

Tachographs in road transport

2011/0196(COD) - 07/06/2012 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Transport and Tourism adopted the report by Silvia-Adriana ICU (S&D, RO) on the proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EEC) No 3821/85 on recording equipment in road transport and amending Regulation (EC) No 561/2006 of the European Parliament and the Council.

The committee recommended that the European Parliament's position adopted in first reading should amend the Commission proposal as follows:

Tachograph: Members suggest that this term should replace "recording equipment" throughout the text. It is defined as the equipment intended for installation in road vehicles to display, record, print, store and output automatically or semi automatically details of the movement of such vehicles in relation to the different periods of time being part of the driver's daily working period, and of data referred to in the Regulation.

Purpose of the Regulation: Members want to insert into the text of the Regulation the obligations and requirements in relation to the construction, installation, use, testing and control of tachographs used in road transport to control compliance with Regulation (EC) No 561/2006, Directive 2002/15/EC and Directive 92/6/EEC.

Daily working period: this means the period which commences at the time when the driver activates the tachograph following a weekly or daily rest period, or, if the daily rest period is divided into separate periods, following a rest period of at least nine hours' duration. It ends at the beginning of a daily rest period or, if the daily rest is divided into separate rest periods, at the beginning of a rest period extending over a minimum of nine consecutive hours.

Requirements: the committee introduced clauses on essential requirements regarding the construction, installation, use, testing and checking of tachographs, including their functions, the data to be recorded, display, warning and obligations on data protection, so that the Regulation sets these out and the Commission adopts detailed specifications. These specifications will amend and supplement the Annexes and also cover **smart tachographs**, and the **interoperability and compatibility** between the various versions and generations of vehicle units, tachographs cards and equipment of enforcement authorities.

After the publication of the technical specifications, the industry would need at least two years to put the product on the market. The basic framework of the use of this new technology should be set through the codecision procedure and not entirely by the Commission through delegated acts.

Data protection: after receiving advice from the European Data Protection Supervisor, the committee inserted some amendments to clarify the modalities of the processing of data, including personal data relating to professional drivers. The data to be communicated for control purposes should be limited to those facts identifying manipulation or misuse of the tachograph.

Harmonised ITS: an amendment states that priority shall be given to the development of a harmonised ITS application which enables drivers to interpret the data recorded in the tachograph in order to help them comply with social legislation.

Type approval of software: Members suggest that the software used by control authorities should be type approved to guarantee the same results throughout Europe when interpreting data to detect infringements of the legislation. Manufacturers shall submit an application for EU approval of software used by the competent control authorities to interpret data.

The main elements of the type approval process should be set out in the text of the Regulation and not in the Annexes.

The security certificate stating compliance against security targets shall be delivered by a certification body recognised by the Commission. A functional certificate shall be delivered to the manufacturer only after all functional tests, certifying that the item tested fulfils the appropriate requirements. A single laboratory under the authority and responsibility of the Commission shall deliver an interoperability certificate.

Seals: since seals are an important element for detecting fraud, a provision setting out their main characteristics is included in the text of the Regulation and not only in the annexes.

Workshops: workshops play an essential role in relation to the tachograph system. As it seems that in many cases manipulation of the tachograph is not possible without the intervention or agreement of a workshop, the report proposes that controls shall cover at least **20 %** (rather than 10%) of the approved workshops per year.

Driver card: this shall be issued within 15 days of the request being received by the competent authority. Within 24 months of the entry into force of the Regulation, the Commission is to carry out an Impact Assessment on the feasibility and merits of merging all of the cards used by professional drivers, in particular the driver card with the driver licence.

Transport undertaking: the committee inserted an amendment clarifying certain obligations with regard to the employees of a transport undertaking. The latter must: (i) give to drivers it employs or who are at its disposal the necessary training and instructions as regards the correct functioning of tachographs; (ii) make regular checks to ensure that the drivers it employs or who are at its disposal make correct use of tachographs and; (iii) not give to drivers it employs or who are at its disposal any direct or indirect incentives that could encourage the misuse of the recording equipment.

An amendment has been proposed to clarify that transport undertakings should be liable not only for the infringements committed by its employees but also for those committed for those drivers who are put at its disposal.

Control officers: sufficient standard equipment and appropriate legal powers shall be available to all certified control officers to enable them to carry out their duties according to the Regulation.

24 months after the date of application of the Regulation, control officers shall pass an examination in order to obtain a **European Enforcement Certificate**. This harmonised certification shall prove that they have the appropriate skills to efficiently execute their control tasks as defined in the Regulation. The Commission shall adopt decisions on the requirements and contents of the examination in accordance with the examination procedure.

The Commission shall present to the European Parliament and the Council a report every two years regarding the number of control officers following the training in each Member State and obtaining the European Enforcement Certificate.

Very serious infringements: Members propose to insert a **category of infringements** of the obligations set out in the Regulation, which shall be considered as very serious infringements in the legislation of Member States. These are the very serious infringement against this Regulation identified by the Commission in Annex III to Directive 2006/22/EC. Efforts should also be taken to ensure that the penalties imposed for any infringements are always 'effective, dissuasive and proportionate'. In particular concrete steps should be taken to eliminate the practice of excessively high fines for minor infringements.

Telephone Hotline: the committee inserted a clause stating that the Commission shall install a website and an EU-wide hotline telephone number that can be called free of charge and anonymously by drivers or any other concerned stakeholder wishing to report fraud that falls under the scope of the Regulation.