

Tachographs in road transport

2011/0196(COD) - 19/07/2011 - Legislative proposal

PURPOSE: to revise Council Regulation (EEC) 3821/85 in order to improve the recording equipment in road transport.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

BACKGROUND: the EU has regulated the installation and use of tachographs since 1970. The current legislation in place for recording equipment is Council Regulation (EEC) No 3821/85. Tachographs play a crucial role in checking compliance by professional road transport drivers with the rules on driving time and rest periods. They contribute to improving road safety, drivers' working conditions and fair competition between road transport companies. A significant share of the vehicles checked by national police or enforcement officers are found to be breaching the social rules. Roughly one fourth of these are found to be breaching tachograph rules. Moreover, there is room to improve further the way in which the (digital) tachograph assists the drivers' work and supports transport efficiency. Although the introduction of the digital tachograph in vehicles registered after 1 May 2006 has already substantially reduced the administrative burden on the various stakeholders, the annual cost of compliance, estimated to be approximately € 2.7 billion, is still too high.

The proposal therefore aims at better enforcement of the social rules and at reducing unnecessary administrative burden, by developing the technical aspects of the tachograph and increasing efficiency.

The proposal fits into the policy announced by the Commission in its [White Paper on Transport](#) of 28 March 2011. It also contributes to implementation of the [Action Plan on Intelligent Transport Systems](#) (ITS) and Directive 2010/40/EU on the framework for the deployment of ITS in the field of road transport and for interfaces with other modes of transport.

IMPACT ASSESSMENT: policy packages were established offering viable policy alternatives for achieving the objectives:

- **Policy Package 1 (PP1)** is a technical package aiming simply at improvements of the current tachograph device;
- **Policy Package 2 (PP2)** is also a package of technical measures but which would substantially widen the functionalities of the digital tachograph, leading to a new type of digital tachographs;
- **Policy Package 3 (PP3)** includes only non-technical measures (such as more trustworthy workshops, making fraud with driver card more difficult, better training of control officers, minimum degree of harmonisation of sanctions, modernised rules on use);
- **Policy Package 4 (PP4)** is a combination of technical and system improvement measures (PP2+PP3).

The analysis performed suggests that **PP4 is the preferred option**. The administrative burden reduction potential of PP4 is €515.5 million, well above the total costs of its full implementation. Therefore the analysis performed suggests that Policy Package 4 should be the preferred option.

LEGAL BASIS: Article 91 of the Treaty on the Functioning of the European Union (TFEU).

CONTENT: the proposal aims at amending Council Regulation (EEC) No 3821/85 with a view to improve the tachograph system. The following main changes will be introduced through the proposed Regulation:

- **Remote communication from the tachograph for control purposes:** this measure will give control authorities some basic indications on compliance before stopping the vehicle for a roadside check. Compliant undertakings will avoid unnecessary roadside checks and could thereby benefit from a further reduction of administrative burden.
- **Merge functionalities of driver cards with driving licence:** this measure will increase the security of the system as drivers would be less inclined to use their driving licence under fraudulent circumstances. It will also significantly reduce administrative burden. 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.
- **Automated recording of precise location through GNSS:** this provision will give control authorities more information for checking compliance with social legislation. By using automated recording, it will also help to reduce administrative burden.
- **Integration of digital tachograph in Intelligent Transport Systems (ITS):** by providing for a harmonised and standardised interface of the tachograph, other ITS applications will have easier access to the data recorded and produced by the digital tachograph.
- **Increase the trustworthiness of workshops:** by strengthening the legal framework for the approval of workshops for example with a system of regular and unannounced audits and prevention of conflicts of interest, the trustworthiness of workshops will be increased and the risk of fraud and manipulation reduced.
- **Minimum degree of harmonisation of sanctions:** this minimum harmonisation ensures that infringements against the tachograph rules which are classified in EU legislation as ‘very serious infringements’ and as ‘most serious infringements’ will attract the highest category of penalties in national legislation.

Training of control officers: the Regulation will require Member States to provide adequate training for their control officers in charge of checking the recording equipment.

BUDGETARY IMPLICATION: this proposal has no budgetary implication for the Union budget.

DELEGATED ACTS: the proposal contains provisions empowering the Commission to adopt delegated acts in accordance with Article 290 of the Treaty on the Functioning of the European Union.