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| 1. Назив прописа Eвропске уније:  **Спроведбена Уредба Комисије (ЕУ) број 2016/799 Европског парламента и Савета од 18. марта 2016. године која поставља услове за конструкцију, тестирање, уградњу, коришћење и поправку тахографа и њихових делова;**  **Commission Implementing Regulation (EU) 2016/799 of 18 March 2016 implementing Regulation (EU) No 165/2014 of the European Parliament and of the Council laying down the requirements for the construction, testing, installation, operation and repair of tachographs and their components (Text with EEA relevance);** | 2. „CELEX” ознака ЕУ прописа  **CELEX 32016R0799**  **32018R0502** |
| 3. **Овлашћени предлагач прописа** – Влада  **Обрађивач –** Министарство грађевинарства, саобраћаја и инфраструктуре | 4. Датум израде табеле:    **10.10.2018. године** |
| 5. Назив прописа чије одредбе су предмет анализе усклађености са прописом Европске уније:  **01. Предлог закона о изменама и допунама Закона о радном времену посаде возила у друмском превозу и тахографима**  **Draft law on amendments of the Law on working time of vehicles crew in road transport and tachographs** | 6. Бројчане ознаке (шифре) планираних прописа из базе НПAA:  2018-43 |
| 7. Усклађеност одредби прописа са одредбама прописа ЕУ: | |

| а) | а1) | б) | б1) | в) | г) | д) |
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| Одредба прописа ЕУ | Садржина одредбе | Одредбе прописа Р. Србије | Садржина одредбе | Усклађеност[[1]](#footnote-1) | Разлози за делимичну усклађеност, неусклађеност или непреносивост | Напомена о усклађености |
| 1. | Subject matter and scope  1. This Regulation lays down the provisions necessary for the uniform application of the following aspects regarding tachographs: (a) recording of the position of the vehicle at certain points during the daily working period of the driver; (b) remote early detection of possible manipulation or misuse of smart tachographs; (c) interface with intelligent transport systems; (d) the administrative and technical requirements for the type-approval procedures of tachographs, including the security mechanisms.  2. The construction, testing, installation, inspection, operation and repair of smart tachographs and their components, shall comply with the technical requirements set out in Annex 1C to this Regulation. 3. Tachographs other than smart tachographs shall continue, as regards construction, testing, installation, inspection, operation and repair, to comply with the requirements of either Annex 1 or Annex 1B to Council Regulation (EEC) No 3821/85 ( 3 ), as applicable.  4. Pursuant to Article 10d of Directive 96/53/EC, the remote early detection facility shall also transmit the weight data provided by an internal on-board weighing system, for the purpose of early fraud detection.  5. This Regulation shall be without prejudice to Directive 2014/53/EU of the European Parliament and of the Council ( 2 ). |  | / | НП | Одредба процедуралног карактера. |  |
| 2. | Definitions  For the purposes of this Regulation, the definitions laid down in Article 2 of Regulation (EU) No 165/2014 shall apply. In addition, the following definitions shall apply: (1) ‘digital tachograph’ or ‘first generation tachograph’ means a digital tachograph other than a smart tachograph; (2) ‘external GNSS facility’ means a facility which contains the GNSS receiver when the vehicle unit is not a single unit, as well as other components needed to protect the communication of data about position to the rest of the vehicle unit; (3) ‘information folder’ means the complete folder, in electronic or paper form, containing all the information supplied by the manufacturer or its agent to the type-approval authority for the purpose of the type-approval of a tachograph or a component thereof, including the certificates referred to in Article 12(3) of Regulation (EU) No 165/2014, the performance of the tests defined in Annex 1C to this Regulation, as well as drawings, photographs, and other relevant documents; (4) ‘information package’ means the information folder, in electronic or paper form, accompanied by any other documents added by the type-approval authority to the information folder in the course of carrying out their functions including, at the end of the type-approval process, the EC type-approval certificate of the tachograph or a component thereof; (5) ‘index to the information package’ means the document listing the numbered contents of the information package identifying all the relevant parts of this package. The format of that document shall distinguish the successive steps in the EC type-approval process, including the dates of any revisions and updating of that package; (6) ‘remote early detection facility’ means the equipment of the vehicle unit which is used to perform targeted roadside checks; (7) ‘smart tachograph’ or ‘second generation tachograph’ means a digital tachograph complying with Articles 8, 9 and 10 of Regulation (EU) No 165/2014 as well as with Annex 1C to this Regulation; (8) ‘tachograph component’ or ‘component’ means any of the following elements: the vehicle unit, the motion sensor, the tachograph card, the record sheet, the external GNSS facility and the remote early detection facility; (9) ‘type-approval authority’ means the authority of a Member State competent to carry out the type-approval of the tachograph or of its components, the authorisation process, the issuing and, if appropriate, withdrawing of typeapproval certificates, acting as the contact point for the type-approval authorities of other Member States and ensuring that the manufacturers meet their obligations relating to the conformity with the requirement of this Regulation |  |  | НУ | Одредба ће бити предмет усаглашавања неких наредних измена и допуна закона. |  |
| 3. | Location-based services  1. Manufacturers shall ensure that smart tachographs are compatible with the positioning services provided by the Galileo and the European Geostationary Navigation Overlay Service (‘EGNOS’) systems. 2. In addition to the systems referred to in paragraph 1, manufacturers may also choose to ensure compatibility with other satellite navigation systems.. |  |  | НУ | Одредба ће бити предмет усаглашавања неких наредних измена и допуна закона. |  |
| 4. | Procedure for type-approval of a tachograph and tachograph components  1. A manufacturer or its agent shall submit an application for type-approval of a tachograph or any of its components, or group of components, to the type-approval authorities designated by each Member State. It shall consist of an information folder containing the information for each of the components concerned including, where applicable, the type-approval certificates of other components necessary to complete the tachograph, as well as any other relevant documents. 2. A Member State shall grant type-approval to any tachograph, component or group of components that conforms to the administrative and technical requirements referred to in Article 1(2) or (3), as applicable. In that case, the typeapproval authority shall issue to the applicant a type-approval certificate that shall conform to the model laid down in Annex II to this Regulation. 3. The type-approval authority may request the manufacturer or its agent to supply any additional information. 4. The manufacturer or its agent shall make available to the type-approval authorities, as well as to the entities responsible for issuing the certificates referred to in Article 12(3) of Regulation (EU) No 165/2014, as many tachographs or tachograph components as are necessary to enable the type-approval procedure to be conducted satisfactorily. 5. Where the manufacturer or its agent seeks a type-approval of certain components or groups of components of a tachograph, he shall provide the type-approval authorities with the other components, already type-approved, as well as other parts necessary for the construction of the complete tachograph, in order for those authorities to conduct the necessary tests. |  |  | НУ | Одредба ће бити предмет усаглашавања неких наредних измена и допуна закона. |  |
| 5. | Modifications to type-approvals  1. The manufacturer or its agent shall inform without delay the type-approval authorities that granted the original type-approval, about any modification in software or hardware of the tachograph or in the nature of the materials used for its manufacture which are recorded in the information package and shall submit an application for the modification of the type-approval. 2. The type-approval authorities may revise or extend an existing type-approval, or issue a new type-approval according to the nature and characteristics of the modifications. A ‘revision’ shall be made where the type-approval authority considers that the modifications in software or hardware of the tachograph or in the nature of materials used for its manufacture are minor. In such cases, the type-approval authority shall issue the revised documents of the information package, indicating the nature of the modifications made and the date of their approval. An updated version of the information package in a consolidated form, accompanied by a detailed description of the modifications made, shall be sufficient to meet this requirement. An ‘extension’ shall be made where the type-approval authority considers that the modifications in software or hardware of the tachograph or in the nature of materials used for its manufacture are substantial. In such cases, it may request that new tests be conducted and inform the manufacturer or its agent accordingly. If those tests prove satisfactory, the type-approval authority shall issue a revised type-approval certificate containing a number referring to the extension granted. The type-approval certificate shall mention the reason of the extension and its date of issue. 3. The index to the information package shall indicate the date of the most recent extension or revision of the type approval, or the date of the most recent consolidation of the updated version of the type-approval. L 139/4 EN Official Journal of the European Union 26.5.2016 4. A new type-approval shall be necessary when the requested modifications to the type-approved tachograph or its components would lead to the issuance of a new security or interoperability certificate. |  | / | НУ | Одредба ће бити предмет усаглашавања неких наредних измена и допуна закона. |  |
| 6. | This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union. It shall apply from 2 March 2016. However, the Annexes shall apply from 2 March 2019 with the exception of Appendix 16 which shall apply from 2 March 2016. This Regulation shall be binding in its entirety and directly applicable in all Member States. |  |  | НП | Одредба процедуралног карактера |  |
| ANNEX I C Requirements for construction, testing, installation, and inspection | **2. GENERAL CHARACTERISTICS AND FUNCTIONS OF THE RECORDING EQUIPMENT**  **3. CONSTRUCTION AND FUNCTIONAL REQUIREMENTS FOR RECORDING EQUIPMENT** | 01.3.1.8а) | „Smart“ тахограф је дигитални тахограф који задовољава услове из чл. 8, 9. и 10. Уредбе (ЕУ) број 165/2014 Европског парламента и Савета као и услове из Анекса 1Ц Спроведбене Уредбе Комисије (ЕУ) број 2016/799. | ПУ |  |  |
| **4. CONSTRUCTION AND FUNCTIONAL REQUIREMENTS FOR TACHOGRAPH CARDS .** | 01.3.1.10).(2) | (2) Тахографска картица друге генерације, која задовољава услове прописане Уредбом (ЕУ) број 165/2014 Европског парламента и Савета као и услове из Анекса 1Ц Спроведбене Уредбе Комисије (ЕУ) број 2016/799. | ПУ |  |  |
|  | **8. TYPE-APPROVAL OF RECORDING EQUIPMENT AND TACHOGRAPH CARDS** | 01.13.1. | Сертификат о одобрењу типа тахографа, дела тахографа, модела тахографског листића или тахографске картице издаје Агенција за безбедност саобраћаја (у даљем тексту: Агенција) на захтев произвођача или овлашћеног представника произвођача у Републици Србији у складу са одредбама овог закона и AETR споразума, односно Уредбе (ЕУ) број 165/2014 Европског парламента и Савета и Спроведбене Уредбе Комисије (ЕУ) број 2016/799 за „smart“ тахографе и тахографске картице друге генерације. | ПУ |  |  |
|  | **7. CARD ISSUING** | 01.23.1. | Картице издаје Агенција у складу са одредбама овог закона и AETR споразума, односно Уредбе (ЕУ) број 165/2014 Европског парламента и Савета и Анекса 1Ц Спроведбене Уредбе Комисије (ЕУ) број 2016/799 за тахографске картице друге генерације. | ПУ |  |  |
|  | **5. INSTALLATION OF RECORDING EQUIPMENT**  **6. CHECKS, INSPECTIONS AND REPAIRS** | 01.31.3. | Послови из става 1. овог члана морају се обављати на прописан начин и у складу са одредбама AETR споразума за аналогне и дигиталне тахографе, односно Уредбе (ЕУ) број 165/2014 Европског парламента и Савета и Анекса 1Ц Спроведбене Уредбе Комисије (ЕУ) број 2016/799 за „smart“ тахографе, који су у употреби. | ПУ |  |  |

1. Потпуно усклађено - ПУ, делимично усклађено - ДУ, неусклађено - НУ, непреносиво – НП [↑](#footnote-ref-1)