

ROADMAP

Title of the initiative: Recast of Council Regulation (EEC) No 3821/85 - **Legislative proposal recasting the regulation on recording equipment in road transport**

Lead DG: MOVE D1

Expected date of adoption of the initiative (month/year): March 2011

Date of modification:

Version No: 03

Initial IA screening & planning of further work

A. Context and problem definition

What is the political context of the initiative? How does this initiative relate to past and possible future initiatives, and to other EU policies?

In order to improve road safety, to enhance the working conditions of drivers and to harmonise conditions of competition, Regulation (EC) No 561/2006 sets maximum driving times and minimum rest periods for drivers engaged in the carriage of goods and of passengers.

In order to control compliance with these provisions, Council Regulation (EEC) No 3821/85 provides for recording equipment, the so-called tachograph, to be installed in the vehicles.

Today, there are two types of recording equipment in use. The analogue tachograph is in place since 1985 and is still present in vehicles registered before 1 May 2006. It records the activities of the driver (driving, rest/break, availability, other work) on paper "record sheets".

The digital tachograph has been introduced by a new Annex IB to Council Regulation (EEC) No 3821/85. It is obligatory in vehicles registered after 1 May 2006. The driver's activities are recorded and stored digitally in the recording equipment and on a personalised "driver card".

Since its introduction, the technical annex on the digital tachograph has been updated on several occasions through comitology. The last adaptation to technical progress of the annex has been adopted by the Commission end of 2009. It addresses some of important points of criticism against the digital tachograph (the way driving activity is recorded, the manual entries) and deals with one of the basic weaknesses of the system (resistance against magnetic fields).

The High Level Group of Independent Stakeholders on Administrative Burdens led by Mr Stoiber also identified large potential benefits through the improvement and a revision of the scope of the tachograph regulation. In this context, the Commission announced in a Communication adopted on 22 October 2009 (COM(2009)544), that as part of the planned revision of Regulation 3821/1985, it would aim at exempting craft businesses from the obligation to use a tachograph for a distance up to 100km.

What are the main problems identified?

- In order to maintain a *high level of security of the tachograph system*, action will soon be required; this will lead to questions of interoperability between different versions of the tachograph. In addition, there is a lack of common policy on different issues related to the system's security (such as seals, accredited workshops, etc.).

- There are some *inconsistencies or weak legal provisions* in Council Regulation (EEC) No 3821/85 (e.g. 7 days to request new card after card is lost or stolen). The regulation does not lay down how updates or new versions of tachographs have to be introduced and it is unclear whether and how field tests can be carried out by tachograph manufacturers.

- *Administrative burdens* in the handling of the equipment could be reduced by clarifying and simplifying the legal provisions and by improving the handling of the equipment, as well as

possibly exempting some professional activities that require the use of heavy goods vehicles from the obligation to use a tachograph.

- It is difficult to adapt the *long and very detailed technical annex* (several hundreds of pages) continuously to technical progress.

- There is a need to *exchange information* between Member States on the tachograph cards that are issued or used in the field.

- It has to be evaluated how the tachograph fits into *wider policy issues*, in particular Intelligent Transport Systems (ITS).

Is EU action justified on grounds of subsidiarity?

The tachograph is already regulated by EU legislation, which is justified by the international character of road transport and the needs of interoperability of the equipment. Any adaptation of this legislation requires therefore an EU action.

B. Objectives of EU initiative

What are the main policy objectives?

A well-functioning, reliable and tamper-proof system to record and control driver's activities, which is accepted also by its users (in particular drivers, undertakings and control authorities), is essential to reach the objectives of road safety, good working conditions and fair competition in road transport.

The more specific objectives are therefore:

- improve the systems overall security; make the tachograph tamper-proof, handle the weak points of the system

- reduce administrative burden: assess the scope of the regulation, clarify obligations of drivers and road transport undertakings, simplify technical adaptations, simplify the use of the equipment for drivers, undertakings and control officers, clarify procedure for the introduction of new versions of the tachograph, etc

- prepare future evolution of the tachograph into a system including wider ITS applications

Does the objective imply developing EU policy in new areas or in areas of strategic importance?

No.

C. Options

What are the policy options? What legislative or 'soft law' instruments could be considered? Would any legislative initiatives go beyond routine up-date of existing legislation?

A – Status quo (baseline scenario): maintain regulation as it stands

B – Continue to adapt the technical annex on the tachograph to technical progress by comitology, but leave main legislative text unchanged

C – Review the regulation including the main legislative text

D – Review the regulation with view of leaving technological choice more open

E – Include tachographs under the measurement instruments directive or the legislation on the type approval of motor vehicles

The policy options and scenarios tested in the impact assessment will be adjusted and elaborated at the light of the analysis of the replies of the stakeholder consultations.

Does the action proposed in the options cut across several policy areas or impact on action taken/planned by other Commission departments?

The digital tachograph should be thought of as one key element in the development of the ITS policy, in particular the open in-vehicle platform architecture.

Explain how the options respect the proportionality principle

Given the need to have efficient control, also of international road transport, there is a need for Community legislation to harmonise certain aspect of the recording equipment. In all options, it has to be assessed to what extent Community legislation is necessary.

D. Initial assessment of impacts

What are the significant impacts likely to result from each policy option (cf. list of impacts in the impact assessment guidelines), even if these impacts would materialise only after subsequent Commission initiatives?

Impacts are mainly expected for road transport undertakings, drivers, control authorities and manufacturers of equipment.

A – Neutral

B – Adaptation to technical progress would be carried out. Essential questions which are regulated in the main body of the regulation could however not be addressed.

C – This option would allow a complete revision of the regulation. However, certain future adaptations may put into question interoperability of the equipment.

D – This option would in addition to option C allow future developments of the tachograph but could lead to very different equipments to be used by end-users.

E – This option would have particular impacts on the manufacturers and the type approval process.

Could the options have impacts on the EU-Budget (above 5 Mio €) and/or should the IA also serve as the ex-ante evaluation, required by the Financial Regulation?

No.

Could the options have significant impacts on simplification/administrative burden or on relations with third countries?

The High Level Group of Independent Stakeholders on Administrative Burdens led by Mr Stoiber identified large potential benefits through the improvement of the tachograph legislation. It is expected that a revision of the regulation (Option C and D) would significantly contribute to simplification and the reduction of administrative burdens, in particular for road transport undertakings. Reduction of administrative burdens for industry would be estimated among others in function of the required time for the handling of the equipment, the length of controls (including the verification of the correct use of certain exemptions), intensity of controls.

The tachograph is also used by a certain number of (neighbouring) countries under the provision of the "European Agreement Concerning the Work of Crews of Vehicles Engaged in International Road Transport (AETR)". As this agreement contains a dynamic reference to Council Regulation (EEC) No 3821/85, it will be affected by changes to the Regulation.

Who is affected?

- Users of the equipment (900.000 road transport undertakings and their drivers, as well as other service undertakings that use heavy goods vehicles)
- Enforcement and control authorities of Member States
- Member States' authorities responsible for issuing tachograph cards
- Manufacturers of equipment
- Type-approval authorities

- Workshops
- Vehicle manufacturers

E. Planning of further impact assessment work

What information and data is already available? What further information needs to be gathered? How will this be done (e.g. internally or by an external contractor) and by when? What type and level of analysis will be carried out (cf. principle of proportionate analysis)?

The "SMART digitac" project which was co-funded by the Community and gathered highly specialised experts has produced a list of short-comings of the current legislation.

The Joint Research Centre (JRC) is preparing a "Report on the vulnerability and controllability of the digital tachograph" and will prepare possible scenarios on the future developments of the tachograph.

An external contractor will contribute to the preparation of the Impact Assessment.

Which stakeholders & experts have been/will be consulted, how and at what stage?

All the stakeholders mentioned under D have been consulted through a stakeholder consultation that has been carried out via internet. All categories of stakeholders replied. An event has already taken place in beginning of December 2009.