



The revision of the European Union's legislation on tachograph

Presentation to the Group of Experts on AETR, Geneva, 25 February 2013

European Commission
Directorate General for Mobility and Transport



The proposal to revise the tachograph regulation

- *Commission proposal for a Regulation amending Regulation EEC N° 3821/85*
- *Adopted on 19 July 2011, following a stakeholder conference, a public consultation, contributions from sectoral social dialogue, report of the HLG on Administrative Burdens, reports from the Joint Research Centre and an impact assessment*
- *Initiative necessary to improve security, strengthen control and prevent fraud and to enhance the cost efficiency of the tachograph system*



Main measures proposed

Improved technical capabilities

- *Satellite positioning system in order to automatically record the location of the start and end of the daily work period*
- *Remote communication between the on-board unit and roadside enforcement officers so that they can target and avoid unnecessary roadside checks*
- *Intelligent Transport Systems (ITS) standard interface so that operators can easily e.g. connect their on-board computer to use tachograph data*



Main measures proposed

Non-technical measures

- *Exchange of information on driver cards – TACHOnet*
- *Rules on approval and audit of workshops to improve their trustworthiness*
- *Common training methods for enforcement officers and framework for more consistent sanctions (sanctions in compliance with the gravity of infringements)*
- *Extension of the radius for exemptions provided by Regulation 561/2006 for certain transport operations to 100 km*
- *The Member States of the EU endorsed the main elements of the Commission proposal*



Amendments proposed by the European Parliament

The Parliament voted its first reading amendments on 3 July 2012

New provisions concerning:

- *the specifications of the smart tachograph;*
- *registration by GNSS of more than 2 points;*
- *the introduction of weight sensors;*
- *the retrofitting of existing vehicles;*
- *the obligation of Member States to equip enforcers with remote communication devices;*
- *the obligation to equip the tachographs with harmonized interfaces;*
- *new provisions on training and examination of control officers and provisions on infringements and sanctions;*
- *a number of amendments enlarging the scope of the tachograph regulation and modifying Regulation 561/2006 on the social rules*
- *Interinstitutional negotiations are ongoing*



Tachograph Forum

- *A Tachograph Forum shall be set up in order to support dialogue on technical matters concerning the tachograph among Member States' experts, and experts from third countries which are using the tachograph under the AETR*
- *the Tachograph Forum shall be open to participation by experts from interested non-EU Contracting Parties to the AETR*
- *stakeholders, representatives of vehicle manufacturers, tachograph manufacturers and social partners, shall be invited to the Tachograph Forum*
- *the Tachograph Forum shall adopt its rules of procedure and shall meet at least once a year*



Implications on AETR of the modification of Regulation 3821/85

- *The requirement to have new vehicles equipped with the new smart tachograph will be applicable in the best case as early as 2018, depending on the outcome of the legislative process in the EU*
- *By that time, the AETR agreement should be modified to include the non-EU countries which are Contracting Parties to AETR in the decision making process on the technical specifications of the digital tachograph*



TACHOnet

- *TACHOnet is an IT system based on a central hub hosted by the European Commission, which allows for the interconnection of national registers on driver cards, to verify across the participating countries the uniqueness of such cards, in view of preventing frauds*
- *TACHOnet is currently used by 25 out of 27 Member States of the EU, in accordance with a Commission recommendation;*
- *It is also applied by 12 Contracting Parties to AETR who use a direct or indirect connection to the TACHOnet system (Albania, Andorra, Armenia, Azerbaijan, Bosnia and Herzegovina, Croatia, Iceland, Lichtenstein, Monaco, Norway, FYROM, Switzerland)*



Legal basis for TACHOnet in the on-going modification of the tachograph regulation

*The new Article 26 ("Electronic exchange of information on driver cards") will **oblige** Member States to maintain national electronic registers containing the following information for a period at least equivalent to their period of validity:*

- Surname and first name of the driver
- Birth date and, if available, place of birth of the driver
- Driving licence number and country of issue of the driving licence (if applicable)
- Status of the driver card
- Driver card number

This means that TACHOnet will become compulsory even for those MS that currently are not connected



Non-EU AETR countries and TACHOnet

- AETR Contracting Parties which are not Member States of the EU can have access to TACHOnet
- However, for security related reasons, the Commission is not able to offer a « direct connection » to sTESTA to third countries (with some exceptions)
- The current solution envisaged by the Commission is for the third countries to use the hosting of an EU Member State (as already done in a number of instances)
- the main principle is that the hosting EU Member State has the responsibility to insure the respect of all relevant EU rules on data protection (Directive 95/46/EC) and the security rules in the use of sTESTA
- **alternative possibilities for the connection to TACHOnet are being explored, notably the connection via Internet.**



Exchange of information on driver cards in the framework of AETR

- Requirement 268a of Annex IB of Regulation 3821/85 obliges Member States of the EU to exchange data on driver cards electronically
- This requirement should be applied by virtue of Article 22bis of AETR also to the non-EU Contracting Parties to the AETR
- In the framework of the currently envisaged modification of AETR, the EU proposes to introduce a new Article 10bis to the AETR, which would require Contracting Parties to AETR to inscribe certain information in their national registers on driver cards (as detailed above, when presenting the new Article 26 of the tachograph regulation) and to interconnect these registers, thus allowing the exchange of that information
- Transfers of data would be possible only to Contracting Parties which ensure an adequate level of protection of the personal data exchange



Thank you for your attention!