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**A7-0471/2013**

19.12.2013

**\*\*\*II**

## **RECOMMENDATION FOR SECOND READING**

on 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  
(11532/4/2013 – C7-0410/2013 – 2011/0196(COD))

Committee on Transport and Tourism

Rapporteur: Silvia-Adriana Țicău

### ***Symbols for procedures***

*	Consultation procedure
***	Consent procedure
***I	Ordinary legislative procedure (first reading)
***II	Ordinary legislative procedure (second reading)
***III	Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

### ***Amendments to a draft act***

#### **Amendments by Parliament set out in two columns**

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

#### **Amendments by Parliament in the form of a consolidated text**

New text is highlighted in ***bold italics***. Deletions are indicated using either the ■ symbol or strikeout. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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## **DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION**

**on 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 (11532/4/2013 – C7-0410/2013 – 2011/0196(COD))**

**(Ordinary legislative procedure: second reading)**

*The European Parliament,*

- having regard to the Council position at first reading (11532/4/2013 – C7-0410/2013),
- having regard to the opinion of the European Economic and Social Committee of 7 December 2011<sup>1</sup>,
- having regard to the opinion of the European Data Protection Supervisor of 5 October 2011<sup>2</sup>,
- after consulting the Committee of the Regions,
- having regard to its position at first reading<sup>3</sup> on the Commission proposal to Parliament and the Council (COM(2011)0451),
- having regard to Article 294(7) of the Treaty on the Functioning of the European Union,
- having regard to Rule 72 of its Rules of Procedure,
- having regard to the recommendation for second reading of the Committee on Transport and Tourism (A7-0471/2013),

1. Approves the Council position at first reading;
2. Takes note of the Commission statement annexed to this resolution;
3. Notes that the act is adopted in accordance with the Council position;
4. Instructs its President to sign the act with the President of the Council, in accordance with Article 297(1) of the Treaty on the Functioning of the European Union;
5. Instructs its Secretary-General to sign the act, once it has been verified that all the procedures have been duly completed, and, in agreement with the Secretary-General of the Council, to arrange for its publication in the *Official Journal of the European Union*;

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<sup>1</sup> OJ C 43, 15.2.2012, p. 79.

<sup>2</sup> OJ C 37, 10.2.2012, p. 6.

<sup>3</sup> OJ C 349 E, 29.11.2013, p. 105.

6. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

## **ANNEX TO THE LEGISLATIVE RESOLUTION**

### **Statement by the Commission on Regulation (EC) No 561/2006**

In order to ensure effective and uniform implementation of the legislation on driving times and rest periods, the Commission will continue to monitor closely the implementation of that legislation and, where necessary, take the appropriate initiatives.

## EXPLANATORY STATEMENT

The tachograph is used in road transport to monitor compliance with the rules on driving time and rest periods, in order to ensure road safety, decent working conditions for drivers and fair competition between transport businesses.

The aim of the proposed regulation, which will replace the current one from 1985, is to make fraud more difficult, to better enforce social rules and to reduce the administrative burden by making full use of new technologies and introducing a number of new regulatory measures.

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's and Council's negotiating teams reached an agreement on the file on 14 May 2013. The text of the agreement was presented to the TRAN Committee for a vote of approval on 18 June 2013, and approved by an overwhelming majority. On the basis of the Committee's approval, the Chairman of the Committee undertook on his letter to the Chair of the Coreper to recommend to the plenary to approve Council's position at first reading without amendments. Following legal-linguistic verification, Council adopted its first reading position confirming the agreement on 15 November 2013.

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

Your Rapporteur would like to highlight in particular the following points of the compromise:

The smart tachograph: Parliament supported the introduction of the smart tachograph as it believes that it will help to improve enforcement of the legislation and will be a means to reduce the level of administrative burden related to tachograph obligations for compliant transport companies in the medium and long run. During the negotiations it was made clear the need to ensure that the smart tachograph is 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 relation to data protection and privacy, the agreement has developed these functionalities in further detail:

- In relation to the 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 the remote control communication can lead to automatic fines or penalties for the driver or the undertaking.
- There is an obligation for Member States to equip their control officers for the remote communication before a set deadline. It was already clear in our first reading that it would be difficult for Parliament's negotiating team to accept the introduction of the smart tachograph if Member States were not committed and willing to equip their control officers with the necessary remote communication device. During the



negotiations our aim has been to ensure that the remote communication mechanism is based in a simplified, and therefore affordable, technology that limits Member States' investments as much as possible.

- In relation to the recording of location data, more points than those of the start and the end of the daily working period have been introduced to better enforce 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, finally Council and Parliament agreed on 36 months for the smart tachograph to be on the market.
- Use of ITS: the agreed text does not make the use of ITS interfaces compulsory, but foresees that after 36 months any smart tachograph connected to a ITS application should use a standardised interface.

The tachograph requirements have been developed in further detail, including now 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. A specific article on data protection has been included in Chapter I, dealing with 'Principles, scope and requirements'.

Retrofitting: Given the complexity of controlling three different types of tachographs (analogical, digital and the new smart tachograph) and bearing in mind the objectives of the reform of the legislation, 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. In order to overcome the existing problems regarding the disparity in the application of the legislation due to very different levels of training followed by control officers in the EU, the Commission will set the content of this 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.

Responsibility of transport companies: this provision has been amended to make the text

clearer in relation to companies' obligations and liability.

The proposal to merge the driving licences with driver's cards was considered not to be mature enough at this stage and deleted from the text.

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 makes the use of tachographs not 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, and which are used only within a 100 km radius from the base of the undertaking, always on the condition that driving the vehicle does not constitute the driver's main activity (non-professional drivers).

In relation to national exemptions of article 13 of Regulation 561/2006 the agreed text follows the Commission's proposal to increase the radius from the current 50 km to 100 km in some cases.

Considering the above-mentioned your Rapporteur recommends to the Committee to accept the Council's position at first reading without further amendments.

## PROCEDURE

<b>Title</b>	Amendment of Council Regulation (EEC) No 3821/85 on recording equipment in road transport and of Regulation (EC) No 561/2006
<b>References</b>	11532/4/2013 – C7-0410/2013 – 2011/0196(COD)
<b>Date of Parliament's first reading – P number</b>	3.7.2012                      T7-0271/2012
<b>Commission proposal</b>	COM(2011)0451 - C7-0205/2011
<b>Receipt of Council position at first reading announced in plenary</b>	21.11.2013
<b>Committee responsible</b> Date announced in plenary	TRAN 21.11.2013
<b>Rapporteur(s)</b> Date appointed	Silvia-Adriana Țicău 30.8.2011
<b>Discussed in committee</b>	26.11.2013
<b>Date adopted</b>	17.12.2013
<b>Result of final vote</b>	+:                      36 -:                      4 0:                      2
<b>Members present for the final vote</b>	Magdi Cristiano Allam, Inés Ayala Sender, Georges Bach, Erik Bánki, Izaskun Bilbao Barandica, Antonio Cancian, Michael Cramer, Joseph Cuschieri, Philippe De Backer, Luis de Grandes Pascual, Christine De Veyrac, Saïd El Khadraoui, Carlo Fidanza, Jacqueline Foster, Franco Frigo, Mathieu Grosch, Jim Higgins, Juozas Imbrasas, Dieter-Lebrecht Koch, Werner Kuhn, Jörg Leichtfried, Bogusław Liberadzki, Marian-Jean Marinescu, Gesine Meissner, Mike Nattrass, Hubert Pirker, Dominique Riquet, Petri Sarvamaa, Vilja Savisaar-Toomast, Olga Sehnalová, Brian Simpson, Silvia-Adriana Țicău, Giommara Uggias, Peter van Dalen, Patricia van der Kammen, Roberts Zile
<b>Substitute(s) present for the final vote</b>	Markus Ferber, Zita Gurmai, Sabine Wils, Karim Zéribi
<b>Substitute(s) under Rule 187(2) present for the final vote</b>	Jacky Hénin, Ivo Strejček
<b>Date tabled</b>	19.12.2013