

Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	2011/0196(COD) Procedure completed
Tachographs in road transport Amending Regulation (EC) No 561/2006 Amended by	2001/0241(COD) 2017/0122(COD)
Subject 3.20.05 Road transport: passengers and freight 3.20.06 Transport regulations, road safety, roadworthiness tests, driving licence 3.20.10 Transport undertakings, transport industry employees 4.15.03 Arrangement of working time, work schedules	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	TRAN Transport and Tourism		30/08/2011
		S&D ICĂU Silvia-Adriana	
		Shadow rapporteur	
		PPE HIGGINS Jim	
		ALDE MEISSNER Gesine	
	Verts/ALE LICHTENBERGER Eva		
	ECR ROSBACH Anna		
	EFD BIZZOTTO Mara		
	Former committee responsible		
	TRAN Transport and Tourism		30/08/2011
		S&D ICĂU Silvia-Adriana	
	Former committee for opinion		
	EMPL Employment and Social Affairs	The committee decided not to give an opinion.	
	ITRE Industry, Research and Energy	The committee decided not to give an opinion.	
Council of the European Union	Council configuration	Meeting	Date
	Economic and Financial Affairs ECOFIN	3271	15/11/2013
	Transport, Telecommunications and Energy	3196	29/10/2012
	General Affairs	3180	26/06/2012
	Transport, Telecommunications and Energy	3134	12/12/2011
	Transport, Telecommunications and Energy	3116	06/10/2011
Commission DG	Commissioner		

Key events

19/07/2011	Legislative proposal published	COM(2011)0451	Summary
13/09/2011	Committee referral announced in Parliament, 1st reading		
06/10/2011	Debate in Council	3116	
12/12/2011	Debate in Council	3134	Summary
31/05/2012	Vote in committee, 1st reading		
07/06/2012	Committee report tabled for plenary, 1st reading	A7-0195/2012	Summary
02/07/2012	Debate in Parliament		
03/07/2012	Results of vote in Parliament		
03/07/2012	Decision by Parliament, 1st reading	T7-0271/2012	Summary
15/11/2013	Council position published	11532/4/2013	Summary
21/11/2013	Committee referral announced in Parliament, 2nd reading		
17/12/2013	Vote in committee, 2nd reading		
19/12/2013	Committee recommendation tabled for plenary, 2nd reading	A7-0471/2013	Summary
14/01/2014	Debate in Parliament		
15/01/2014	Decision by Parliament, 2nd reading	T7-0023/2014	Summary
04/02/2014	Final act signed		
04/02/2014	End of procedure in Parliament		
28/02/2014	Final act published in Official Journal		

Technical information

Procedure reference	2011/0196(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
	Amending Regulation (EC) No 561/2006 2001/0241(COD) Amended by 2017/0122(COD)
Legal basis	Treaty on the Functioning of the EU TFEU 091
Other legal basis	Rules of Procedure EP 159

Mandatory consultation of other institutions	European Economic and Social Committee European Committee of the Regions
Stage reached in procedure	Procedure completed
Committee dossier	TRAN/7/11135

Documentation gateway

Legislative proposal	COM(2011)0451	19/07/2011	EC	Summary
Document attached to the procedure	COM(2011)0454	19/07/2011	EC	Summary
Document attached to the procedure	SEC(2011)0947	19/07/2011	EC	
Document attached to the procedure	SEC(2011)0948	19/07/2011	EC	
Document attached to the procedure	N7-0047/2012 OJ C 037 10.02.2012, p. 0006	05/10/2011	EDPS	Summary
Committee draft report	PE480.582	08/02/2012	EP	
Amendments tabled in committee	PE485.915	29/03/2012	EP	
Committee report tabled for plenary, 1st reading/single reading	A7-0195/2012	07/06/2012	EP	Summary
Text adopted by Parliament, 1st reading/single reading	T7-0271/2012	03/07/2012	EP	Summary
Commission response to text adopted in plenary	SP(2012)627	19/09/2012	EC	
Council statement on its position	14969/2013	28/10/2013	CSL	
Council position	11532/4/2013	15/11/2013	CSL	Summary
Commission communication on Council's position	COM(2013)0816	18/11/2013	EC	Summary
Committee draft report	PE523.061	21/11/2013	EP	
Amendments tabled in committee	PE524.665	29/11/2013	EP	
Committee recommendation tabled for plenary, 2nd reading	A7-0471/2013	19/12/2013	EP	Summary
Text adopted by Parliament, 2nd reading	T7-0023/2014	15/01/2014	EP	Summary
Draft final act	00013/2014/LEX	05/02/2014	CSL	

Additional information

National parliaments	IPEX
European Commission	EUR-Lex

Final act

[Regulation 2014/165](#)
[OJ L 060 28.02.2014, p. 0001](#) Summary

Tachographs in road transport

This Communication accompanies a proposal to amend Council Regulation (EEC) No 3821/85 on tachograph. This proposal aims at improving the efficiency and the effectiveness of tachographs, and to ensure that professional drivers respect the rules on driving hours and

rest periods.

A number of other measures required to improve the effectiveness and efficiency of the tachograph system were identified by the Commission when preparing this proposal. However, they can not be implemented directly by the proposed regulation itself. The present Communication explains how and when the Commission intends to implement these other measures which are needed but not integrated in the accompanying legislative proposal.

Four measures will need to be taken and are detailed in this Communication:

1. Update to technical progress through a delegated act Annex IB, in 2014, notably to preserve the security level of the digital tachograph. More specifically, it will be necessary to change by delegated acts the technical specifications of the digital tachograph laid down in Annex IB of Regulation (EEC) N° 3821/85. This will facilitate the development and production of tachographs with the new technical capabilities introduced by the legislative proposal. It will be necessary to upgrade the security mechanisms in order to preserve the current level of security and avoid fraud and tampering with the data recorded by tachographs. These changes will require a migration strategy in order to ensure compatibility between the existing cards and vehicle units in operation and those to be introduced.
2. Ask the European Committee for Standardization (CEN) in 2011 to develop security seals on tachographs to prevent interference with the data, harmonised standards should be developed by the appropriate standardisation bodies. These standards should be made available by 2014.
3. At international level, continue its efforts to promote EU social rules in road transport and the use of the technologically evolving digital tachographs in all its neighbouring countries. For this purpose, it shall propose to Council by the end of 2011 that the EU should be made a full member of the AETR, provided that on-going exploratory talks with non-EU AETR contracting parties are positive. The proposed regulation will make it necessary to improve the decision-making process on tachographs in the context of the so-called AETR agreement signed by the 27 EU Member States and 22 European countries (including CIS countries, Turkey and Western Balkan countries). In 2010 a modification of AETR made the digital tachograph the obligatory recording equipment for international transport in 22 non-EU AETR countries. A consequence of this success in spreading the EU-developed tachograph beyond its borders is that these non-EU countries now become involved in the future technical adaptation of the device. The uniform implementation of tachograph use enables EU road hauliers to compete on an equal footing with road hauliers from these non EU-countries and which is ultimately in the interest of the EU.
4. Propose to amend Directive 2006/126/EC on driving licences in order to organise properly the merging of cards used by professional drivers in digital tachographs with their driving licences from 2018.

Tachographs in road transport

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.

Tachographs in road transport

Opinion of the European Data Protection Supervisor 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 EDPS welcomes being consulted on a proposal which impinges on the privacy of professional drivers in a very visible manner. He particularly welcomes the insertion of a dedicated provision on data protection in Article 34 of the proposal, which clearly underlines the responsibility of owners of vehicles and/or transport undertakings, as data controllers, to comply with applicable data protection law. Amongst other things, this will require them to inform professional drivers about the processing of their data in tachographs, grant drivers access to their data and rectify incorrect or incomplete data.

The EDPS notes however that this provision alone cannot tackle all the data protection issues raised by the measures put forward in the Proposal. Additional guarantees are therefore required in the Proposal and in the complementary measures described in the [Communication entitled Digital Tachograph: Roadmap for future activities](#).

1) The proposal lacks clarity and certainty on the modalities of the processing: this should be clarified to ensure that these measures respect the proportionality principle set out in Directive 95/46/EC. The EDPS considers that the general modalities of the processing in tachographs should be set out in the proposal itself and not in annexes to the Regulation. The main aspects of the processing should be described in the proposal itself, such as the types of data recorded in tachographs and through geolocation equipment, the recipients, and the time periods for retention. The annexes of the Regulation should only provide purely technical details of general principles that have been set out in the Regulation itself.

2) Outdated annexes: the EDPS notes that the existing annexes are outdated, which might lead to discrepancies in how tachographs are developed by industry. The proposal introduces many technological updates, for which no relevant technical specifications are set out in the existing annexes to the Regulation. There is a risk that privacy-unfriendly frameworks will be developed by industry for as long as the update of the annexes to the Regulation is pending. The EDPS urges the Commission to update the annexes of the Regulation as soon as possible.

3) Provision on the level of security to be achieved at all stages of development and use of tachographs: the EDPS recommends introducing a dedicated provision on the level of security to be achieved emphasising the following:

- appropriate security measures must be adopted to preserve the confidentiality of the data, to ensure data integrity and to prevent fraud and unlawful manipulation;
- the whole chain of processing, which includes not only the recording equipment and the cards themselves but also the system of remote communication and the use of GNSS equipment, must respect the security requirements of Directive 95/46/EC ;
- for purposes of accountability, the way independent evaluators will perform their work should be clarified;
- privacy impact assessments should be carried out before introducing any technological update.

4) Proportionality on geolocation: the EDPS recommends clarifying the specific and legitimate purposes for which constant geolocation will be carried out. It should be clearly specified in the proposal that the installation and use of devices for the direct and principal purpose of allowing employers to monitor remotely and in real time the actions or whereabouts of their employees is not permitted.

5) Remote control by control authorities: the EDPS considers that it is not sufficiently clear which data can be exchanged through remote communications and recommends defining in Article 5(3) an exhaustive list of data that can be exchanged with control authorities and ensure that remote controls do not lead to automatic sanctions.

6) Cross-border exchanges of data: in the current version of the proposal, there is no indication of any international exchange of tachograph data. It should be clarified whether there will be any cross-border data exchanges with control authorities in third countries, and if so adopt adequate data protection safeguards to ensure compliance with Directive 95/46/EC.

7) Further use of the data in context of Intelligent Transport Systems: the legislation must require data controllers to ensure that the further processing of the data recorded in tachographs for use in ITS applications is done in compliance with Directive 95/46/EC, in particular that

professional drivers give their express and free consent to this and that such further processing is not incompatible with the original purpose of collection. Furthermore, it should be emphasised in Article 6(3) that access to the data stored in the tachograph equipment shall be restricted only to those strictly necessary for the processing in the ITS application.

8) Driver cards: the integration of the driver card with the driving licence raises data protection concerns, in particular in view of the purpose limitation principle and of the proportionality principle. Furthermore, the EDPS notes that the role of the Commission in the interconnection of the electronic registers lacks sufficient clarity.

The EDPS recommends:

- providing in Article 27 that the merging of the driver cards with driving licences should only be envisaged after a privacy and security impact assessment has been carried out ;
- clarifying further the role of the Commission in the exchange of information on driver cards through national electronic registers and the modalities of exchange.

The EDPS calls on Member States to consult data protection supervisory authorities before adopting national measures for tachographs, in particular those measures on the use of geolocation equipment, remote communications, ITS interfaces and TACHOnet.

Lastly, to ensure appropriate consideration of data protection requirements in further complementary actions by the Commission, the EDPS wishes to be included in the list of participants in the Tachograph Forum and to be consulted on the update of Annex IB and on the Proposal to amend Directive 2001/126/EC on driving licences.

Tachographs in road transport

The Council agreed on a partial general approach on a new draft regulation setting out requirements for the construction, installation, use and testing of tachographs.

The partial general approach does not cover the proposed provision on merging the driving licence with the driver card used with the tachograph. That provision will be discussed at a later stage, in parallel with the [proposal for a revision of the driving licences directive](#), recently submitted by the Commission, which also provides for the inclusion of the driver card functionalities into the driving licence.

The partial general approach contains the following key elements:

1. As regards the use of technology, the current manual recording of the location of the vehicle will be replaced by automated recording through satellite positioning. Moreover, remote communication from the tachograph providing basic information on compliance will allow for early detection of possible manipulation or misuse, thereby enabling officers to target roadside checks better and avoid unnecessary checks. However, there will be no obligation for member states to ensure that their inspection authorities are equipped with the instruments required for remote early detection of this kind. In addition, the tachograph may be equipped with an interface facilitating its integration into Intelligent Transport Systems, subject to certain conditions.
2. The regulatory changes will include stricter requirements for workshops responsible for installing and calibrating tachographs. In order to cut the administrative burden, the exemption from the obligation to use tachographs, which member states may grant to certain users - mainly small and medium-sized enterprises - will be extended: for those users, the new draft regulation introduces an exemption for transport operations within a radius of 100 km, whilst hitherto the exemption has been limited to 50 km in certain cases. The regulatory measures will apply two years after the publication of the regulation in the Union's Official Journal, with the exception of the rules on the approval and control of workshops and the use of driver cards, which will be applicable one year earlier. The "smart tachograph", that is, the application of the new satellite-linked technology, will become mandatory 40 months after the technical specifications for the new tachograph have been established, i. e. probably in 2017 or 2018.

The text agreed is a compromise presented by the presidency and supported by a large majority of delegations. However, some delegations still have concerns on specific points.

- One delegation wishes to extend the exemptions from the requirement to use the tachograph, so as to increase the radius for exempted transport operations to 150 km.
- Some other delegations, arguing that any harmonisation of sanctions should be excluded, would prefer leaving out the requirement that penalties must be in compliance with the categories of infringements defined in the directive on social legislation relating to road transport activities.

The European Parliament, whose approval is also required for the adoption of the regulation, has yet to discuss the proposal.

Tachographs in road transport

The Committee on Transport and Tourism adopted the report by Silvia-Adriana Ţicău (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 Parliaments 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.

Tachographs in road transport

The European Parliament adopted by 488 votes to 67, with 129 abstentions, a legislative resolution 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 European Parliaments position adopted in first reading, under the ordinary legislative procedure, amends the Commission proposal as follows:

Tachograph: Parliament suggests 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. It specifies the definitions of weight sensor, analogue tachograph and digital tachograph. Parliament requests that by 2020 all vehicles which are not exempted from the application of this Regulation shall be fitted with a smart tachograph within the meaning of this 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.

Requirements: Parliament 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. As regards the connection of the tachograph to a GNSS, use shall be made only of satellite positioning service connections that exploit a positioning service free of charge.

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, Parliament 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. The access to the data communicated shall be restricted to enforcers authorised to control infringements and to workshops insofar as it is necessary to verify the correct functioning of the tachograph. Data may only be stored by the control authorities for the duration of a roadside check, and shall be deleted at the latest two hours after their communication unless the data indicate a possible 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.

Sealing: 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.

Parliament calls on Member States to monitor and prosecute the increasing offer of fraudulent installation and the installation of manipulation devices for recording equipment on the internet. Member States shall inform the Commission of their activities in this regard and then make the information available to all other EU control authorities in order to make the newest practises in fraudulent installation and manipulation known to all of them.

Driver card: this shall be issued within 15 days of the request being received by the competent authority.

In order to ensure fair competition in international road transport, Parliament considers that individual employment contract of international drivers shall be governed by the law of the country in which, or alternatively, from which, in the light of all the factors which characterise his activities, the driver carries out, on a regular basis, the greater part of his obligation towards his employer, in performance of his contract.

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: Parliament 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: Parliament proposes 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: Parliament 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.

Tachographs in road transport

The Council has taken account of the proposal of the Commission and has retained in spirit, partially or fully several of the European Parliaments 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 Councils position on Parliaments 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 Parliaments 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.

Tachographs in road transport

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.

Tachographs in road transport

The Committee on Transport and Tourism adopted the recommendation for second reading in the report by Silvia-Adriana Ţicău (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 trilogues, 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 teams' 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).

Tachographs in road transport

The European Parliament approved 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

The Parliament noted that the act was adopted in accordance with the Council position, and it took note of a Commission statement on Regulation 561/2006 (EC): in order to guarantee uniform and effective implementation of the legislation on driving times and rest periods, the Commission states that it will continue to follow the implementation of this legislation closely, and take appropriate initiatives if necessary.

Tachographs in road transport

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

LEGISLATIVE ACT: Regulation (EU) No 165/2014 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 of the Council on the harmonisation of certain social legislation relating to road transport.

CONTENT: this regulation on tachographs in road transport, which replaces the 1985 tachograph regulation, is aimed at making fraud more difficult and reducing the administrative burden.

In time, the current manual recording of the vehicle's location will be replaced by automated recording through satellite positioning. Remote communication from such a smart tachograph will provide basic information on compliance and allow for early detection of possible manipulation or misuse.

Regulatory changes include: (i) stricter requirements for workshops responsible for installing and calibrating tachographs and a wider exemption from the obligation to use tachographs, which should help reduce the administrative burden, in particular for SMEs.

Main features of the new regulation include:

Smart tachograph: the smart tachograph will include two new functionalities: remote communication for the purposes of checking and recording location-related data. In addition, the tachograph must be equipped with, or have the capacity to connect to, an interface facilitating its integration into Intelligent Transport Systems (ITS).

The application of the new satellite-linked technology will become mandatory 36 months after the technical specifications for the new tachograph have been established, probably in 2017 or 2018. This applies to newly registered vehicles.

Other vehicles involved in international transport must be retrofitted with the smart tachograph at the latest 15 years after the date agreed for newly registered vehicles.

Recording of vehicle position: to make compliance with the legislation easier, the vehicles position will be automatically recorded at the following points, or at the nearest point where a satellite signal is available: (a) the start of the daily working period; (b) every three hours of continuous driving; and (c) the place where the daily working period ends.

Equipment for the remote early detection of possible manipulation or misuse: Member states have to ensure that control officers have sufficient equipment as listed in the regulation - to carry out their monitoring tasks, but there will be no obligation to provide them with remote early detection equipment during the first 15 years following the introduction of the smart tachograph. After that period, Member States will provide such equipment as is appropriate, depending on their national enforcement strategies.

Remote communication for control purposes: the regulation contains an exhaustive list of elements to be transmitted to control officers. Under no circumstance may the remote control communication lead to automatic fines or penalties for the driver or the undertaking.

Tachograph requirements: these have been defined in further detail, including specific references to competition in the manufacturers market. 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 new regulation.

Data protection and privacy: the regulation introduces new guarantees. Data protection, as well as the training of control officers will be strengthened.

Control officers: their role has been strengthened, with the introduction of a new article. The Commission will set the content of the control officers training, 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. The Commission will closely monitor the issuing of temporary driver cards to drivers from third countries, in particular in order to make sure that there is no negative impact on the labour market.

Derogations based on distance: non-professional drivers who use their vehicle to transport materials or equipment necessary for their work will be exempt from using a tachograph within a 100 km radius from the base of the undertaking for which they work, on condition their vehicle does not exceed 7.5 tonnes.

Weight sensors: lastly, the Commission is to examine whether the control of driving and resting times could be improved in the future by including weight sensors in the smart tachograph.

ENTRY INTO FORCE: 01.03.2014.

Regulatory measures will be applicable before the introduction of the smart tachograph, i.e. from 02.03.2016, while the rules regarding the approval and control of workshops and those regarding the use of drivers cards will be applicable from 02.03.2015.