

Tachographs in road transport

2011/0196(COD) - 18/11/2013 - Commission communication on Council's position

In general, and despite the weakening of several provisions, **the Commission welcomed the position of the Council at first reading**, as this position was in line with the main objectives of the Commission's initial proposal.

The Commission considered that the Council's amendments reflected the importance attached by Member States to: (i) the application of the most cost-efficient measures; (ii) the need to strengthen the protection of personal data in the Regulation and (iii) the clarification of the provisions on the technical and functional requirements of the tachograph.

The Commission accepted the amendments agreed between the Council and Parliament on the following technical issues:

- recording of location data;
- equipment of control officers with the remote early detection technology;
- interface with Intelligent Transport Systems;
- inclusion of weight sensors in the smart tachograph (mentioned only in a recital);
- tachograph driver cards for non-resident drivers;
- retrofitting of vehicles with digital tachographs;
- elimination of the requirement for drivers to present forms attesting to their activities while being away from the vehicle;
- proper equipment and training of control officers;
- reinforcing the trustworthiness of workshops;
- strengthening data protection;
- harmonisation of infringements and penalties;
- responsibility of transport undertakings.

The Commission welcomed the fact that its proposed amendments to Regulation No 561/2006 (social legislation), which allowed Member States to grant **exemptions** from the provisions of the Regulation within a radius of 100 km radius from the base of the undertaking, were kept.

Without opposing the adoption of the final text resulting from negotiations between the co-legislators, the Commission made **statements on three points** on which it repeatedly voiced its disagreement during the negotiations.

- **Statement concerning Regulation (EC) 561/2006:** in order to ensure an effective and uniform implementation of the legislation on driving times and rest periods, the Commission would continue to monitor closely the implementation of that legislation and, where necessary, take the appropriate initiatives.
- **Statement concerning implementing acts:** the Commission considered that the future acts, which the Commission has been given the power to adopt by the legislative act in order to set out the detailed provisions and specifications for the tachograph, tachograph cards and record sheets, as well as the type approval requirements, aim at supplementing the technical specifications set out in the basic act and should therefore **be delegated acts** to be adopted on the basis of article 290 TFEU.

Statement concerning the use of Article 5 (4) subparagraph 2 letter b) of Regulation No 182/2011: the Commission underlined that it was contrary to the letter and to the spirit of the Regulation to invoke Article 5 (4), subparagraph 2, point b) in a systematic manner. Recourse to this provision must respond to a specific need to depart from the principle that the Commission may adopt a draft implementing act when no opinion is delivered.