

Tachographs in road transport

2011/0196(COD) - 15/11/2013 - Council position

The Council has taken account of the proposal of the Commission and has retained— in spirit, partially or fully —several of the European Parliament’s amendments adopted at first reading.

In general, **the Council welcomed the objectives of the Commission's proposal**, namely to increase the security of the tachograph system, to reduce the administrative costs and to improve the efficiency of the control of the system.

However, the Council's position involved **major adaptations** to the Commission proposal :

- allowing Member States the **flexibility** necessary to apply the most cost-efficient measures ;
- stressing the need to strengthen the **protection of personal data** in the Regulation and to clarify the provisions on the **technical and functional requirements** of the tachograph.

The Council's position on Parliament's amendments were as follows:

Structure of the legal act (delegated acts/implementing acts).

- The Council proposed the inclusion of the main technical requirements from the Annexes in the text of the Regulation, on the basis of which the Commission should establish relevant detailed provisions through **implementing acts** at a later stage to ensure uniform application throughout the Member States. Against this background, the Council's position included provisions on the definitions, on technical requirements and data to be recorded, on the functions of the digital tachograph and on display and warning.

New technology and data protection provisions

- **Strengthening provisions on data protection** : the Council agreed with Parliament that it was appropriate to reinforce the data protection provisions proposed by the Commission, building upon the opinion of the European Data Protection's Supervisor.
- **Recording of location data**: partially taking account of Parliament's amendments, the Council proposed recording the location points automatically every three hours of accumulated driving time in order to improve compliance by professional road transport drivers with the legislation in force.
- **Equipment of control officers with the remote early detection technology**: the Council's position partly reflected Parliament's concerns and opted for a phased approach to equip control officers with the remote access technology. Accordingly, **15 years** following the introduction of the smart tachograph, Member States will have to equip their control authorities to an appropriate extent with remote equipment. Until that date, equipping authorities with remote access technology will be optional.
- **Interface with Intelligent Transport Systems**: the Council considered it crucial to keep a sufficient degree of **flexibility** so that transport undertakings remain able to choose whether or not to connect the tachograph to external devices. In addition, the Council's text clarified that access to

personal data by an external device connected to the interface can only be given after the explicit consent of the driver to whom the data relates.

Date of entry into force of the smart tachograph and retrofitting of vehicles.

- In the Council's position at first reading, the smart tachograph would be required - for vehicles registered for the first time - **40 months after the entry into force of the technical specifications** for smart tachographs that the Commission intends to establish at the latest by 31 December 2014.
- The Council considered that the retrofitting of vehicles as envisaged by the Parliament would have a disproportionate economic impact. However, the text provided that vehicles involved in international transport shall be retrofitted with the smart tachograph **at the latest 15 years** after newly registered vehicles are required to have the new tachograph.

Inclusion of weight sensors in the smart tachograph.

- The Council did not accept Parliament amendments providing that weight sensors should be included in the smart tachographs. The text included one recital referring in general terms to a future assessment to be made by the Commission concerning the potential for weight sensors to contribute to an improved compliance of road transport legislation.

Certification and training of control officers.

- The Council was strongly opposed to any certification system for enforcement officers. However, the Council's position provided that the Commission will adopt measures specifying **the content of the initial and continuing training of control officers**, and this content shall be included in the training given to control officers in Member States.

Exemptions in the framework of Regulation No 561/2006 (harmonisation of certain social legislation relating to road transport).

- The Council accepted Parliament's concern on this. The text provided that non-professional drivers who use their vehicles for carrying materials or equipment needed for their own work are exempted from the obligation to operate with a tachograph if they operate exclusively **within a radius of 100 km from the business base**, and provided that their vehicle's weight does not exceed 7.5 tonnes.

Harmonisation of infringements and penalties.

- The Council could not accept the approach proposed by the Parliament in its amendments and considers that Member States must be able to lay down rules on penalties applicable to infringements of the Regulation. A new recital was added to emphasise that the existing rules should be applied in a uniform manner by Member States' authorities.

Reinforcing the trustworthiness of workshops.

- The Council did not keep Parliament's amendment increasing to 20% the unannounced technical audits of approved workshops. It modified the Commission's text in order to **give Member States flexibility to decide** internally how to operate, whilst at the same time ensuring a set of minimum criteria for the approval of workshops.

- In order to safeguard the trustworthiness of workshops, the Council: (i) reduced **from one to two years** the regular audits of the procedures applied by the workshops when handling the tachograph ; (ii) maintained the Commission's proposal of **10%** for the unannounced technical audits of workshops and (iii) maintained **the period of validity of the workshop card (one year)** as proposed by the Commission.

Responsibility of the undertaking for infringements committed by the drivers

- Bearing in mind Parliament's concerns, the Council proposed making this liability conditional on the undertaking's infringement of the provision on inadequate preparation of drivers by the undertaking. Besides, the Council's text provided that a transport undertaking shall be liable for infringements committed by its drivers or by those at its disposal.

Merger of the tachograph driver card with the driving licence.

- Parliament's amendment was not taken on board by the Council. The latter considered that the amendment of the driving licences Directive required **a comprehensive cost-benefit analysis** to be prepared by the Commission before any decision could be taken on this complex issue.

Tachograph driver cards for third-country drivers.

- The Council agreed to introduce a new provision in the Regulation to address the issue of non-AETR, third-country drivers.
- In addition, the Council's position provided that the Commission would closely monitor the issuance of these temporary driver cards to drivers from third countries, in particular to make sure that there was no negative impact on the labour market.