optionally, the range of speed measurement, in the form indicated in point 1,
- should the sensitivity of the instrument to the angle of inclination be capable of affecting the readings given by the equipment beyond the permitted tolerances, the permissible angle expressed as:

where α is the angle measured from the horizontal position of the front face (fitted the right way up) of the equipment for which the instrument is calibrated, while v and g represent respectively the maximum permissible upward and downward deviations from the angle of calibration α .

(f) Maximum tolerances (visual and recording instruments)

1. On the test bench before installation:

(a) distance travelled:

1 % more or less than the real distance, where that distance is at least one kilometre;

(b) speed:

3 km/h more or less than the real speed;

(c) time:

$\pm$ two minutes per day with a maximum of 10 minutes per seven days in cases where the running period of the clock after rewinding is not less than that period.

2. On installation:

(a) distance travelled:

2 % more or less than the real distance, where that distance is at least one kilometre;

(b) speed:

4 km/h more or less than the real speed;

(c) time:

$\pm$ two minutes per day, or

$\pm$ 10 minutes per seven days.

3. In use:

(a) distance travelled:

4 % more or less than the real distance, where that distance is at least one kilometre;

(b) speed:

6 km/h more or less than the real speed;

(c) time:

± two minutes per day, or

± 10 minutes per seven days.

4. The maximum tolerances set out in points 1, 2 and 3 are valid for temperatures between 0 ° and 40 °C, temperatures being taken in close proximity to the equipment.

5. Measurement of the maximum tolerances set out in points 2 and 3 shall take place under the conditions laid down in Chapter VI. IV. RECORD SHEETS

(a) General points

1. The record sheets must be such that they do not impede the normal functioning of the instrument and that the records which they contain are indelible and easily legible and identifiable.

The record sheets must retain their dimensions and any records made on them under normal conditions of humidity and temperature.

In addition it must be possible to write on the sheets, without damaging them and without affecting the legibility of the recordings, the information referred to in Article 15 (5) of the Regulation.

Under normal conditions of storage, the recordings must remain clearly legible for at least one year.

2. The minimum recording capacity of the sheets, whatever their form, must be 24 hours.

If several discs are linked together to increase the continuous recording capacity which can be achieved without intervention by staff, the links between the various discs must be made in such a way that there are no breaks in or overlapping of recordings at the point of transfer from one disc to another.

(b) Recording areas and their graduation

1. The record sheets shall include the following recording areas:

- an area exclusively reserved for data relating to speed,
- an area exclusively reserved for data relating to distance travelled,
- one or more areas for data relating to driving time, to other periods of work and availability to breaks from work and to rest periods for drivers.

2. The area for recording speed must be scaled off in divisions of 20 kilometres per hour or less. The speed corresponding to each marking on the scale must be shown in figures against that marking. The symbol 'km/h' must be shown at least once within the area. The last marking on the scale must coincide with the upper limit of the range of measurement.

3. The area for recording distance travelled must be set out in such a way that the number of kilometres travelled may be read without difficulty.

4. The area or areas reserved for recording the periods referred to in point 1 must be so marked that it is possible to distinguish clearly between the various periods of time.

(c) Information to be printed on the record sheets

Each sheet must bear, in printed form, the following information:

- name and address or trade name of the manufacturer,
- approval mark for the model of the sheet,
- approval mark for the type or types of equipment in which the sheet may be used,
- upper limit of the speed measurement range, printed in kilometres per hour.

By way of minimal additional requirements, each sheet must bear, in printed form a time-scale graduated in such a way that the time may be read directly at intervals of fifteen minutes while each five minute interval may be determined without difficulty.

(d) Free space for hand written insertions

A free space must be provided on the sheets such that drivers may as a minimum write in the following details:

- surname and first name of the driver,
- date and place where use of the sheet begins and date and place where such use ends,
- the registration number or numbers of the vehicle or vehicles to which the driver is assigned during the use of the sheet,
- odometer readings from the vehicle or vehicles to which the driver is assigned during the use of the sheet,
- the time at which any change of vehicle takes place.

V. INSTALLATION OF RECORDING EQUIPMENT

1. Recording equipment must be positioned in the vehicle in such a way that the driver has a clear view from his seat of speedometer, distance recorder and clock while at the same time all parts of those instruments, including driving parts, are protected against accidental damage. 2. It must be possible to adapt the constant of the recording equipment to the characteristic coefficient of the vehicle by means of a suitable device, to be known as an adaptor.

Vehicles with two or more rear axle ratios must be fitted with a switch device whereby these various ratios may be automatically brought into line with the ratio for which the equipment has been adapted to the vehicle.

3. After the equipment has been checked on installation, an installation plaque shall be affixed to the vehicle beside the equipment or in the equipment itself and in such a way as to be clearly visible. After every inspection by an approved fitter or workshop requiring a change in the setting of the installation itself, a new plaque must be affixed in place of the previous one.

The plaque must show at least the following details:

- name, address or trade name of the approved fitter or workshop,

- characteristic coefficient of the vehicle, in the form 'w = . . . rev/km' or 'w = . . . imp/km',
- effective circumference of the wheel tyres in the form 'l = . . . mm',
- the dates on which the characteristic coefficient of the vehicle was determined and the effective measured circumference of the wheel tyres.

4. Sealing

The following parts must be sealed:

- (a) the installation plaque, unless it is attached in such a way that it cannot be removed without the markings thereon being destroyed;
- (b) the two ends of the link between the recording equipment proper and the vehicle;
- (c) the adaptor itself and the point of its insertion into the circuit;
- (d) the switch mechanism for vehicles with two or more axle ratios;
- (e) the links joining the adaptor and the switch mechanism to the rest of the equipment;
- (f) the casings required under Chapter III (a) 7.2.

In particular cases, further seals may be required on approval of the equipment type and a note of the positioning of these seals must be made on the approval certificate.

Only the seals mentioned in (b), (c) and (e) may be removed in cases of emergency; for each occasion that these seals are broken a written statement giving the reasons for such action must be prepared and made available to the competent authority.

VI. CHECKS AND INSPECTIONS

The Member States shall nominate the bodies which shall carry out the checks and inspections.

1. Certification of new or repaired instruments

Every individual device, whether new or repaired, shall 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 verification, consisting of a check on and confirmation of 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 may delegate the power to certify to the manufacturers or to their authorized agents.

2. Installation

When being fitted to a vehicle, the equipment and the whole installation must comply with the provisions relating to maximum tolerances laid down in Chapter III (f) 2.

The inspection tests shall be carried out by the approved fitter or workshop on his or its responsibility.

3. Periodic inspections

(a) Periodic inspections of the equipment fitted to vehicles shall take place at least every two years and may be carried out in conjunction with roadworthiness tests of vehicles.

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 seals on the equipment and on the other parts of the installation are intact,
- the actual circumference of the tyres.

(b) An inspection to ensure compliance with the provision of Chapter III (f) 3 on the maximum tolerances in use shall be carried out at least once every six years, although each Member State may stipulate a shorter interval or such inspection in respect of vehicles registered in its territory. Such inspections must include replacement of the installation plaque.

4. Measurement of errors

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

- vehicle unladen, in normal running, order
- tyre pressures in accordance with the manufacturer's instructions,
- tyre wear within the limits allowed 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; provided that it is of comparable accuracy, the test may also be carried out on an appropriate test bench.

ANNEX II

APPROVAL MARK AND CERTIFICATE

I. APPROVAL MARK

1. The approval mark shall be made up of:

- a rectangle, within which shall be placed the letter 'e' followed by a distinguishing number or letter for the country which has issued the approval in accordance with the following conventional signs:

1.2 // Belgium // 6, // Denmark // 18, // Germany // 1, // Greece // GR, // Spain // 9, // France // 2, // Ireland // IRL, // Italy // 3, // Luxembourg // 13, // Netherlands // 4, // Portugal // 21, // United Kingdom // 11,

and

- an approval number corresponding to the number of the approval certificate drawn up for prototype of the recording equipment or the record sheet, placed at any point within the immediate proximity of this rectangle.

2. The approval mark shall be shown on the descriptive plaque of each set of equipment and on each record sheet. It must be indelible and must always remain clearly legible.

3. The dimensions of the approval mark drawn below are expressed in millimetres, these dimensions being minima. The ratios between the dimensions must be maintained.

(1) These figures are shown for guidance only. II. APPROVAL CERTIFICATE

A State having granted approval shall issue the applicant with an approval certificate, the model for which is given below. When informing other Member States of approvals issued or, if the occasion should arise, withdrawn, a Member State shall use copies of that certificate.

APPROVAL CERTIFICATE

Name of competent administration

Notification concerning (1):

- approval of a type of recording equipment
- withdrawal of approval of a type of recording equipment
- approval of a model record sheet
- withdrawal of approval of a record sheet

Approval No

1. Trade mark or name
 2. Name of type or model
 3. Name of manufacturer
 4. Address of manufacturer
 5. Submitted for approval on
 6. Tested at
 7. Date and number of test report
 8. Date of approval
 9. Date of withdrawal of approval
 10. Type or types of recording equipment in which sheet is designed to be used
 11. Place
 12. Date
 13. Descriptive documents annexed
 14. Remarks
- (Signature)

For more information on annex 2 see attached file

10. Loi n° 2001-14 du 29 Joumada El Oula 1422 correspondant au 19 août 2001 relative à l'organisation, la sécurité et la police de la circulation routière s

J.O.R.A. N° 46 DU 19-08-2001

Le Président de la République,

Vu la Constitution, notamment ses articles 119, 120, 122 et 126;

Vu l'ordonnance n° 66-154 du 8 juin 1966, modifiée et complétée, portant code de procédure civile;

Vu l'ordonnance n° 66-155 du 8 juin 1966, modifiée et complétée, portant code de procédure pénale;

Vu l'ordonnance n° 66-156 du 8 juin 1966, modifiée et complétée, portant code pénal;

Vu l'ordonnance n° 75-58 du 26 septembre 1975, modifiée et complète portant code civil;

Vu la loi n° 83-03 du 5 février 1983 relative à la protection de l'environnement;

Vu la loi n° 84-09 du 4 février 1984 relative à l'organisation territoriale du pays;

Vu la loi n° 84-17 du 7 juillet 1984, modifiée et complétée, relative aux lois de finances;

Vu la loi n° 85-05 du 16 février 1985, modifiée et complétée, relative à la protection et à la promotion de la santé;

Vu la loi n° 87-03 du 27 janvier 1987 relative à l'aménagement du territoire;

Vu la loi n° 87-09 du 10 février 1987 relative à l'organisation, la sécurité et à la police de la circulation routière;

Vu la loi n° 88-17 du 10 mai 1988 portant orientation et organisation des transports terrestres;

Vu la loi n° 90-08 du 7 avril 1990 relative à la commune;

Vu la loi n° 90-09 du 7 avril 1990 relative à la wilaya;

Vu la loi n° 90-29 du 1er décembre 1990, modifiée et complétée, relative à l'aménagement et l'urbanisme;

Vu la loi n° 90-30 du 1er décembre 1990, portant loi domaniale;

Vu la loi n° 90-35 du 25 décembre 1990 relative à la police, la sûreté, la sécurité, l'usage et la conservation dans l'exploitation des transports ferroviaires;

Vu l'ordonnance n° 95-07 du 23 Chaâbane 1415 correspondant au 25 janvier 1995 relative aux assurances;

Après adoption par le Parlement;

Promulgue la loi dont la teneur suit:

CHAPITRE I

DISPOSITIONS GENERALES

Article 1er. - La présente loi a pour objet de fixer les conditions relatives à l'organisation, la sécurité et la police de la circulation routière.

Section 1

Définitions

Art. 2. - Au sens de la présente loi, on entend par:

- route: toute voie publique ouverte à la circulation des véhicules;
- chaussée: la partie de la route utilisée pour la circulation des véhicules;
- voie: l'une quelconque des subdivisions de la chaussée, ayant une largeur suffisante pour permettre la circulation d'une file de véhicules;
- agglomération: un espace terrestre sur lequel sont groupés des immeubles bâtis rapprochés et dont l'entrée et la sortie sont signalées par des panneaux placés à cet effet le long de la route qui le traverse ou le borde;
- intersection: le lieu de jonction ou de croisement de deux ou plusieurs chaussées, quels que soient le ou les angles des axes de ces chaussées;
- arrêt: l'immobilisation momentanée d'un véhicule sur une route durant le temps nécessaire pour permettre la montée ou la descente de personnes, le chargement ou le déchargement du véhicule, le conducteur restant aux commandes de celui-ci ou à proximité pour pouvoir, le cas échéant, le déplacer; le moteur toujours en marche;
- stationnement: l'immobilisation d'un véhicule sur la route hors des circonstances caractérisant l'arrêt, le moteur à l'arrêt;
- piste cyclable: une chaussée exclusivement réservée aux cycles et cyclomoteurs;
- bande cyclable: une voie exclusivement réservée aux cycles et cyclomoteurs située sur une chaussée à plusieurs voies;
- route express: une route ouverte à la circulation générale, pouvant croiser à niveau d'autres routes et voies de chemin de fer, et comportant dans les deux sens de la circulation, des chaussées distinctes susceptibles d'être séparées l'une de l'autre par un terre-plein central;
- autoroute: une route spécialement conçue et réalisée pour la circulation automobile, ne croisant à niveau ni route, ni voie de chemin de fer, ni voie de circulation des piétons, accessible seulement en des points aménagés à cet effet, ne desservant pas les propriétés riveraines et comportant dans les deux sens de la circulation, des chaussées distinctes séparées l'une de l'autre par un terre-plein central non destiné à la circulation et pouvant être utilisé exceptionnellement par des moyens de transport collectif sur site propre elle est spécialement signalée;

- bretelle de raccordement autoroutière: la ou les routes reliant les autoroutes au reste du réseau routier;
- bande d'arrêt d'urgence: c'est la partie d'un accotement située en bordure de la chaussée des routes express et des autoroutes et spécialement aménagée pour permettre, en cas de nécessité, l'arrêt ou le stationnement des véhicules;
- accotement: la bande de terrain s'étendant de la limite de la chaussée à la limite de la plate-forme d'une route;
- plate-forme: la surface comprenant la chaussée et les accotements d'une route;
- terre-plein central: l'espace séparant deux chaussées à sens opposés de circulation;
- trottoir: un espace aménagé sur les côtés d'une route destinée à la circulation des piétons; il doit être plus élevé que la chaussée et généralement bitumé ou dallé;
- conducteur: toute personne qui assure la direction d'un véhicule, y compris les cycles et cyclomoteurs, guide d'animaux de trait, de charge, de selle, de troupeaux sur une route ou qui en a la maîtrise effective;
- piéton: la personne se déplaçant à pied; Sont assimilées aux piétons: les personnes qui poussent ou tirent les voitures d'enfants, de malades ou d'infirmes, ainsi que celles qui traînent une bicyclette ou un cyclomoteur et les infirmes qui se déplacent dans une voiture roulante mue par eux-mêmes à l'allure du pas;
- automobile: tout véhicule destiné au transport de personnes ou de marchandises et pourvu d'un dispositif mécanique de propulsion circulant sur route;
- véhicule articulé: toute automobile de transport de marchandises suivie d'une remorque sans essieu avant, accouplée de telle manière qu'une partie de la remorque repose sur le véhicule tracteur et qu'une partie appréciable du poids de cette remorque et de son chargement soit supportée par le tracteur une telle remorque est dénommée "semi-remorque";
- autobus articulé: un véhicule composé de plusieurs tronçons rigides qui s'articulent l'un par rapport à l'autre; les compartiments voyageurs de chaque section communiquent entre eux de façon à permettre la libre circulation des voyageurs; les sections rigides sont reliées de façon permanente et ne peuvent être disjointes;
- remorque: tout véhicule destiné à être attelé à une automobile;
- cycle: tout cycle non pourvu d'un dispositif automoteur;
- poids total autorisé en charge (PTAC): le poids du véhicule en cumul avec la charge;
- alcootest: un appareil portatif permettant de vérifier instantanément la présence d'alcool dans l'organisme d'une personne, à travers l'air expiré;
- éthylomètre: un appareil qui permet la mesure immédiate et précise du taux d'alcool, par analyse de l'air expiré;
- télétachymètre: un appareil qui permet la mesure immédiate de la vitesse d'un véhicule en mouvement.

Section 2

Principes généraux

Art. 3. - L'utilisation des voies publiques est organisée de manière à réaliser une égale mobilité des usagers.

Art. 4. - L'Etat est chargé de promouvoir une politique de prévention et de sécurité routière.

Art. 5. - La circulation piétonne, les cycles et motocycles, les moyens de transports collectifs, sont privilégiés dans les zones urbaines.

Ces modes de déplacement bénéficient de la priorité; ils sont encouragés par l'affectation de voies, couloirs ou aménagements adéquats, rendant leur circulation aisée.

Art. 6. - Les priorités de passage sont édictées, par voie réglementaire, pour certaines routes ou certains usagers.

Art. 7. - Les véhicules doivent être conçus et construits de manière à répondre aux normes fixées par voie réglementaire.

Art. 8. - Tout conducteur de véhicule doit être détenteur d'un permis de conduire afférent au type de véhicule qu'il conduit. Outre le permis de conduire, il est institué un brevet professionnel pour le transport public de voyageurs et de marchandises. Sont assimilés au permis de conduire les titres qui, lorsque le permis de conduire n'est pas exigé, sont prévus par les règlements pour la conduite des véhicules à moteur. Les modalités d'application du présent article sont fixées par voie réglementaire.

Art. 9. - Tout conducteur de véhicule doit observer les règles de la circulation routière de manière à ne constituer aucun danger pour lui-même et pour les autres usagers.

Art. 10. - Tout citoyen a le droit de postuler à l'obtention du permis de conduite. Les modalités d'application du présent article sont fixées par voie réglementaire.

Art. 11. - Le port de la ceinture de sécurité est obligatoire. Les modalités d'application du présent article sont fixées par voie réglementaire.

Art. 12. - Le conducteur d'un véhicule est pénalement et civilement responsable des infractions commises par lui.

CHAPITRE II

DE LA CIRCULATION DES DIFFERENTES CATEGORIES

D'USAGERS DES VOIES PUBLIQUES

Section 1

De la circulation sur les voies publiques

Art. 13. - La circulation routière est organisée en vue d'assurer les meilleures conditions de sécurité et de fluidité. Dans ce cadre, les collectivités territoriales sont chargées de l'élaboration et de l'exécution, en zone urbaine, d'un plan de circulation en vue de maîtriser la croissance du trafic automobile et d'atténuer ses effets négatifs. Les modalités d'application du présent article sont fixées par voie réglementaire.

Art. 14. - L'utilisation des véhicules automobiles, notamment particuliers, pourra être interdite ou réduite dans des espaces délimités dans les conditions fixées par voie réglementaire.

Art. 15. - Les courses à pied et les courses de véhicules à moteur, des cycles et motocycles sur la voie publique sont organisées dans les conditions fixées par voie réglementaire.

Art. 16. - Toutes les précautions doivent être prises pour que le chargement d'un véhicule automobile ou remorqué ne puisse être une cause de dommage ou de danger pour autrui. Tout chargement et quelque soit le produit transporté, doit être effectué dans des conditions fixées par voie réglementaire.

Art. 17. - Le conducteur doit se tenir constamment en état et en position d'exécuter, commodément et sans délai, toutes les manoeuvres requises par la conduite du véhicule.

Art. 18. - Tout conducteur doit s'abstenir de conduire lorsqu'il a consommé des boissons alcoolisées ou lorsqu'il est sous l'effet de toute autre substance susceptible d'altérer ses réflexes et ses capacités de conduite.

Art. 19. - En cas d'accident corporel de la circulation, les officiers ou agents de la police judiciaire soumettent à des épreuves de dépistage de l'imprégnation alcoolique par la méthode de l'expiration d'air toute personne présumée en état d'ivresse ou tout conducteur ou accompagnateur d'un élève conducteur impliqué dans l'accident. Ils pourront soumettre, par ailleurs, aux mêmes épreuves tout conducteur à l'occasion de tout contrôle routier. Ces épreuves sont faites au moyen d'appareil homologué permettant de déterminer le taux d'alcool par l'analyse de l'air expiré appelé "alcootest" et/ou "éthylomètre". Un second contrôle pourra être immédiatement effectué après vérification du bon fonctionnement de cet appareil.

Lorsque les épreuves de dépistage permettront de présumer d'un état alcoolique ou lorsque le conducteur ou l'accompagnateur de l'élève conducteur aura contesté les résultats de ces épreuves ou refusé de les subir, les officiers ou agents de la police judiciaire feront procéder aux vérifications médicales, cliniques et biologiques destinées à en administrer la preuve.

Art. 20. - En cas d'accident corporel de la circulation ayant entraîné un homicide involontaire, les officiers ou agents de la police judiciaire soumettront le conducteur à des examens médicaux, cliniques et biologiques en vue d'établir s'il conduisait sous l'influence de substances ou plantes classées comme stupéfiants.

Art. 21. - Lorsque les vérifications prévues aux articles 19 et 20 cidessus auront été faites au moyen d'analyses et examens médicaux, cliniques et biologiques, un échantillon de ces analyses devra être conservé. Les modalités d'application du présent article sont fixées par voie réglementaire.

Art. 22. - Les résultats des analyses médicales, cliniques et biologiques sont transmis au procureur de la République de la juridiction compétente ainsi qu'au wali du lieu de l'accident.

Art. 23. - Tout conducteur doit adapter la vitesse de son véhicule aux difficultés et obstacles de la circulation, à l'état de la chaussée et aux conditions météorologiques. Il doit constamment rester maître de la vitesse de son véhicule et conduire avec prudence.

Il doit, notamment, réduire la vitesse:

- lorsque la route ne lui apparaît pas libre;
- lorsque les conditions météorologiques sont mauvaises;
- lorsque les conditions de visibilité sont insuffisantes;
- lorsque la visibilité est limitée du fait de l'usage de certains dispositifs d'éclairage et en particulier des feux de croisements;
- dans les virages, les descentes rapides, les sections de routes étroites ou encombrées ou bordées d'habitations et à l'approche des côtes et des intersections;
- lors du croisement ou du dépassement d'une troupe de piétons en marche (civils ou militaires) ou d'un convoi à l'arrêt;
- lors du croisement ou du dépassement des véhicules de transports en commun de personnes faisant l'objet d'une signalisation spéciale au moment de la descente ou de la montée des voyageurs;
- lors du croisement ou du dépassement d'animaux.

Art. 24. - Les prescriptions énoncées à l'article 23, ci-dessus, ne font pas obstacle à l'obligation faite au conducteur de ne pas diminuer la fluidité du trafic en circulant sans raison à une allure trop réduite. Des vitesses minimales de circulation des véhicules automobiles sur les autoroutes peuvent être édictées par voie réglementaire.

Art. 25. - La vitesse est limitée dans les conditions fixées par voie réglementaire. Les vitesses maximales autorisées doivent être hiérarchisées compte tenu des risques inhérents à chaque catégorie de route et de type de véhicule et au trafic habituellement enregistré sur la voie publique.

Art. 26. - Les croisements et dépassements doivent s'effectuer dans les conditions fixées par voie réglementaire.

Art. 27. - L'usage des ralentisseurs et les conditions relatives à leur mise en place ainsi que les lieux de leur implantation sont définies par voie réglementaire.

Art. 28. - Les voies ferrées longeant une route ou la traversant à niveau doivent être indiquées par une signalisation appropriée. Cette obligation pèse sur l'exploitant de la voie ferroviaire. Les engins et véhicules circulant sur les voies ferrées bénéficient de la priorité. Les autres usagers appelés à les traverser sont tenus de le faire avec précaution et prudence requises; ils ne doivent, en aucun cas, constituer une gêne ou un obstacle aux mouvements des engins et véhicules auxquels sont destinées ces voies.

Art. 29. - Les véhicules doivent être munis de systèmes et de dispositifs d'éclairage et de signalisation appropriés.

Art. 30. - L'usage manuel par le conducteur du téléphone portable et le port du casque d'écoute radiophonique sont interdits lorsque le véhicule est en mouvement.

Art. 31. - L'utilisation de signaux acoustiques est réduite aux besoins rendus nécessaires par un danger immédiat. Toutefois leur usage peut être interdit par l'apposition d'une signalisation appropriée.

Art. 32. - L'arrêt et le stationnement sur la voie publique sont selon les cas autorisés et interdits par une signalisation appropriée dont l'installation est à la charge de l'Etat et des collectivités territoriales.

Art. 33. - Le stationnement autorisé sur la voie publique est gratuit. Toutefois, les collectivités territoriales peuvent initier des mesures le rendant payant. Les modalités d'application du présent article sont fixées par voie réglementaire.

Section 2

Des dispositions spéciales applicables aux piétons

Art. 34. - Les piétons sont tenus d'emprunter les trottoirs ou accotements spécialement aménagés à leur usage. Est interdite toute utilisation des trottoirs à des fins entravant la circulation piétonne.

Art. 35. - Les piétons sont tenus, pour traverser une chaussée, de s'assurer au préalable qu'il n'existe pas de danger immédiat et tenir compte également de la distance et de la vitesse des véhicules y circulant et d'utiliser les passages matérialisés, spécialement prévus à leur intention dits "passage piétons" toutes les fois qu'un tel passage se trouve à moins de 30 m. La traversée de la chaussée doit se faire en ligne droite, c'est-à-dire perpendiculairement, à l'axe de la chaussée. Il est interdit aux piétons de s'immobiliser sur la chaussée.

Art. 36. - Lorsque la traversée de la chaussée par les piétons devient dangereuse ou impossible suite à des travaux et aménagements de la route, des mesures doivent être prises pour offrir aux piétons des passages alternatifs sécurisants et accessibles.

Art. 37. - En dehors des agglomérations, et sauf si cela est de nature à compromettre leur sécurité, les piétons doivent emprunter le côté gauche de la chaussée dans le sens de leur marche. Toute troupe ou détachement ou groupement marchant en colonne sur la chaussée, doit être signalé dès la tombée de la nuit, ou de jour lorsque les circonstances l'exigent, notamment par temps de brouillard, par une lumière blanche tenue à l'avant et une lumière rouge tenue à l'arrière. Ces lumières doivent être tenues respectivement par un membre de la colonne marchant à 10 m en avant et par un autre marchant à 10 m en arrière de celle-ci.

Art. 38. - En dehors de toute signalisation lumineuse, les conducteurs sont tenus de céder le passage aux piétons engagés dans les passages piétons. A l'approche des passages piétons, les conducteurs ne doivent pas effectuer de dépassement sans qu'ils ne se soient assurés qu'aucun piéton n'est engagé sur ce passage.

Art. 39. - Il est interdit à tout conducteur de s'arrêter ou de stationner en empiétant sur un passage prévu à l'intention des piétons.

Art. 40. - Lorsque des parcs de stationnement des véhicules sont aménagés sur des trottoirs en terre-plein, les conducteurs ne doivent circuler sur ceux-ci qu'à une allure très réduite en prenant toutes les précautions pour ne pas nuire aux piétons.

CHAPITRE III

DES CONDITIONS ADMINISTRATIVES ET DES REGLES DE CONFORMITE DES VEHICULES ET DE LEURS EQUIPEMENTS

Art. 41. - Aucun véhicule ne sera admis en circulation s'il n'est pas conforme aux prescriptions techniques en vigueur.

Art. 42. - En application de l'article 7 ci-dessus, les véhicules automobiles doivent faire l'objet, avant leur première mise en circulation, d'un contrôle de conformité aux prescriptions techniques et réglementaires.

Art. 43. - Le contrôle technique des véhicules automobiles est obligatoire. L'organisation de ce contrôle et les modalités de son exercice sont définies par voie réglementaire.

Art. 44. - Tous les équipements et organes de véhicules ayant un lien avec la sécurité doivent répondre aux normes fixées par voie réglementaire.

Art. 45. - Il est interdit à tout véhicule automobile d'émettre des fumées, des gaz toxiques et des bruits au delà des seuils fixés par voie réglementaire.

Art. 46. - Tout véhicule doit disposer d'équipements permettant au conducteur d'avoir un champ de visibilité suffisant aussi bien vers l'avant et vers l'arrière que vers la droite et vers la gauche, pour que ce dernier puisse conduire avec sûreté.

Art. 47. - Toutes les vitres, y compris celles du pare-brise, doivent être en substance transparente et conforme aux normes fixées par voie réglementaire.

Art. 48. - La pose de tout film plastique ou tout autre procédé opaque sur les vitres du véhicule est interdite.

Art. 49. - Tout véhicule de transport de marchandises dont le poids total autorisé en charge est supérieur de 3.500 kg et de transport de personne de plus de (15) quinze places doit être équipé d'un dispositif de contrôle et d'enregistrement de la vitesse. Les conditions de mise en oeuvre du présent article sont fixées par voie réglementaire.

Art. 50. - Tout véhicule doit, dans les conditions fixées par voie réglementaire, comporter un numéro d'immatriculation et doit être muni des autorisations et pièces administratives exigées pour sa circulation.

Art. 51. - Tout véhicule doit être muni d'une plaque d'immatriculation. Les caractéristiques des plaques d'immatriculation ainsi que les conditions et les modalités de leurs fabrication et installation sont définies par voie réglementaire.

Art. 52. - Le transfert de propriété d'un véhicule ou sa destruction doit faire l'objet d'une déclaration. Les modalités d'application du présent article sont fixées par voie réglementaire.

Art. 53. - Les véhicules des handicapés et invalides doivent porter un signe approprié.

Art. 54. - Il est créé un fichier national des cartes d'immatriculation des véhicules appelées "cartes grises". Les conditions et les modalités de la tenue de ce fichier sont définies par voie réglementaire.

CHAPITRE IV

DE LA FORMATION DES CONDUCTEURS

Art. 55. - Le permis de conduire, tel que prévu à l'article 8 cidessus, est délivré au candidat ayant subi avec succès les épreuves théoriques et pratiques pour la conduite de véhicules. Les conditions d'accès aux épreuves visées ci-dessus et du renouvellement du permis de conduire sont fixées par voie réglementaire.

Art. 56. - Le contrôle médical périodique est obligatoire pour l'ensemble des conducteurs. Il sera effectué dans les conditions fixées par voie réglementaire.

Art. 57. - L'enseignement de la conduite automobile à titre onéreux est dispensé par des établissements de formation agréés. Ces établissements sont organisés et contrôlés dans les conditions fixées par voie réglementaire.

Art. 58. - L'enseignement de la conduite automobile dispensé gratuitement pour les catégories de permis de conduire "A, A1 et B" est autorisé selon des modalités déterminées par voie réglementaire.

Art. 59. - La formation professionnelle des conducteurs de véhicules de transport public de personnes, de marchandises et de matières dangereuses est assurée dans des établissements agréés. Les conditions et les modalités d'agrément de ces établissements sont fixées par voie réglementaire.

Art. 60. - L'enseignement des règles de la circulation routière, de prévention et de sécurité routière est obligatoire dans les établissements scolaires. Les modalités d'application du présent article sont fixées par voie réglementaire.

Art. 61. - Il est créé un Centre national des permis de conduire. Le Centre national des permis de conduire a pour mission l'encadrement des activités d'enseignement de la conduite automobile et l'organisation des examens des permis de conduire. L'organisation et le fonctionnement de ce centre sont fixés par voie réglementaire.

Art. 62. - Il est créé un fichier national des permis de conduire. Les conditions et les modalités de tenue de ce fichier sont définies par voie réglementaire.

CHAPITRE V

DE LA SECURITE ROUTIERE ET DE LA PREVENTION

DES ACCIDENTS DE LA CIRCULATION

Art. 63. - Dans le cadre de la mise en oeuvre de l'article 4 ci-dessus relatif à la promotion de la politique de prévention routière, l'Etat a la charge de:

- l'éducation et l'information du citoyen pour la promotion de la discipline d'exploitation des voies publiques propres à assurer sa sécurité,
- l'organisation périodique de campagnes de prévention et de sécurité routière,
- la surveillance et le contrôle permanents de la circulation routière par les services habilités,
- l'aménagement adéquat de l'infrastructure routière,
- la mise en place et l'entretien permanent des équipements de sécurité routière,
- l'encouragement de l'action du mouvement associatif,

- veiller à l'application du contrôle technique des véhicules.

Art. 64. - Il est créé un centre national de prévention et de sécurité routière et des comités de wilaya. Ce centre est placé sous la tutelle du ministère chargé des transports. Des organes chargés du suivi de l'application des dispositions de la présente loi peuvent être créés. Les modalités de mise en oeuvre du présent article sont fixées par voie réglementaire.

CHAPITRE VI

INFRACTIONS ET SANCTIONS

Section 1

Sanctions aux infractions des règles concernant la conduite des véhicules et des animaux

Art. 65. - Est puni conformément aux dispositions des articles 288 et 289 du code pénal, tout conducteur qui, par maladresse, imprudence, inattention, négligence ou inobservation des règles de la circulation routière, commet un délit de blessures ou d'homicide involontaire.

Art. 66. - Est puni d'un emprisonnement d'un (1) an à cinq (5) ans et d'une amende de 50.000 à 150.000 DA, tout conducteur en état d'ivresse qui sous l'effet de substances ou de plantes classées comme stupéfiants aura commis le délit de blessures ou d'homicide involontaire. En cas de récidive, la peine est portée au double.

Art. 67. - Sera punie d'une peine d'emprisonnement de deux (2) mois à dix-huit (18) mois et d'une amende de 5.000 à 50.000 DA ou de l'une de ces deux peines seulement, toute personne qui aura conduit un véhicule ou accompagné un élève conducteur dans le cadre de l'apprentissage à titre gratuit ou à titre onéreux tel que défini par la présente loi, alors qu'elle se trouvait en état d'ivresse caractérisé par la présence d'alcool dans le sang égale ou supérieure à 0,10 gramme pour mille. La même peine est infligée à toute personne qui aura conduit un véhicule sous l'effet de substances ou plantes classées comme stupéfiants. En cas de récidive, la peine est portée au double.

Art. 68. - Sera puni d'une peine d'emprisonnement de deux (2) mois à dix-huit (18) mois et d'une amende de 5.000 à 50.000 DA ou de l'une de ces deux peines seulement, tout conducteur qui aura refusé de se soumettre aux examens médicaux, cliniques et biologiques prévus à l'article 19 cidessus.

Art. 69. - Sera puni d'un emprisonnement de deux (2) mois à dix-huit (18) mois et d'une amende de 5.000 à 50.000 DA ou de l'une de ces deux peines seulement, sans préjudice des peines afférentes aux crimes ou délits commis, tout conducteur d'un véhicule qui, sachant que ce véhicule vient de causer ou d'occasionner un accident, ne se sera pas arrêté et aura ainsi tenté d'échapper à la responsabilité pénale ou civile qu'il peut encourir. Lorsque ce même conducteur aura commis dans les mêmes circonstances le délit de blessures ou d'homicide involontaire, il sera puni d'un emprisonnement de six (6) mois à cinq (5) ans et d'une amende de 50.000 à 150.000 DA ou de l'une de ces deux peines seulement. En cas de récidive, la peine est portée au double.

Art. 70. - Sera puni d'un emprisonnement de deux (2) mois à six (6) mois et d'une amende de 1.500 à 5.000 DA, ou de l'une des deux peines seulement tout conducteur d'un véhicule qui aura omis sciemment d'obtempérer à une sommation de s'arrêter émanant des agents visés à

l'article 130 de la présente loi, chargés de constater les infractions et munis des signes extérieurs et apparents de leur qualité, ou qui aura refusé de se soumettre à toutes vérifications prescrites par la présente loi concernant le véhicule ou la personne. En cas de récidive, la peine est portée au double.

Art. 71. - Sera puni d'une amende de 800 à 1.500 DA tout conducteur qui aura contrevenu aux dispositions concernant:

- 1 - les limitations de vitesse des véhicules à moteur avec ou sans remorque catégorie de véhicule;
- 2 - la réduction anormale de la vitesse, sans raison impérieuse, de nature à diminuer la fluidité du trafic;
- 3 - les croisements et dépassements;
- 4 - les signalisations prescrivant l'arrêt absolu;
- 5 - les interdictions ou restrictions de circulation prévues sur certains itinéraires pour certaines catégories de véhicules ou pour des véhicules effectuant certains transports;
- 6 - les obligations ou interdictions relatives à la traversée des voies ferrées établies sur une route;
- 7 - l'arrêt ou le stationnement dangereux;
- 8 - l'arrêt ou le stationnement sans nécessité impérieuse sur la bande d'arrêt d'urgence d'une autoroute ou d'une route express;
- 9 - le port de la ceinture de sécurité pour les personnes assises aux places avant du véhicule lorsqu'il est muni de ce dispositif;
- 10 - le port obligatoire du casque pour les motocyclistes et les passagers;
- 11 - les règles régissant la circulation des piétons notamment celles afférentes à leur circulation au niveau des passages pour piétons.

En cas de récidive, la peine est portée au double.

Art. 72. - Sera puni d'une amende de 1.500 à 5.000 DA tout conducteur qui aura contrevenu aux dispositions concernant:

- 1 - le sens imposé à la circulation;
- 2 - les intersections de route et la priorité de passage;
- 3 - l'usage des dispositifs d'éclairage et de signalisation;
- 4 - les manoeuvres interdites sur autoroutes et routes express, séjour sur la bande centrale séparatrice des chaussées d'une autoroute et d'une route express, marche arrière et demi-tour sur autoroute et route express ou en utilisant la bande centrale séparatrice;
- 5 - le chevauchement ou franchissement d'une ligne continue seule ou si elle est doublée d'une ligne discontinue, dans le cas où cette manoeuvre est interdite;

6 - le changement important de direction sans que le conducteur ne se soit assuré que la manoeuvre est sans danger pour les autres usagers et sans qu'il n'ait averti ceux-ci de son intention;

7 - l'accélération d'allure par le conducteur d'un véhicule sur le point d'être dépassé;

8 - la circulation ou le stationnement sur la chaussée, la nuit ou par temps de brouillard, en un lieu dépourvu d'éclairage public, d'un véhicule sans éclairage ni signalisation;

9 - l'interdiction de circulation sur la voie immédiatement située à gauche dans le cas d'une route à trois voies ou plus affectées à un même sens de la circulation, pour les véhicules de transport de personnes ou de marchandises d'une longueur dépassant 7 m ou d'un poids total autorisé en charge (P.T.A.C) supérieur à deux (2) tonnes;

10 - l'interdiction du transport des enfants ayant moins de dix (10) ans aux places avant;

En cas de récidive, la peine est portée au double.

Art. 73. - Sera punie d'une amende de 300 à 800 DA, toute personne qui aura contrevenu aux dispositions relatives à:

1 - la vitesse des véhicules sans moteur avec ou sans remorque ou semi-remorque;

2 - l'emploi des avertisseurs;

3 - le nombre d'animaux d'un attelage;

4 - l'obligation d'allumer le ou les feux d'un véhicule à traction animale;

5 - au stationnement abusif, à l'arrêt ou au stationnement gênant, lorsque l'infraction est commise sur les chaussées, voies, pistes, bandes, trottoirs ou accotements réservés à la circulation des véhicules de transports en commun et autres véhicules spécialement autorisés, et à la circulation des piétons;

6 - la circulation sur les chaussées, voies, pistes, bandes, trottoirs ou accotements réservés à la circulation des véhicules de transport en commun et autres véhicules spécialement autorisés, et à la circulation des piétons.

Art. 74. - Sans préjudice des sanctions relatives au retrait du permis de conduire et lorsque l'infraction est constatée par des équipements appropriés, agréés par les autorités compétentes, sera puni d'une amende de 5.000 à 10.000 DA tout conducteur qui aura dépassé:

- de 40 km/h les vitesses réglementaires autorisées sur autoroute et route express,

- de 30 Km/h les vitesses autorisées hors agglomération,

- de 20 km/h les vitesses autorisées en agglomération.

En cas de récidive, la peine est portée au double.

Art. 75. - Sera punie d'une amende de 1.500 à 5.000 DA, toute personne qui aura contrevenu aux dispositions réglementaires concernant l'interdiction de stationnement ou d'arrêt sur les parties de route traversées à niveau par la voie ferrée ou de circulation sur les rails de véhicules non autorisés.

En cas de récidive, l'amende est portée à 10.000 DA.

Art. 76. - Sera puni d'une amende de 800 à 1.500 DA tout conducteur qui aura fait usage manuel du téléphone portable ou porté un casque d'écoute radiophonique alors que le véhicule est en mouvement. En cas d'accident corporel entraînant blessures ou homicide involontaire et s'il est établi, par des moyens appropriés, que le conducteur utilisait les instruments cités à l'alinéa précédent au moment de l'accident, il sera puni d'une amende de 5.000 à 50.000 DA et d'une peine d'emprisonnement de trois (3) mois à trois (3) ans ou de l'une de ces deux peines seulement.

En cas de récidive, la peine est portée au double.

Section 2

Sanctions aux infractions relatives à l'usage des voies ouvertes à la circulation routière

Art. 77. - Sera punie d'une amende de 1.500 à 5.000 DA tout conducteur qui aura emprunté certains tronçons de route rendus impropres à la circulation par suite d'intempéries ou de travaux signalés par l'implantation de signaux réglementaires et le passage sur certains ponts à charge limitée. En cas de récidive, il est puni d'un emprisonnement d'un (1) mois à deux (2) mois et d'une amende portée au double ou de l'une de ces deux peines seulement.

Art. 78. - Sera puni d'une amende de 50.000 à 150.000 DA, quiconque organise sur la voie publique des courses à pied ou des courses de véhicules à moteur ou des courses cycles et motocycles, sans autorisation de l'autorité compétente.

Art. 79. - Les organisateurs des courses visées à l'article 15 cidessus, bien que détenant l'autorisation et qui auront contrevenu aux dispositions en vigueur, seront punis d'une amende de 1.500 à 5.000 DA. En cas de récidive, la peine est portée au double.

Art. 80. - Sera puni conformément aux dispositions prévues à l'article 408 du code pénal, quiconque aura, en vue d'entraver ou de gêner la circulation, placé ou tenté de placer sur une voie ouverte à la circulation publique ou à ses abords immédiats, un objet faisant obstacle au passage des véhicules.

Art. 81. - Sera puni d'une amende de 1.500 à 5.000 DA, tout usager qui par maladresse, négligence ou imprudence aura causé un dommage à une voie publique ou à ses dépendances.

Art. 82. - Sera punie d'une amende de 5.000 à 10.000 DA, toute personne qui, ayant procédé à des travaux de branchement d'eau ou de gaz ou d'assainissement, a occasionné des dommages à la voie publique sans les avoir réparés.

Section 3

Sanctions aux infractions concernant les véhicules et leurs équipements

Art. 83. - Sera punie d'une amende de 1.500 à 5.000 DA, toute personne qui aura fait circuler sur les voies ouvertes à la circulation, un véhicule à moteur ou remorqué sans que ce véhicule soit muni des plaques d'immatriculation.

Art. 84. - Sera punie d'un emprisonnement de deux (2) mois à deux (2) ans et d'une amende de 50.000 à 150.000 DA, ou de l'une de ces deux peines seulement, toute personne qui aura mis en circulation un véhicule à moteur ou remorqué muni d'une plaque d'immatriculation ou d'une inscription ne correspondant pas à la qualité de ce véhicule ou à celle de son utilisateur.

En cas de récidive, la peine est portée au double. Le tribunal pourra, en outre, prononcer la confiscation du matériel ayant servi à la confection des plaques d'immatriculation et du véhicule.

Art. 85. - Sera puni d'une amende de 1.500 à 5.000 DA, tout conducteur qui aura contrevenu aux dispositions concernant:

1 - le poids des véhicules, la nature, la forme, l'état et les conditions d'utilisation des bandages pneumatiques des véhicules à moteur;

2 - les freins des véhicules affectés au transport collectif des personnes et de marchandises dont le poids total autorisé en charge excède 3.500 kg;

3 - le gabarit des véhicules, l'installation des dispositifs d'éclairage et de signalisation des véhicules;

4 - la charge maximale par essieu.

L'immobilisation du véhicule doit être prescrite conformément aux dispositions de l'article 121 de la présente loi. En cas de récidive, la peine est portée au double.

Art. 86. - Sera puni d'une amende de 1.500 à 5.000 DA, tout conducteur qui aura contrevenu aux dispositions de l'article 16 ci-dessus, sans préjudice de l'immobilisation immédiate du véhicule jusqu'à ce que celui-ci soit conforme aux prescriptions législatives et réglementaires. En cas de récidive, la peine est portée au double.

Art. 87. - Sera punie d'une amende de 800 à 1.500 DA, toute personne qui aura contrevenu aux dispositions réglementaires relatives à l'installation, aux spécifications et à la maintenance de l'appareil de contrôle permettant l'enregistrement de la vitesse. En cas de récidive, la peine est portée au double.

Art. 88. - Sera puni d'une amende de 800 à 1.500 DA, tout conducteur qui aura contrevenu aux dispositions réglementaires concernant les freins des véhicules en dehors des cas spécifiés à l'article 85 ci-dessus, les dimensions des plaques d'immatriculation, les équipements et la signalisation des transports exceptionnels, les indicateurs de vitesse, l'attelage des remorques et des semi-remorques. Dans tous les cas, l'immobilisation du véhicule peut, en outre, être prescrite conformément aux dispositions de l'article 121 de la présente loi. En cas de récidive, la peine est portée au double.

Art. 89. - Toute infraction aux dispositions concernant l'éclairage, la signalisation et les freins des cycles sans moteur donneront lieu à une amende de 200 à 300 DA. En cas de récidive, la peine est portée au double.

Art. 90. - Sera puni d'une amende de 800 à 1.500 DA, tout conducteur qui aura contrevenu aux dispositions des articles 45, 47 et 48 de la présente loi, sans préjudice de l'immobilisation

immédiate du véhicule jusqu'à ce que le véhicule soit rendu conforme aux prescriptions législatives et réglementaires.

Art. 91. - Sera puni d'une amende de 300 à 800 DA, tout conducteur qui aura fait circuler un véhicule sans que ce véhicule ne soit muni des équipements permettant au conducteur d'avoir un champ de visibilité suffisant tel que prévu à l'article 46 de la présente loi.

Section 4

Sanctions aux infractions aux dispositions relatives aux documents administratifs et aux règles de conformité des véhicules

Art. 92. - Sera puni d'une amende de 1.500 à 5.000 DA et d'un emprisonnement de deux (2) à six (6) mois ou de l'une de ces deux peines seulement tout contrevenant aux dispositions de l'article 50 ci-dessus et des textes réglementaires pris pour son application. En cas de récidive, la peine est portée au double.

Art. 93. - Sera puni d'une amende de 200 à 300 DA, tout conducteur qui aura contrevenu aux dispositions de la présente loi concernant la présentation des documents de bord du véhicule ainsi que le permis de conduire et/ou le brevet professionnel autorisant la conduite du véhicule considéré.

Art. 94. - L'inobservation des dispositions de l'article 52 ci-dessus ainsi que celle des délais prévus par les dispositions réglementaires concernant la vente ou la destruction des véhicules, la restitution de la carte d'immatriculation et le changement de domicile de tout propriétaire d'un véhicule automobile, d'une remorque dont le poids total autorisé en charge est supérieur à 500 kg ou d'une semi-remorque, expose leur auteur à une amende de 800 à 1.500 DA.

Art. 95. - Sera punie d'une amende de 1.500 à 5.000 DA, toute personne qui n'aura pas déclaré les transformations apportées sur un véhicule.

Art. 96. - Par dérogation aux dispositions de l'article 12 ci-dessus, le titulaire de la carte d'immatriculation du véhicule est responsable civilement des infractions à la réglementation sur le stationnement des véhicules, pour lesquelles seule une peine d'amende est encourue, à moins qu'il n'établisse l'existence d'un événement de force majeure ou qu'il ne fournisse des renseignements permettant d'identifier l'auteur véritable de l'infraction. Dans le cas où le véhicule était loué à un tiers, cette responsabilité pèse, avec les mêmes réserves, sur le locataire. Lorsque la carte d'immatriculation du véhicule est établie au nom d'une personne morale, la responsabilité civile prévue à l'alinéa 1er cidessus pèse, sous les mêmes réserves, sur le représentant légal de cette personne morale.

Art. 97. - Sera punie d'une amende de 50.000 à 150.000 DA et d'un emprisonnement de deux (2) mois à dix-huit (18) mois ou de l'une de ces deux peines seulement, toute personne qui aura mis en vente ou vendu un dispositif ou un équipement de véhicule non homologué lorsque l'homologation est imposée par la législation et la réglementation en vigueur. En cas de récidive, la peine est portée au double.

Art. 98. - Sera punie d'une amende de 200 à 300 DA, toute personne qui aura fait usage d'un dispositif ou d'un équipement de véhicule non conforme aux dispositions législatives et réglementaires.

Art. 99. - Sera punie d'une amende de 50.000 à 150.000 DA et d'un emprisonnement de deux (2) mois à dix-huit (18) mois ou de l'une de ces deux peines seulement, toute personne qui aura mis en vente ou vendu un véhicule ou un élément de véhicule en contravention avec les dispositions réglementaires relatives à leur réception technique, sans préjudice, le cas échéant, de l'annulation du procès-verbal de réception technique. En cas de récidive, la peine est portée au double. Le véhicule ou élément de véhicule en contravention aux dispositions relatives à leur réception peut être confisqué.

Art. 100. - Sans préjudice des sanctions prévues aux articles 108 et 111 ci-dessous, sera punie d'un emprisonnement de huit (8) jours à un (1) mois et d'une amende de 1.500 à 5.000 DA ou de l'une de ces deux peines seulement, toute personne qui aura mis en vente, vendu, détenu, utilisé, adapté, placé, appliqué ou transporté, à un titre quelconque, un appareil ou dispositif destiné, soit à déceler la présence, soit à perturber le fonctionnement d'instruments servant à la constatation des infractions à la législation ou à la réglementation relatives à la circulation automobile. Cet appareil ou ce dispositif sera confisqué.

Section 5

Sanctions aux infractions relatives aux permis de conduire.

Art. 101. - Sera punie d'un emprisonnement de deux (2) mois à un (1) an et d'une amende de 1.500 à 5.000 DA ou de l'une de ces deux peines seulement, toute personne qui aura conduit un véhicule, sans avoir obtenu le permis de conduire valable pour la catégorie du véhicule considéré.

Art. 102. - Tout conducteur titulaire d'un permis de conduire depuis moins de deux (2) ans et qui n'aura pas apposé la signalisation appropriée, sera puni d'une amende de 300 à 800 DA.

Art. 103. - Sera puni d'une amende de 800 à 1.500 DA, tout conducteur titulaire d'un permis de conduire depuis moins de deux (2) ans qui aura dépassé la vitesse limite prévue pour cette catégorie de conducteur.

Art. 104. - Lorsqu'un conducteur n'est pas titulaire du permis exigé pour la conduite du véhicule à l'occasion de laquelle il a fait l'objet d'une condamnation susceptible de motiver la suspension ou l'annulation de cette pièce, ces peines sont remplacées à son égard par la peine d'interdiction d'obtenir la délivrance d'un permis de conduire. La durée de cette peine est de six (6) mois à deux (2) ans. En cas de récidive, la durée maximale des peines telle que définie cidessus est portée au double.

Art. 105. - Toute personne qui, malgré la notification qui lui aura été faite d'une décision prononçant à son encontre la suspension ou l'annulation du permis de conduire, ou l'interdiction d'obtenir la délivrance d'un permis de conduire, continuera à conduire un véhicule à moteur pour la conduite duquel une telle pièce est nécessaire, sera punie d'un emprisonnement de deux (2) mois à six (6) mois et d'une amende de 1.500 à 5.000 DA ou de l'une de ces deux peines seulement. Sera punie des mêmes peines toute personne qui, ayant reçu la notification d'une décision prononçant à son égard la suspension ou l'annulation du permis de conduire, refusera de restituer le permis suspendu ou annulé à l'agent de l'autorité chargée de l'exécution de cette décision.

Art. 106. - Toute personne qui, par une fausse déclaration, obtiendra ou tentera d'obtenir un permis de conduire, sera puni conformément aux dispositions de l'article 223 du code pénal.

Art. 107. - Sera puni d'une amende de 800 à 1.500 DA tout conducteur de véhicule automobile qui aura continué à conduire sans avoir subi le contrôle médical tel que prévu à l'article 56 de la présente loi. En cas de récidive, la peine est portée au double.

Art. 108. - Le wali saisi d'un procès-verbal constatant l'une des infractions énumérées à l'article 111 ci dessous, peut, s'il n'estime pas devoir procéder au classement du dossier, prononcer, à titre provisoire, et après avis d'une commission spéciale, la suspension du permis de conduire ou l'interdiction de le passer lorsque le conducteur n'en est pas titulaire. Les modalités d'application du présent article sont définies par voie réglementaire.

Art. 109. - La durée de la suspension ou de l'interdiction ne peut excéder un (1) an dans les cas prévus à l'article 111 ci-dessous. Cette durée est portée à deux (2) ans en cas d'infraction entraînant homicide ou blessures involontaires, susceptibles d'entraîner une incapacité totale de travail personnel. La durée de la suspension ne peut excéder trois (3) mois quand l'auteur aura commis l'une des infractions commises prévues aux alinéas 2, 4 et 6 de l'article 71 et 1, 2 et 4 de l'article 72 et à l'article 103 cidessus.

Quelque soit la durée de la mesure de suspension du permis de conduire ou l'interdiction de sa délivrance ordonnée par le wali en application des présentes dispositions, cesse d'avoir effet lorsqu'une décision judiciaire prononçant une mesure restrictive du droit de conduire est devenue définitive.

Les mesures administratives prévues au présent article seront considérées comme non avenues, en cas d'ordonnance de non-lieu ou de jugement de relaxe.

La durée des mesures administratives s'impute, le cas échéant, sur celles des mesures du même ordre prononcées par le tribunal.

Art. 110. - La suspension et l'annulation du permis de conduire ainsi que l'interdiction de sa délivrance peuvent constituer des peines complémentaires qui pourront être prononcées par les juridictions compétentes. Ces peines complémentaires pourront être déclarées exécutoires par provision, à titre de mesure de protection.

Art. 111. - La suspension du permis de conduire pendant trois (3) ans peut être ordonnée par les juridictions compétentes en cas de condamnation prononcée à l'occasion de la conduite d'un véhicule pour l'une des infractions énumérées ci-après:

- ivresse au volant;
- conduite d'un véhicule sous l'influence de substances ou plantes classées comme stupéfiants;
- délit de fuite;
- refus d'obtempérer;
- inobservation des dispositions relatives à la limitation de vitesse;
- circulation sur certains ponts à charge limitée;

- utilisation d'appareils ou de dispositifs destinés, soit à déceler la présence, soit à perturber le fonctionnement d'instruments servant à la constatation des infractions à la législation ou à la réglementation de la circulation automobile.

Art. 112. - Sous réserve des dispositions des articles 108 et 111 de la présente loi, le permis de conduire est immédiatement retiré par les agents habilités pour une durée n'excédant pas quinze (15) jours dans les cas prévus aux articles 65, 66, 67 et 69 de la présente loi.

Art. 113. - Lorsque le conducteur auteur d'une infraction pour homicide ou blessures involontaires commises à l'occasion de la conduite d'un véhicule à moteur sur un piéton, et lorsque ce même conducteur a fait l'objet d'une condamnation par application des articles 66 et 69 de la présente loi et des articles 288 et 289 du code pénal, les juridictions compétentes pourront prononcer l'annulation du permis de conduire.

Les juridictions compétentes pourront prononcer, à l'encontre de l'auteur de l'infraction, dans les mêmes conditions que celles visées à l'alinéa 1er ci-dessus l'annulation du permis de conduire et l'interdiction à jamais de l'obtenir.

Les conditions dans lesquelles le conducteur pourra solliciter un nouveau permis de conduire seront précisées par voie réglementaire.

Section 6

Sanctions aux infractions relatives à l'enseignement de la conduite des véhicules à moteur

Art. 114. - Est punie d'une amende de 1.000 à 5.000 DA, toute personne qui aura enfreint les dispositions de la présente loi et des textes réglementaires pris pour son application, relatives à l'enseignement de la conduite des véhicules à moteur. En cas de récidive, la peine est portée au double.

Art. 115. - Sera punie d'une amende de 1.500 à 5.000 DA toute personne qui aura contrevenu aux dispositions réglementaires régissant l'enseignement de la conduite automobile à titre gracieux.

Section 7

Infractions relatives aux dispositions communes

Art. 116. - Par dérogation aux dispositions du code pénal, la récidive des contraventions en matière de police de la circulation routière est indépendante du lieu où la première contravention a été commise.

Les modes de preuves de la récidive de ces contraventions sont déterminés conformément aux dispositions des articles 655 à 665 du code de procédure pénale.

Art. 117. - Sauf le cas de versement d'une amende forfaitaire, lorsque l'auteur d'une infraction à la police de la circulation routière se trouve hors d'état de justifier d'un domicile ou d'un emploi sur le territoire national, le véhicule ayant servi à commettre l'infraction pourra être retenu jusqu'à ce qu'ait été versée à un comptable du Trésor une caution dont le montant est fixé par le procureur de la République.

Si aucune de ces garanties n'est fournie par l'auteur de l'infraction, le véhicule pourra être mis en fourrière et les frais en résultant seront mis à sa charge.

Art. 118. - Toute personne ayant contrevenu aux dispositions de la législation ou de la réglementation sur la police de la circulation routière, passible d'une amende dont le montant maximum n'excède pas 5.000 DA, peut verser, dans les trente (30) jours suivant la constatation de l'infraction, une amende forfaitaire. A défaut de paiement de l'amende forfaitaire dans les délais susvisés, le procès-verbal est transmis à la juridiction compétente. Dans ce cas, l'amende est majorée au maximum conformément aux dispositions de l'article 120 ci-dessous.

Art. 119. - La procédure de l'amende forfaitaire ne peut intervenir:

1 - si la contravention constatée expose son auteur, soit à une autre sanction autre que pécuniaire, soit à une réparation de dommages causés aux personnes ou aux biens;

2 - en cas de contraventions simultanées dont l'une au moins ne peut donner lieu à l'application de la procédure de l'amende forfaitaire.

Art. 120. - Le montant de l'amende forfaitaire est fixé comme suit:

- 200 DA pour les contraventions passibles d'une amende dont les montants maximum n'excèdent pas 300 DA;

- 300 DA pour les contraventions passibles d'une amende dont le montant maximum n'excède pas 800 DA;

- 800 DA pour les contraventions passibles d'une amende dont le montant maximum n'excède pas 1.500 DA.

- 1.500 DA pour les contraventions passibles d'une amende dont le montant maximum n'excède pas 5.000 DA.

Art. 121. - Les véhicules en infraction aux règles de circulation et de stationnement prévues par la présente loi peuvent être immobilisés et mis en fourrière. Les cas, les conditions et la durée de mise en fourrière et d'immobilisation sont précisés par voie réglementaire.

Art. 122. - La décision de mise en fourrière peut être contestée par la personne concernée auprès du procureur de la République du lieu de l'infraction. Le procureur de la République peut confirmer la mesure ou ordonner son annulation dans un délai maximum de cinq (5) jours.

Art. 123. - En application de l'article 121 ci-dessus et sur prescription de l'officier de police judiciaire territorialement compétent, les fonctionnaires de police en tenue et les agents de la gendarmerie nationale dûment habilités à constater par procès-verbaux les contraventions à la police de la circulation routière, peuvent, en cas d'absence du conducteur, faire conduire le véhicule en leur présence, vers le lieu de mise en fourrière, en utilisant les moyens autres que les moyens autonomes de propulsion dont le véhicule est muni.

Art. 124. - Les véhicules dont l'état ne permet pas la circulation dans les conditions normales de sécurité ne peuvent être retirés de la fourrière que par des réparateurs chargés par les propriétaires d'effectuer les travaux indispensables. En cas de désaccord sur l'état du véhicule, un expert est désigné dans les conditions fixées par voie réglementaire. Si celui-ci constate que

le véhicule n'est pas en état de circuler dans des conditions normales de sécurité, il détermine les travaux à effectuer avant sa remise au propriétaire.

Art. 125. - Sont réputés abandonnés les véhicules laissés en fourrière à l'expiration d'un délai de soixante (60) jours à compter de la notification à personne, faite au propriétaire d'avoir à retirer son véhicule.

Dans le cas où le véhicule fait l'objet d'un gage régulièrement inscrit, cette notification à personne est également faite au créancier gagiste.

Si le propriétaire ne peut être identifié, le dossier est transmis à la juridiction compétente.

Art. 126. - Les véhicules abandonnés dans les conditions prévues à l'alinéa 1er de l'article 125 ci-dessus ou déclarés tels par décision de justice sont remis au service des domaines en vue de leur aliénation, conformément à la réglementation en vigueur.

Les véhicules qui n'ont pas trouvé preneur, à l'expiration d'un délai fixé, pour chaque wilaya, par le wali, sont livrés à la destruction sur l'initiative de l'autorité administrative investie des pouvoirs de police en matière de circulation.

Art. 127. - Les frais d'enlèvement et de garde en fourrière, d'expertise et de vente ou de destruction du véhicule sont à la charge du propriétaire.

Le produit de la vente, après déduction des frais énumérés à l'alinéa précédent, est tenu à la disposition du propriétaire ou de ses ayants droit ou, le cas échéant, du créancier gagiste pouvant justifier de ses droits, pendant un délai de deux (2) ans.

A l'expiration de ce délai, ce produit est acquis à l'Etat.

Lorsque le produit de la vente est inférieur au montant des frais visés ci-dessus, le propriétaire reste débiteur de la différence.

Art. 128. - Les fourrières dûment désignées par les autorités locales sont clôturées, gardées, de jour comme de nuit. L'organisme qui a la garde des véhicules mis en fourrière est responsable des dégâts, vols et dégradations subis par ceux-ci. Les modalités d'application du présent article sont fixées par voie réglementaire.

Art. 129. - Sera punie conformément à l'article 350 du code pénal, toute personne qui dégrade, vole ou détruit ou tente de dégrader, de voler ou de détruire un véhicule mis en fourrière.

La peine est portée au double lorsque le délit est commis par un agent de la fourrière.

CHAPITRE VII

DES AGENTS HABILITES A CONSTATER LES INFRACTIONS

A LA POLICE DE LA CIRCULATION ROUTIERE

Art. 130. - Conformément aux dispositions du code de procédure pénale, les infractions prévues par la présente loi et les textes réglementaires pris pour son application sont constatées, par procès-verbal, par:

1 - les officiers de police judiciaire;

2 - les officiers, gradés et agents de la gendarmerie nationale;

3 - les commissaires et officiers, gradés et les agents de la sûreté nationale.

Art. 131. - Les ingénieurs des travaux publics, chefs de district et agents techniques des forêts et de la défense et de la restauration des sols, peuvent constater les contraventions prévues par les dispositions de la présente loi lorsqu'elles sont commises sur les chemins forestiers ouverts à la circulation publique.

Art. 132. - Les dommages causés aux voies publiques peuvent être constatés par les ingénieurs et techniciens des travaux publics, sans préjudice du droit réservé à tous les fonctionnaires et agents mentionnés à l'article 130 ci-dessus de dresser procès-verbal du fait de dégradations qui auraient lieu en leur présence.

Art. 133. - Les agents mentionnés à l'article 130 ci-dessus ont compétence pour constater, par procès-verbal, les infractions prévues par la présente loi et ses textes d'application:

a) lorsqu'elles sont connexes à des infractions à la police de la conservation du domaine public routier;

b) lorsqu'elles sont commises à l'endroit ou aux abords des chantiers situés sur la voie publique et qu'elles ont ou peuvent avoir pour effet de porter atteinte à l'exploitation normale desdits chantiers ou à la sauvegarde du personnel employé sur ceux-ci.

Art. 134. - Les inspecteurs des transports terrestres ont compétence pour constater, par procès-verbal, les infractions aux dispositions des alinéas 1ers et 4 de l'article 85 ci-dessus.

Art. 135. - Lorsqu'ils ne sont pas déjà assermentés, les agents verbalisateurs, autres que les officiers et agents de police judiciaire mentionnés à l'article 130 ci-dessus, prêtent serment devant le tribunal de leur résidence.

La formule du serment est la suivante:

Art. 136. - Les procès-verbaux dressés en application de la présente loi font foi jusqu'à preuve du contraire.

Art. 137. - Ces procès-verbaux sont transmis directement et sans délai au procureur de la République. Une copie en est adressée au wali lorsque l'infraction peut entraîner la suspension du permis de conduire.

Art. 138. - Il est créé un fichier national des infractions aux règles de la circulation routière dont les caractéristiques et les conditions de sa tenue seront définies par voie réglementaire.

CHAPITRE VIII

DISPOSITIONS FINALES

Art. 139. - Sont abrogées les dispositions de la loi n° 87-09 du 10 février 1987 relative à l'organisation, la sécurité et la police de la circulation routière.

Lorsqu'ils ne contredisent pas la présente loi les textes réglementaires pris en application de la loi ci-dessus demeurent en vigueur jusqu'à la publication des textes réglementaires prévus par la présente loi durant un délai n'excédant pas vingt quatre (24) mois.

Art. 140. - La présente loi sera publiée au Journal officiel de la République algérienne démocratique et populaire.

Fait à Alger, le 19 Jomada El Oula 1422 correspondant au 19 août 2001.

Abdelaziz BOUTEFLIKA.