

Tachographs in road transport

2011/0196(COD) - 19/12/2013 - Committee recommendation tabled for plenary, 2nd reading

The Committee on Transport and Tourism adopted the recommendation for second reading in the report by Silvia-Adriana ICU (S&D, RO), and approved without amendment the Council position at first reading with a view to the adoption of a Regulation of the European Parliament and of the Council on tachographs in road transport, repealing 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 on the harmonisation of certain social legislation relating to road transport. Following the adoption of Parliament's first reading position by the plenary on 3 July 2012, informal negotiations started with the Cyprus Presidency and continued with the Irish Presidency. After three rounds of trilogue with the Irish Presidency, Parliament and Council's negotiating teams reached an agreement on the file on 14 May 2013.

As the **Council's first reading position is in conformity with the agreement reached in the trilogies**, the report recommends to the Committee to accept it without further amendments.

The main points of the compromise are as follows:

The smart tachograph: Parliament supported the introduction of the smart tachograph. During the negotiations it made clear the need to ensure that the smart tachograph was efficient but affordable. The smart tachograph will include two new functionalities: the remote communication for control purposes and the recording of location data. Besides the insertion of new guarantees in relating to data protection and privacy, the agreement has developed these functionalities in further detail:

- **Remote communication for control purposes:** the text now contains an exhaustive list of elements to be transmitted to control officers. It has been made clear that in no case might the remote control communication lead to automatic fines or penalties for the driver or the undertaking.
- **Equipment for control officers:** Member States were obliged to equip their control officers for remote communication before a set deadline. From the first reading, the aim of Parliament's negotiating team was to ensure that the remote communication mechanism was based in a simplified, and therefore affordable, technology that limited Member States' investments as much as possible.
- **Recording of location data:** more points than those of the start and the end of the daily working period have been introduced to improve controls. The recording shall be done automatically after three hours of continuous driving. The satellite signal to be used will be free of charge.
- **Deadline for the introduction of the smart tachograph:** the Commission had proposed 48 months. In the end, Council and Parliament agreed on 36 months for the smart tachograph to be on the market.

Use of intelligent transport systems (ITS): the agreed text did not make the use of ITS interfaces compulsory, but provided that after 36 months any smart tachograph connected to a ITS application should use a standardised interface.

The tachograph requirements: these have been developed in further detail, including specific references to competition in the manufacturers market:

- **Intellectual property rights:** in order to allow for fair competition in the development of applications related to the tachograph, intellectual property rights or patents related to the transmission of data in or out of the tachograph should be available to all on a royalty free basis (use of open standards.)
- **Use of external devices:** the functionalities of the smart tachographs can be provided through the use of external devices.

New provisions on functions of the tachograph, data to be recorded, warnings and display of information to the driver have also been included in the text of the Regulation.

Improved guarantees in relation to data protection and privacy: the text introduces new guarantees following the Parliament's concerns expressed in its first reading position.

Retrofitting: Parliament negotiating team insisted in having a provision on retrofitting included in the text. Therefore 15 years after the smart tachograph is on the market all vehicles should be fitted with such a tachograph.

Control officers: their role has been strengthened, especially by the introduction of a new specific article. The Commission will set the content of training of officers, which will include a common interpretation of the social legislation.

Temporary cards: control of non-resident drivers will be improved by allowing them to use digital tachographs.

Responsibility of transport companies: this provision has been amended to make the text clearer in relation to companies' obligations and liability.

Regulation 561/2006 on the harmonisation of certain social legislation relating to road transport: Parliament's negotiating team's main concern was to make sure that the legislation applies to "professional drivers". The agreed text does not make the use of tachographs compulsory for trucks of less than 7,5 t used for carrying materials, equipment or machinery for the driver's use in the course of his work, which are used only within a 100 km radius from the base of the undertaking, on condition that driving the vehicle does not constitute the driver's main activity (non-professional drivers).