



## **CORTE HOW TO #7**

# **Enforce the obligation to fit a G2V2 Tachograph in Heavy Commercial Vehicles (HCVs)**

## TYPES OF TACHOGRAPH AND DATES OF INSTALLATION - OVERVIEW

TYPES OF TACHOGRAPHS			KEY DATES	
Format	Versions	Acronym	First mandatory installation in New Vehicles from	Old Vehicles* must be retrofitted with a G2V2 from
Analogue	-	Analogue	1986	01/01/2025
Generation 1 (Digital)	1	G1V1	01/05/2006	01/01/2025
	2	G1V2	01/10/2011	01/01/2025
	3	G1V3	01/10/2012	01/01/2025
Generation 2 (Smart)	1	G2V1	15/06/2019	19/08/2025
	2	G2V2	21/08/2023	N/A

\*Vehicles fitted with a previous generation/version of tachograph registered in EU member states and operating in a Member State other than their Member State of registration. The same is true for vehicles registered in Switzerland, European Economic Area (EEA) or UK that operate outside the country of their registration within EU, Switzerland, EEA or UK\*\*.

\*\* See Annex 31, Part C, Section 2 (titled REQUIREMENTS FOR TACHOGRAPHS, DRIVERS' CARDS AND WORKSHOP CARDS), Article 3 (Installation) of EU-UK Trade and Cooperation Agreement

## WHICH HEAVY COMMERCIAL VEHICLES (HCVs) REQUIRE A G2V2 – RULES AND EXCEPTIONS

**RULE 1: HCVs that are registered in an EU Member State for the first-time from 21/08/2023 (newly registered), and to which Regulation (EC) No 561/2006 applies must have a G2V2.** See Article 3(1) and 8(1) of Regulation (EU) No 165/2014.

☞ **Exception:** The only exception to the above rule are newly registered HCVs that will never ever perform journeys falling within the scope of Regulation (EC) No 561/2006. So, for example, if a newly registered HCV in an EU Member State is intended to be used solely for conducting AETR journeys throughout its life cycle then in theory it can be exempted from fitting a G2V2. However, in practice, it may be difficult to apply this exception due to two reasons:

- 1) All newly registered HCVs in an EU Member State are by default fitted with a G2V2 during production process.
- 2) It may be difficult to anticipate that a vehicle registered in EU will never engage in journeys within the scope of Regulation (EC) No 561/2006.

☞ **Our recommendation:** The exception is very strict and almost impossible to apply in practice, hence all HCVs registered in an EU Member State for the first-time from 21/08/2023 should be fitted with a G2V2 tachograph.

**RULE 2: HCVs fitted with a previous generation/version of tachograph registered in EU member states and operating in a Member State other than their Member State of registration must have a G2V2 tachograph.** See Article 3(4) of Regulation (EU) No 165/2014.

HCVs with analogue or G1 tachograph should have a G2V2 from 01/01/2025, while HCVs with a G2V1 tachograph should have a G2V2 from 19/8/2025.

☞ **Exception:** The only exceptions to the above rule are:

- HCVs having a previous generation/version of tachograph that will never ever operate outside their Member State of Registration\*.
- HCVs having a previous generation/version of tachograph that will only perform journeys to which AETR rules apply.

For example, if an HCV (fitted with older generation/version of tachographs) never leaves its country of registration or if it solely performs AETR journeys throughout its lifecycle, then it does not need a G2V2 tachograph.

However, in practice, it may be difficult to apply these exception as it may be difficult to anticipate that a vehicle registered in EU will never leave its country of registration to conduct a transport operation in another EU Member State, Switzerland, EEA Countries or UK.

☞ **Our recommendation:** The exception is very strict and can be difficult to apply in practice, hence all HCVs fitted with older generation/versions of tachographs must consider upgrading to G2V2 if there is a possibility that they will conduct transport operations in another EU Member State, Switzerland EEA Countries or UK.

\* NOTE – If an HCV performs a transport operation that starts and ends in the country of its registration, then it is **not** considered to be operating 'outside its country of registration' even if this operation involves a transit through another EU Member State.

## KEY DATES TO FIT AND RETROFIT G2V2 TACHOGRAPH

TYPE OF VEHICLE	KEY DATE	LEGAL BASIS FOR THE DATE
Newly Registered HCVs in EU Member States to which Regulation (EC) No 561/2006 applies.	Must have a G2V2 from <b>21/08/2023</b>	<p>Article 3 (1) of <a href="#">Regulation (EU) No 165/2014</a> states that tachographs shall be installed and used in vehicles registered in a Member State which are used for the carriage of passengers or goods by road and to which <a href="#">Regulation (EC) No 561/2006</a> applies.</p> <p>Article 8 (1) of <a href="#">Regulation (EU) No 165/2014</a> states that new features offered by a G2V2 tachograph (i.e. the recording of border-crossing and additional activities) shall apply to vehicles that were registered in a Member State for the first time <b>more than two years after the entry into force</b> of <a href="#">Commission Implementing Regulation (EU) 2021/1228</a>.</p> <p>Article 2 of <a href="#">Commission Implementing Regulation (EU) 2021/1228</a> states that it shall apply from <b>21/08/2023</b>. Hence vehicles registered from this date must have a G2V2 Tachograph.</p>
HCVs registered in an EU Member State that are fitted with analogue tachograph, G1V1, G1V2 or G1V3 (digital) tachographs and that operate outside their country of registration in another EU Member States, Switzerland EEA Countries or UK.	Must have a G2V2 from <b>01/01/2025</b>	<p>Article 3 (4) of <a href="#">Regulation (EU) No 165/2014</a> states that <b>no later than three years from the end of the year of entry into force</b> of <a href="#">Commission Implementing Regulation (EU) 2021/1228</a> vehicles operating in a Member State other than their Member State of registration and fitted with analogue, G1V1, G1V2 and G1V3 (digital) tachographs, shall be fitted with a G2V2 tachograph.</p> <p>Article 2 of <a href="#">Commission Implementing Regulation (EU) 2021/1228</a> states that it came into force on 19/08/2021. The 'end of the year of entry into force' therefore is 31/12/2021. Hence starting from <b>01/01/2025</b> such vehicles must have a G2V2 tachograph.</p>
HCVs registered in an EU Member State that are fitted with G2V1 (smart) tachographs, and that operate outside the country of their registration in another EU Member States, Switzerland, EEA Countries or UK.	Must have a G2V2 from <b>19/08/2025</b>	<p>Article 3 (4a) of <a href="#">Regulation (EU) No 165/2014</a> states that <b>no later than four years after the entry into force</b> of <a href="#">Commission Implementing Regulation (EU) 2021/1228</a> vehicles operating in a Member State other than their Member State of registration and fitted with a G2V1 (smart) tachograph shall be fitted with a G2V2 tachograph.</p> <p>As per Article 2 of <a href="#">Commission Implementing Regulation (EU) 2021/1228</a>, it came into force on 19/08/2021. Hence starting from <b>19/08/2025</b> such vehicles must have a G2V2 tachograph.</p>

## HOW TO ENFORCE THE OBLIGATION TO FIT A G2V2 in HCVs

If enforcers want to check whether an HCV is fitted with correct version of tachograph, then they must consider the following aspects:

### 1. HCVs do not need a G2V2 if they are registered outside EU, Switzerland, EEA countries (Iceland, Lichtenstein, Norway) and UK:

- Vehicles registered in AETR countries (excluding the EU Member States, UK, Switzerland, EEA countries) do not need a G2V2 tachograph. This is true even if they are conducting journeys within the scope of Regulation (EC) No 561/2006\*. Because Regulation (EU) No 165/2014 applies to a vehicle within the scope of Regulation (EC) No 561/2006, but on the additional condition that such vehicles are registered in an EU Member State. Hence vehicles registered in AETR can continue to use tachographs as per the AETR agreement\*\* (i.e., they can use analogue or Generation 1 tachographs).
- Vehicles registered in non-AETR (3rd) countries do not need a G2V2 tachograph. This is true even if they are conducting journeys within the scope of Regulation (EC) No 561/2006\*. The reasons for this are the same as mentioned above for Vehicles registered in AETR countries.
- Vehicles registered in Republic of Albania, Bosnia and Herzegovina, Kosovo, Montenegro, the Republic of North Macedonia, and the Republic of Serbia do not need a G2V2 tachograph. These countries are parties to the Treaty establishing the Transport Community (TCT), which provides a basis for making EU transport laws (including Regulation (EU) No 165/2014) a part of their internal legal order. However, till date none of the above-named countries has fully finalized this process. Some of the listed countries have established a tachograph card issuing system for G2V2 and approved tachograph workshops to carry out control and periodic inspection of the tachograph of G2V2 generation tachographs. In view of this, there is no obligation to fit G2V2 tachographs in vehicles registered in these countries.

### 2. HCVs registered in EU for the first-time from 21/08/2023 must always be equipped with a G2V2 tachograph: Because G2V2 is normally equipped in such vehicles during production process. Although there is an exception that such vehicles do not need a G2V2 if they will never ever engage a journey within the scope of Regulation (EC) No 561/2006, it is almost impossible to anticipate this and replace the G2V2 with an older generation/version of tachograph.

### 3. HCVs registered in an EU Member State and equipped with a previous version/generation of tachograph require a closer look: If such vehicles are not equipped with a G2V2, it may be due to the following reasons:

- *These vehicles never operate outside their country of registration or only engage in AETR journeys* – Enforcers must consult evidence and ascertain that the vehicle has not engaged in journeys outside its country of registration to another EU Member State, Switzerland, EEA or UK.
- OR
- *The date by which these vehicles need to upgrade to a G2V2 has not yet passed* – The date to upgrade G1V1, G1V2 and G1V3 (digital) tachographs is 01/01/2025 and the date to upgrade G2V1 (smart) tachographs is 19/08/2025.

\* Regulation (EC) No 561/2006 applies irrespective of the country of registration of the vehicle, to carriage by road exclusively undertaken within the EU, Switzerland and EEA.

\*\* Article 10 of AETR agreement requires vehicles registered in AETR contracting parties to install and use a control device as prescribed in the AETR agreement and AETR has not yet been updated to introduce G2V2 tachographs, hence they do not need to be fitted with a G2V2 tachograph.

## Legal Text and References:

1. **Article 3 (1) of Regulation (EU) No 165/2014** – Tachographs shall be installed and used in vehicles registered in a Member State which are used for the carriage of passengers or goods by road and to which Regulation (EC) No 561/2006 applies.
2. **Article 3(4) of Regulation (EU) No 165/2014** – No later than three years from the end of the year of entry into force of the detailed provisions referred to in the second paragraph of Article 11, the following categories of vehicles operating in a Member State other than their Member State of registration shall be fitted with a smart tachograph as provided in Articles 8, 9 and 10 of this Regulation: (a) vehicles fitted with an analogue tachograph; (b) vehicles fitted with a digital tachograph complying with the specifications in Annex IB to Regulation (EEC) No 3821/85 applicable until 30 September 2011; (c) vehicles fitted with a digital tachograph complying with the specifications in Annex IB to Regulation (EEC) No 3821/85 applicable from 1 October 2011; and (d) vehicles fitted with a digital tachograph complying with the specifications in Annex IB to Regulation (EEC) No 3821/85 applicable from 1 October 2012.
3. **Article 3(4a) of Regulation (EU) No 165/2014** – No later than four years after the entry into force of detailed provisions referred to in the second paragraph of Article 11, vehicles which are fitted with a smart tachograph complying with Annex IC to Commission Implementing Regulation (EU) 2016/799 ( 10 ) operating in a Member State other than their Member State of registration shall be fitted with a smart tachograph as provided in Articles 8, 9 and 10 of this Regulation.
4. **Last paragraph of Article 8(1) of Regulation (EU) No 165/2014** – However, the recording of the border-crossing and additional activities referred to in the second and third indents of the first subparagraph and in the second subparagraph shall apply to vehicles that were registered in a Member State for the first time more than two years after the entry into force of the detailed provisions referred to in the second paragraph of Article 11, without prejudice to the obligation to retrofit certain vehicles later in accordance with Article 3(4).
5. **Second Paragraph of Article 11 of Regulation (EU) No 165/2014** – By 21 August 2021, the Commission shall adopt implementing acts laying down detailed provisions for the uniform application of the obligation to record and store data relating to any border crossing of the vehicle and activities referred to in the second and third indent of the first subparagraph of Article 8(1) and in the second subparagraph of Article 8(1).
6. **Commission Implementing Regulation (EU) 2021/1228**
7. **Article 2(1) (aa) of Regulation (EC) No 561/2006** – from 1 July 2026, of goods in international transport operations or in cabotage operations, where the maximum permissible mass of the vehicle, including any trailer, or semi-trailer, exceeds 2,5 tonnes.
8. **Article 2(2) of Regulation (EC) No 1072/2009** – ‘international carriage’ means: (a) a laden journey undertaken by a vehicle the point of departure and the point of arrival of which are in two different Member States, with or without transit through one or more Member States or third countries; (b) a laden journey undertaken by a vehicle from a Member State to a third country or vice versa, with or without transit through one or more Member States or third countries; (c) a laden journey undertaken by a vehicle between third countries, with transit through the territory of one or more Member States; or (d) an unladen journey in conjunction with the carriage referred to in points (a), (b) and (c).
9. **Article 2(2) of Regulation (EC) No 561/2006** – This Regulation shall apply, irrespective of the country of registration of the vehicle, to carriage by road undertaken: (a) exclusively within the Community; or (b) between the Community, Switzerland and the countries party to the Agreement on the European Economic Area.
10. **Article 10 of AETR agreement** - The Contracting Parties shall prescribe the installation and use on vehicles registered in their territory of a control device according to the requirements of this Agreement and the Annex and Appendices thereto.
11. **Treaty establishing the Transport Community** between the European Union and the Southeast European Parties (Republic of Albania, Bosnia and Herzegovina, Kosovo, Montenegro, the Republic of North Macedonia, and the Republic of Serbia).

**DISCLAIMER: This CORTE document consolidates existing knowledge and provides recommendations to support national authorities and the road transport community in harmonized enforcement of road transport rules. It remains for National Courts and ultimately the European Court of Justice to interpret the Law.**

