EC analysis of the comments raised by the Russian Federation

Summary

The Russian Federation raises concerns on:

- **Premature adoption of the smart tachograph**
- **Inclusion of references to EU legislation (165/2014 and 2016/799)**
- **Mandatory compatibility with Galileo and EGNOS**
- **DSRC (availability of the appropriate frequencies in Russia, reference to European standards)**
- **Existence of a single body for interoperability certification**
- **Tachograph cards (layout and testing temperatures)**
- **Mandatory retrofit for vehicles involved in international transport**

Russia: Russia reiterates its position voiced earlier at previous sessions that it is **too early** to include the provision on smart tachographs in the AETR

Reply: transitory period in Article 13 AETR

Article 13: "all the new provisions of the present Agreement, including its Annex and Appendices 1B and 2, relating to the introduction of a digital control device, shall become mandatory for countries which are CP's to this Agreement at latest four years after the date of entry into force of the relevant amendments resulting from the procedure specified in article 21"

Russia: the inclusion in the AETR Agreement of references to Regulations 165/2014 and 2016/799 is unacceptable, since the requirements of the above regulations are not feasible by countries that are not EU members, and often **contradict the legislative norms and technical regulations of these countries**

Russia invites EU Member States to draft and submit for discussion by all AETR Member States a **draft Appendix 1C to the Annex to the AETR** on the basis of Regulation (EU) 799/2016 of 18 March 2016 taking into account the comments and suggestions made earlier

Reply: the EC has submitted a draft text of Appendix 1C

Russia: Russia insists that GLONASS should certainly be included and used on a par with the Galileo Global Navigation Satellite System

Reply:

Regulation 2016/799 reads that manufacturers shall ensure that smart tachographs are **compatible** with Galileo and EGNOS; it neither forbids other systems nor mandates a specific system to be used.

Chipsets are compatible with GPS, GLONASS and Galileo for free

EC proposal: to refer to the compatibility of the chipsets with GLONASS and GPS and to refer to EGNOS as SBAS (Satellite Based Augmentation System), so that any SBAS can be used (draft Regulation on Accident Emergency Call Systems, adopted by the GRSG at its 112th session)

Russia (on DSRC):

- The application of the European Union normative documents, European and international standards of technical regulation in Russia and other countries that are not members of the EU **cannot be defined as legitimate**
- In connection with the inaccuracy of the translation of Regulation (EU) 799/2016 Russia asks for clarification of whether stationary control systems, in addition to mobile control systems, are supposed to use and fix information on alleged violations using DSRC technology and Bluetooth
- Russia considers it necessary to clarify the mechanism of data exchange with external devices and systems based on remote wireless communications with the supervisory authorities of non-EU Member States and what additional checkpoint equipment will be necessary in those countries and the cost of providing this equipment.
- Russia informs that at the moment the authorities responsible for allocating radio frequencies for use on the territory of the Russian Federation are analysing the technical feasibility of allocating a radio frequency band of 5 795 - 5 805 MHz as stipulated by the Regulation (EU) 799/2016 of 18 March 2016 (paragraph 3 on p. L 139). **Additional time will be needed for this analysis**

Reply:

Purchase of DSRC equipment is optional; no exchange of data takes place if not requested by enforcers equipment

Russia: Russia considers it appropriate to establish a centre for the certification of smart tachographs in the Russian Federation, possibly together with the Joint Research Centre (JRC)

Reply

EC is **open** to discuss a possible new model, although it **cannot accept** that the amendments to the AETR are subordinated to an agreement on this aspect.

Challenges (identified by JRC):

- Guarantee full equivalence between labs, including the creation of new and complete reference sets
- Regular cross validation to ensure certification equivalence, conflict resolution mechanisms
- Centralization of the information and certificates in a centralized repository (secured database & website)

Interoperability certification does not entail a strategic value for the EC. It is rather an operational advantage

Russia: Pursuant to paragraph 4 of Regulation (EU) 799/2016 tachograph cards only in the official languages of the EU Member States are to be used, whereas the AETR uses the notion of the languages of the contracting parties. The list of distinguishing signs of the Member States that issued the card is limited only to the countries of the European Union, and paragraphs 229 and 230 of the Regulation introduce the requirement of applying the EU sign - a blue flag and a circle of 12 yellow stars - around the state's distinctive sign

Russia proposes to envisage the possibility of using digital and alphabetic codes of non-EU countries and to insert this clarification in Appendix 1C to the Annex to the AETR

Reply: a proposal is made taking as reference Appendix 1B

Russia: In accordance with the requirement of Paragraph 241 of Regulation (EU) 799/2016, tachograph cards designed for use in smart tachographs should work normally in all climatic conditions commonly found in the European Union in the temperature range from -25 ° C to + 70 ° C with rare peaks of up to + 85 ° C. This requirement does not establish temperature requirements for cards used in other AETR Member States, including the Russian Federation. Thus, it excludes testing the climatic effect on cards of other countries with a temperature range different from the one in EU Member States

Reply: same requirements as in Annex IB.

The temperature range according to ETSI TS 102 221 "Smart cards…". Standard range between -25ºC and +85ºC

Table 4.1: Temperature range for full operational use and storage for specific UICC environmental conditions

Temperature class	range
A	-40 °C to +85 °C ambient temperature range
B	-40 °C to +105 °C ambient temperature range
C	-40 °C to +125 °C ambient temperature range

Russia: Regulation (EU) 799/2016 stipulates that all vehicles operating in an EU country but not registered in a EU Member State should be equipped with smart tachographs no later than 15 years from the date of the Regulation.

Thus the Regulation imposes **mandatory requirements** for non-EU countries of equipping all vehicles carrying goods in EU Member States with smart tachographs 15 years after the date of signing the Regulation, that is before 18 March 2031.

Russia calls into question the right of the European Union to restrict international transport between the AERT Member States that are not EU Member States by vehicles equipped with tachographs in accordance with the requirements of the AETR.

Reply: the recital refers to vehicles registered in the EU carrying out international transport **within the EU**.

Recital 7: "In any case, all vehicles operating in a Member State other than their Member State of registration should be equipped with a compliant smart tachograph 15 years after the date of application of those requirements. "

Russia: Russia requests clarification as to the country, organization, public authority or private company that is to carry out the collection and processing of information received from smart tachographs, including personal data, and as to the responsibility of this organization or public authority for ensuring that such information is not disseminated to other bodies or authorities. Russia insists on setting up a centre for the collection and processing of information received from smart tachographs in Russia.

Reply: The creation of a centre for the collection and processing of information is out of the scope of the AETR

In the EU, it corresponds to MS to apply measures in that field, should they wish to and with full respect of the EU legislation on data protection.

There is only the obligation of transport companies to keep tachograph records for one year in order to facilitate inspections.