

## LAND TRANSPORT

### Tachograph regulation

The Council reached a political agreement on a new regulation on the tachograph used in road transport ([13725/12](#)). The political agreement confirms the general approach agreed by the Council in June this year, while slightly adapting the wording of some parts to take account of amendments adopted by the European Parliament in the meantime.

One delegation, however, pointed out that it could not support the text of the draft regulation because it would have wished a wider exemption from the obligation to use the tachograph for small and medium enterprises.

The political agreement will be formalised in the form of a first-reading position after legal and linguistic checks have been carried out. In parallel, the Council will continue its informal negotiations with the European Parliament in order to seek agreement on a final text to be adopted jointly by the two institutions at second reading.

The aim of the new draft legislation, which will replace the 1985 tachograph regulation, is to make fraud more difficult and to reduce the administrative burden by making full use of new technologies and introducing a number of new regulatory measures.

The text agreed by the Council contains the following key elements:

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. To reduce costs, only free positioning services will be used.
- 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 (ITS), subject to certain conditions.

The draft regulation also contains safeguards for protection of personal data: recording of vehicle position will be limited to the starting and ending place of the daily working period; access to data will be restricted to control authorities; and the explicit consent of the driver will be required for access to personal data through an external ITS device.

The "smart tachograph", i.e. the application of the new satellite-linked technology, will become mandatory 40 months after the technical specifications for the new tachograph have been established, probably in 2017 or 2018.

The **regulatory** changes include stricter requirements for workshops responsible for installing and calibrating tachographs. In order to reduce 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 text agreed by the Council does not retain the Commission's proposal to incorporate a microchip with the driver card functionalities into the driving licence for professional drivers, since the majority of delegations have doubts as to whether the benefits of such a merger would justify the costs it entails.

The Commission has a number of misgivings about the text as amended by the Council (see statement in [13725/12 ADD 1](#)). Apart from the deletion of the merger of the cards, it considers the date of introduction of the "smart tachograph" to be too late and it is also concerned about the possibility of issuing cards to drivers who reside in territories of the member states where the EU treaties do not apply (that is, the Faeroe Islands and Greenland).

The Commission presented its proposal in July 2011 ([13195/11](#)). The European Parliament established its first-reading position on the proposal in July 2012.